

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Tuesday, 17 December 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 Mr A. Purton
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDPP	Ms A. Mitchelmore SC Ms A. Haban-Beer
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr A. Coleman SC Mr P. Silver
Counsel for Simon Overland	Mr J. Gleeson QC Ms G. Coleman
Counsel for Paul Mullett and Noel Ashby	Ms J. Condon SC
Counsel for Paul Dale and Peter Lalor	Mr G. Steward

09:36:34 1 COMMISSIONER: The appearances are largely as they were
09:36:37 2 yesterday save that Mr Steward is now acting not only for
09:36:44 3 Paul Dale but also for Peter Lalor. The witness is in the
09:36:49 4 box and ready to go, Mr Winneke.
09:36:52 5
09:36:53 6 <SIMON JAMES OVERLAND, recalled:
09:36:54 7
09:36:55 8 MR WINNEKE: Mr Overland, I was asking you last night about
09:36:58 9 a diary entry that Mr O'Brien made on 12 September where he
09:37:04 10 says he had a discussion with you about the opportunities
09:37:10 11 with respect to Operation Quills that Ms Gobbo presented,
09:37:15 12 do you recall that?---I do.
09:37:16 13
09:37:18 14 And there was a question raised as to Mokbel's State
09:37:27 15 charges. Do you want to have a look at that diary entry
09:37:30 16 again?---It would be useful if you want to take me to it I
09:37:35 17 think.
09:37:36 18
09:37:36 19 Yes, thanks very much. 12 September 2005. Whilst it's
09:38:07 20 coming up it appears to say this - there it is there.
09:38:19 21 There was consideration ██████████ to, and then there's a
09:38:28 22 reference to recent AFP investigation regarding Mokbel and
09:38:37 23 then it seems to suggest that you queried, you had a query
09:38:42 24 about Mokbel's State charges, brief and time frames. It
09:38:51 25 seems that you were asking about the time frame with
09:38:54 26 respect to Mokbel's State charges. In other words, it
09:38:57 27 seems that you had an awareness that he had been charged -
09:39:04 28 yeah, all right?---I think they were the matters on hold, I
09:39:08 29 think they were the matters that had been put on hold
09:39:12 30 because of the corruption issues in the Drug Squad, is
09:39:15 31 that, have I got that right?
09:39:17 32
09:39:17 33 There were outstanding State charges, additionally there
09:39:21 34 were Commonwealth charges which were coming to trial the
09:39:24 35 following year. So you were asking, were you, about the
09:39:26 36 State charges which you understood had been put on
09:39:30 37 hold?---I don't recall it but that seems to be what that
09:39:33 38 note suggests, yes.
09:39:34 39
09:39:34 40 Alternatively was it a query about State charges that might
09:39:38 41 be in the wings or that might be laid because - is that a
09:39:43 42 possibility?---I guess it's a possibility but I don't think
09:39:49 43 that's what it's about.
09:39:51 44
09:39:52 45 The evidence before the Commission is that there were,
09:39:55 46 Mokbel was charged with further Commonwealth offences
09:39:58 47 relating to the Quills investigation and he was charged I

09:40:03 1 think on 25 October 2005 with, I think a charge of
09:40:10 2 incitement to import, it was an unusual charge at that
09:40:14 3 stage?---Well, I may have but I don't recall it now.
09:40:18 4
09:40:22 5 And further to that, the idea was, with respect to Bickley,
09:40:30 6 which, that person who was the subject of that operation,
09:40:33 7 there was some prospect that he would be able to provide
09:40:36 8 evidence against Mokbel were he to be charged with State
09:40:40 9 offences arising out of Operation Quills. Was that
09:40:43 10 something you think you would have discussed?---I think we
09:40:47 11 were generally, as I explained yesterday, looking for the
09:40:50 12 opportunity to roll people, so I'm sure there would have
09:40:53 13 been some discussion about the potential to do that.
09:40:55 14
09:40:55 15 Yes, all right. Now, in any event given your evidence of
09:41:02 16 your concern at the thought that a barrister would be
09:41:09 17 providing information as a source, you would have, I
09:41:13 18 assume, made it clear to Mr O'Brien that you had those
09:41:16 19 concerns?---Yes.
09:41:17 20
09:41:18 21 And I take it you would have made it clear to him that he
09:41:24 22 was to instruct his officers that if there was any
09:41:28 23 suggestion that she was providing information that she had
09:41:30 24 obtained in the course of acting for someone, well that was
09:41:35 25 simply not on, that couldn't be done?---Well it depends
09:41:39 26 what the information was.
09:41:40 27
09:41:40 28 Yes?---So privileged, legal professional privilege is not
09:41:46 29 absolute privilege so it would depend on the nature of the
09:41:50 30 information. So there was the issue around legal
09:41:52 31 professional privilege, but I also was concerned about, I
09:41:55 32 guess, the conflict of interest situation if she was
09:41:59 33 providing information about someone whom she was
09:42:01 34 representing. That seemed to me to present difficulties
09:42:04 35 for us if we were involved in that.
09:42:06 36
09:42:07 37 In other words, you would have made it clear to O'Brien,
09:42:12 38 "If you're doing to do this, she simply cannot be acting
09:42:16 39 for someone if she's providing information against that
09:42:20 40 person"?---Yes.
09:42:21 41
09:42:25 42 Because it would be a clear conflict of interest?---Yes.
09:42:27 43
09:42:27 44 It would be improper. There would at least be the
09:42:30 45 possibility that a person who is being represented by
09:42:33 46 someone who's an agent of the Victoria Police would be
09:42:37 47 entitled and ought know about it and ought be able to say

09:42:41 1 look, "I'm not getting independent legal representation
09:42:44 2 here"?---I would be worried about the admissibility of
09:42:47 3 evidence gathered by that means.
09:42:49 4
09:42:49 5 Do you think you would have made that clear to your
09:42:51 6 investigators from the very outset?---I'm sure I did.
09:42:55 7
09:42:57 8 It seems that the following day there was - well indeed I
09:43:05 9 think the evidence of Mr O'Brien's been as at about 13
09:43:09 10 September 2005 he then came on board to Purana. He'd been,
09:43:18 11 I think on occasions acting as a Purana investigator but as
09:43:26 12 at 13 September it became, it was more or less official he
09:43:33 13 was going to become a Purana officer-in-charge?---Well I
09:43:37 14 accept that. I remember him coming on board around that
09:43:39 15 time, I don't remember the exact date.
09:43:41 16
09:43:42 17 Yes, all right. In any event on 13 September there's
09:43:46 18 evidence that Detective Sergeant Mansell spoke with the DSU
09:43:53 19 about arranging a meeting with Ms Gobbo as soon as
09:43:56 20 possible. That's the day after your discussion with
09:43:59 21 Mr O'Brien. Do you accept that, that that's the case?---I
09:44:04 22 accept that's the case, yes.
09:44:06 23
09:44:07 24 And then there were steps put in train to arrange a meeting
09:44:16 25 between Ms Gobbo and the SDU. Now, if we have a look at
09:44:24 26 notes of an investigator by the name of Dale Flynn who
09:44:32 27 likewise came over to Purana. You know Mr Flynn I take
09:44:35 28 it?---I do.
09:44:36 29
09:44:36 30 It seems that on 15 and 16 September he was trying to, or
09:44:41 31 he was assisting Mansell to arrange the meeting with
09:44:45 32 Ms Gobbo. I'm not suggesting that you were aware of the
09:44:48 33 details of it but if we have a look at his diary of 15
09:44:54 34 September, which is VPL.0010.0007.0001, p.41. It seems
09:45:06 35 that he's having discussions with Mansell, he returns a
09:45:11 36 telephone call to Detective Sergeant Mansell and he's to,
09:45:18 37 "Assist DSC Rowe tomorrow with speaking to barrister Nicola
09:45:21 38 Gobbo. Meeting with DSS", and that black spot there is
09:45:26 39 Sandy White, "Detective Sergeant Mansell unable to attend
09:45:30 40 and Gobbo's comfortable with me". So the evidence has been
09:45:33 41 that Ms Gobbo had a reasonably good professional
09:45:38 42 relationship with Dale Flynn and the discussions suggest
09:45:42 43 that she was happy to meet with Dale Flynn. "Time to be
09:45:46 44 arranged, pick Gobbo up in South Melbourne and convey to
09:45:50 45 Brighton Hotel." Can we go to the previous page. So
09:46:09 46 that's the diary entry that I've just been reading. Do you
09:46:13 47 see that?---Yes, it's a little bit difficult to read.

09:46:17 1
09:46:17 2 I know, I agree. In any event if you can take it from me -
09:46:21 3 perhaps we can highlight and expand it. Just have a look
09:46:25 4 at that if you have concerns about it?---I'm just trying to
09:46:29 5 understand it. It's a bit hard with some of the water
09:46:34 6 markings.
09:46:34 7
09:46:34 8 Are you prepared to accept that's what it says?---No, if
09:46:38 9 that's what you're telling me I accept that.
09:46:41 10
09:46:41 11 The next day's entry is this, perhaps if we can highlight
09:46:44 12 this so Mr Overland can read it whilst I'm going through
09:46:48 13 it. There is a return telephone call, Detective Sergeant
09:46:53 14 Mansell. Return telephone call, Nicola Gobbo. Underneath
09:47:00 15 the red is, "Available until 3 pm. Mobile telephone call"
09:47:07 16 - made telephone perhaps, "To Detective Sergeant" - now
09:47:15 17 that's a person by the name of Smith at the DSU -
09:47:19 18 "unavailable for hour, insufficient time to set up meeting
09:47:25 19 for 3 pm, or before 3 pm. Made telephone call to Nicola
09:47:31 20 Gobbo. Has a case conference with Mokbel and Robert
09:47:34 21 Richter between 3 to 4 pm. Do you see that?---Yep.
09:47:39 22
09:47:39 23 "Available after then. Available all weekend. Spoke to
09:47:46 24 Mokbel last night. Has info would be very happy about.
09:47:52 25 Case conference today may assist." Do you accept that
09:47:57 26 that's what it says?---Yes.
09:48:00 27
09:48:02 28 "Made telephone call to Nicola Gobbo" and then there's a
09:48:05 29 reference to a telephone number there, "To ring me after 4
09:48:09 30 pm, my mobile given". And then there's further notes down
09:48:16 31 below, "Return telephone call to Mansell" and so forth.
09:48:28 32 "Back office by 4 pm, attend to Nicola Gobbo", et cetera.
09:48:33 33 "Return telephone call Nicola Gobbo. Conference to
09:48:38 34 approximately 5. Return telephone call to Mansell." In
09:48:47 35 any event - so those are the notes that Mr Flynn has made
09:48:52 36 about his discussion by way of preparation. It would have
09:48:57 37 been reasonably clear, certainly to the officer on that
09:49:00 38 occasion, that Gobbo's in a conference with Richter and
09:49:05 39 Mokbel?---Yes.
09:49:06 40
09:49:08 41 She's clearly involved in litigation representing Mr Mokbel
09:49:12 42 at this stage. I take it you would have been - I think we
09:49:16 43 discussed this yesterday, you would have been aware of
09:49:19 44 it?---Again, I'm not sure I was but, as I say, I became
09:49:22 45 aware at some point. It's difficult for me to remember
09:49:26 46 exactly when.
09:49:27 47

09:49:27 1 All right then. Now, if we have a look then at what
09:49:34 2 occurs. There is then a meeting the following day, on the
09:49:37 3 16th of September, between Sandy White and I think
09:49:43 4 Mr Smith, who is another DSU person. Mansell and Rowe were
09:49:51 5 there also and there was this discussion that occurred.
09:49:54 6 This is the initial meeting, right?---Right.
09:49:56 7
09:49:57 8 And it wouldn't have surprised you, given what you had been
09:50:01 9 told on the 12th, that there was going to be this
09:50:05 10 meeting?---Well that's not my recollection but, I don't -
09:50:09 11 as I said yesterday, my recollection is I found out after
09:50:13 12 the fact that she was registered, that's still my
09:50:15 13 recollection. I understand what you're putting to me and I
09:50:17 14 understand that's inconsistent with my recollection.
09:50:19 15
09:50:19 16 Yes?---But that's still my recollection.
09:50:21 17
09:50:21 18 No, I follow that. Having seen the diary now do you accept
09:50:25 19 that it's probable that you were aware that she was going
09:50:28 20 to be spoken to by the DSU?---Maybe. I mean there's no
09:50:33 21 clear indication of that in the notes that Jim O'Brien has
09:50:37 22 made.
09:50:37 23
09:50:37 24 Yes?---It's possible that he told me, yeah.
09:50:40 25
09:50:40 26 All right. In any event, if we have a look at the SML, the
09:50:50 27 source management log entry for 16 September. There's a
09:51:08 28 meeting between Mansell, Rowe and Gobbo. "Assessment
09:51:12 29 interview, HS", human source "Intel re Mokbel. ██████████
09:51:16 30 ██████████, Lanteri, Operation Quills, concern
09:51:21 31 regarding human source's welfare. Afraid of the Mokbel
09:51:25 32 family. Well-known to all brothers and claims Tony Mokbel
09:51:28 33 is currently seeking to offer a bribe to VicPol. MDID
09:51:37 34 member with view to ascertaining evidence against him re
09:51:42 35 Operation Quills." So the information was that a bribe was
09:51:50 36 being suggested?---I remember becoming aware of that
09:51:53 37 information, yes.
09:51:53 38
09:51:54 39 And also, "Wants to steal tape recordings relevant to
09:51:59 40 Operation Kayak"?---Again, I remember, yep.
09:52:02 41
09:52:02 42 Which were the State charges that you were aware were
09:52:05 43 pending and had been adjourned because of corruption
09:52:08 44 matters?---Yes.
09:52:09 45
09:52:22 46 Now, did you have any awareness as to whether or not the
09:52:27 47 tape recordings had any bearing upon the Commonwealth

09:52:31 1 charges, Operation Quills, no?---No - - -
09:52:36 2
09:52:37 3 I'm sorry - the trial coming up in the following year,
09:52:42 4 March the following year?---The Commonwealth charges?
09:52:45 5
09:52:46 6 Commonwealth charges?---No, I think I thought the tapes
09:52:52 7 related to the State charges but, again, I may be mistaken
09:52:57 8 in that.
09:52:57 9
09:52:58 10 Yes, all right. The evidence is, as I understand it, that
09:53:02 11 both charges relied upon the tape recordings?---All right.
09:53:05 12
09:53:06 13 So do you recall whether you - I take it you were aware
09:53:15 14 there had been an informer involved in that proceeding,
09:53:18 15 that is the Commonwealth proceeding?---I have no
09:53:25 16 recollection of that now. Whether I knew at the time, I
09:53:28 17 don't, I don't know.
09:53:29 18
09:53:29 19 This informer was quite a significant informer and he had
09:53:33 20 been involved in matters which led to Ceja and was relevant
09:53:38 21 to the both the State charges, Kayak and also the
09:53:42 22 Commonwealth charges?---Yeah, I think I know who you're
09:53:45 23 talking about now.
09:53:45 24
09:53:46 25 So you would have been aware of that at that stage?---Look
09:53:49 26 I assume so.
09:53:49 27
09:53:49 28 COMMISSIONER: Let's be sure he knows who you're talking
09:53:53 29 about. Do you want to write the name on a piece of paper
09:53:57 30 or use one of the flash cards?
09:53:58 31
09:53:59 32 MR WINNEKE: Yes, if Mr Overland can just be shown a name,
09:54:03 33 and I think we better have Exhibit 81 just to make
09:54:07 34 sure?---That's who I'm thinking of, Commissioner.
09:54:09 35
09:54:10 36 COMMISSIONER: Yes. Exhibit 81. Does anyone at the Bar
09:54:15 37 table want to see the name? Everyone knows, all right.
09:54:19 38
09:54:20 39 MR GLEESON: Yes, please.
09:54:22 40
09:54:22 41 MR WINNEKE: Perhaps if the name can be read out, not the -
09:54:26 42 the number on the - our name for the person can be read
09:54:34 43 out.
09:54:36 44
09:54:36 45 MR CHETTLE: Number 20 on 81.
09:54:39 46
09:54:40 47 MR WINNEKE: Name number 20.

09:54:42 1
09:54:42 2 MR CHETTLE: Is that correct?
09:54:43 3
09:54:44 4 MR WINNEKE: I don't know.
09:54:48 5
09:54:48 6 MR CHETTLE: I haven't got the note.
09:54:49 7
09:54:49 8 COMMISSIONER: I haven't got the note either. Yes, it is
09:54:52 9 number 20 on the list, on Exhibit 81.
09:54:55 10
09:54:55 11 MR WINNEKE: Thanks.
09:54:55 12
09:54:55 13 COMMISSIONER: It might help if we give the witness Exhibit
09:54:58 14 81, I understand there's no problem with that.
09:55:01 15
09:55:01 16 MR WINNEKE: I don't have any problem with that, I
09:55:03 17 understand the State doesn't have any problem with that.
09:55:04 18
09:55:05 19 COMMISSIONER: No, I understand there's not. We checked
09:55:07 20 with Victoria Police beforehand.
09:55:19 21
09:55:20 22 MR WINNEKE: Now, on 19 September, the evidence - perhaps
09:55:31 23 if we can - we've got the SML there. There was a meeting
09:55:37 24 between Acting Superintendent Hill, Senior Sergeant
09:55:40 25 O'Brien, Detective Sergeant Mansell. "There was a
09:55:46 26 discussion about tactical options and information security.
09:55:46 27 Agreed MDID members to be told that Ms Gobbo had been
09:55:48 28 assessed but of no value. Members who have knowledge of
09:55:53 29 Ms Gobbo, the intended approach included" and then there's
09:55:57 30 a number of names there of people who conceivably might
09:56:00 31 well have been aware of Ms Gobbo's approach to the SDU, do
09:56:05 32 you see that?---I do.
09:56:05 33
09:56:10 34 The reference to - Mr O'Brien's notes, certainly in his
09:56:17 35 summary, and if you'll take it from me say this, although
09:56:23 36 I'm happy to put them up if you want me to,
09:56:29 37 VPL.0005.0126.0001, on 19 September 2005, refer to that
09:56:35 38 meeting in the morning. And they talk about, they refer to
09:56:47 39 the meeting with Ms Gobbo on the 16th of the 9th 05.
09:56:52 40 There's a full brief, debrief to be conducted with her over
09:56:57 41 one week. There's a reference to a current cook for, the
09:57:03 42 current cook for Mokbel, that will be Tony Mokbel, a fellow
09:57:09 43 by the name of Lanteri, you can see that?---M'hmm.
09:57:12 44
09:57:12 45 "Opportunity for ██████████ to same on scenario of
09:57:16 46 ██████████", do you see
09:57:20 47 that?---I do.

09:57:20 1
09:57:21 2 Now that appears to be come from, or at least there were
09:57:24 3 discussions on the 16th of September with Ms Gobbo between
09:57:29 4 Gobbo, White and Smith, the two DSU officers and various
09:57:34 5 suggestions, because Mr Smith effectively said, "Well, have
09:57:37 6 you got any suggestions as to the way in which we can put
09:57:40 7 Mr Mokbel away", paraphrasing, but effectively that was
09:57:44 8 part of the discussion. Now, bearing in mind that Gobbo's
09:57:51 9 then acting for Mr Mokbel, it does seem to be somewhat of a
09:57:55 10 conflicted situation that she's been put in because
09:57:59 11 effectively she's been asked, "Well have you got any
09:58:02 12 suggestions as to how we can put your client away"?---Yep.
09:58:05 13
09:58:06 14 Right. And your understanding was that she was doing this
09:58:11 15 work for the SDU to in effect protect her, for her own
09:58:17 16 protection?---Yes.
09:58:18 17
09:58:18 18 That was your - - - ?---That was my understanding, yes.
09:58:21 19
09:58:24 20 So on one view what's being discussed is "How can we
09:58:30 21 protect you? We can protect you by putting Mr Mokbel away,
09:58:34 22 get him behind bars and that assists you", is that your
09:58:38 23 understanding of really what the process was?---Yes.
09:58:41 24
09:58:43 25 Obviously it would be problematic if Ms Gobbo was still
09:58:48 26 acting for Mr Mokbel?---Yeah, there's a problem, I see
09:58:51 27 that.
09:58:51 28
09:58:51 29 There's a problem there, isn't there?---Yep.
09:58:54 30
09:58:54 31 And on the one hand if there was, instead of suggesting to
09:59:00 32 Ms Gobbo, "Well look, what's the best way that we can
09:59:03 33 protect you? Perhaps one way is maybe you come up with an
09:59:09 34 idea that you really, you want to get away from this sort
09:59:13 35 of area of practice and perhaps you could suggest to him
09:59:15 36 you've been unwell and you're going to tone down your
09:59:20 37 practice and move into a different area". That's obviously
09:59:23 38 one suggestion that could have been made. You've rejected
09:59:26 39 that, you say that couldn't have been done because it would
09:59:29 40 be unsafe for Ms Gobbo to offer that suggestion to
09:59:32 41 Mr Mokbel?---Yes.
09:59:33 42
09:59:33 43 Because he would then want to kill her?---Quite possibly.
09:59:36 44
09:59:37 45 Quite possibly. So the better alternative as far as you
09:59:41 46 were concerned is that she provide information to Victoria
09:59:49 47 Police to enable him to be put away, locked away, and that

09:59:53 1 was the desire of Victoria Police in any event,
09:59:57 2 correct?---Yes, yes.
09:59:58 3
09:59:58 4 But of course if she did go down that path and provide
10:00:02 5 information to Victoria Police, then she couldn't act for
10:00:07 6 Mr Mokbel anyway, could she?---Well she - - -
10:00:10 7
10:00:10 8 Do you accept that proposition?---Well she shouldn't have,
10:00:13 9 yes.
10:00:13 10
10:00:13 11 Do you accept the proposition?---I have, I've accepted that
10:00:16 12 proposition.
10:00:16 13
10:00:17 14 Because you're very concerned that if she's providing
10:00:21 15 information as an agent of Victoria Police against him she
10:00:24 16 simply cannot act for him because there's a conflict of
10:00:28 17 interest, do you accept that proposition?---I accept that,
10:00:31 18 but it's more complex than that because of the
10:00:35 19 circumstances that existed at the time.
10:00:37 20
10:00:37 21 What are the complexities, Mr Overland?---The threat to her
10:00:42 22 life and the difficulty that she would have disengaging
10:00:45 23 herself from the Mokbel syndicate. I understand the
10:00:50 24 situation, the difficulty that you're putting. My
10:00:52 25 understanding was that she was around that time providing
10:00:56 26 information about other members of the Mokbel syndicate and
10:00:59 27 the intention, as I understood it, was not to go directly
10:01:03 28 at Mokbel at that time but to work around him and take out
10:01:06 29 those around him and build a case against him that way.
10:01:10 30 But I understand the difficulty that you're pointing to.
10:01:13 31
10:01:13 32 See that's the explanation you offer. There is no
10:01:15 33 alternative, there's no alternative, she can't, the
10:01:19 34 suggestion that she go away for six months isn't on, with a
10:01:24 35 ruse, that is that she's ill, she's been ill, that's no
10:01:29 36 good because she will be killed. So in other words she
10:01:32 37 can't stop acting, she must inform, effectively that's what
10:01:35 38 you're saying?---She'd been sick for a period of time.
10:01:37 39 She'd actually had a stroke and been sick for a time in
10:01:41 40 2004. Surely if there was ever an opportunity for her to
10:01:45 41 walk away, that was it. That hadn't happened. She was
10:01:50 42 still intimately involved with the Mokbel syndicate, and as
10:01:54 43 I explained yesterday my view was she couldn't walk away
10:01:58 44 from that in any way, shape or form. It wouldn't be safe
10:02:02 45 for her to do that.
10:02:03 46
10:02:03 47 But by informing on Mr Mokbel and people within his,

10:02:07 1 certainly people within his cartel and also on him
10:02:13 2 effectively, she's got to walk away from him anyway because
10:02:17 3 she cannot act. You can't have it both ways,
10:02:21 4 Mr Overland?---Well, I don't know that I am trying to have
10:02:24 5 it both ways. I think that's just the situation that we
10:02:26 6 were faced with at the time. My understanding was that she
7 was informing more against those around Mokbel.
8
10:02:32 9 Yes?---And it was absolutely with the intention of building
10:02:34 10 a case against him, as I explained, using the drug
10:02:38 11 investigations as a means to put pressure on him around the
10:02:41 12 homicides, and yes, it was messy, absolutely it was.
10:02:44 13
10:02:44 14 If what you say is correct and you made it absolutely clear
10:02:47 15 to your investigators that, "If we're going to go down this
10:02:50 16 path she simply cannot continue acting for Mokbel", that's
10:02:53 17 what you say, isn't it?---H'mm.
10:02:55 18
10:02:55 19 How is it that she continued to act for Mokbel throughout,
10:02:59 20 and overtly, standing up in court with Mr Heliotis
10:03:03 21 throughout the end of 2005, making arguments about
10:03:09 22 subpoenas and trying to get access to information by way of
10:03:13 23 subpoenas, including Person 20, trying to find out who he
10:03:17 24 was, do you recall all that?---Not in, not in intricate
10:03:22 25 detail, no.
10:03:23 26
10:03:23 27 Then overtly going to court with Mr Heliotis, representing
10:03:28 28 Tony Mokbel throughout January, February, March of 2006.
10:03:33 29 All of this was known to you?---I'm not sure it was.
10:03:37 30
10:03:37 31 Do you mean to say, Mr Overland, that you were not aware
10:03:41 32 that Tony Mokbel was going to trial and was being
10:03:43 33 represented by Nicola Gobbo, your human source?---I was
10:03:47 34 aware he was going to trial.
10:03:49 35
10:03:49 36 Yes?---As I said, I don't remember exactly when I became
10:03:55 37 aware that she was acting for Mokbel on those Commonwealth
10:03:59 38 charges.
10:03:59 39
10:04:00 40 Mr Overland, can I suggest to you that if what you say is
10:04:03 41 correct, that you were so concerned about this, you were so
10:04:06 42 careful to inform your investigators that this could not
10:04:10 43 occur, that is she couldn't continue to act for Mokbel, and
10:04:14 44 it so obviously then occurred, can I suggest to you that
10:04:18 45 what you're saying to the Commission is simply not correct,
10:04:21 46 it cannot be right?---No, it is correct.
10:04:23 47

10:04:23 1 And indeed it beggars belief, Mr Overland, that you could
10:04:27 2 have been giving your investigators those clear and direct
10:04:32 3 instructions and all of this was then permitted to happen
10:04:35 4 throughout early 2006. It is unbelievable, I suggest to
10:04:39 5 you?---Well, no, that's what happened.
10:04:42 6
10:04:42 7 Can you offer an explanation as to how these investigators
10:04:47 8 got it so wrong and didn't tell you, given your clear
10:04:50 9 instructions to them when they must have known what Gobbo
10:04:54 10 was doing, how that came about, this breakdown in
10:04:59 11 communication between you and your investigators?---I don't
10:05:01 12 know, I think you'd have to ask them about that.
10:05:04 13
10:05:05 14 All right.
10:05:06 15
10:05:07 16 MR HOLT: Commissioner, I'm instructed the font on
10:05:11 17 Mr Winneke's screen is very large and can be read from the
10:05:16 18 back of the court.
10:05:17 19
10:05:17 20 COMMISSIONER: All right then, take it off.
10:05:24 21
10:05:24 22 MR WINNEKE: Now, if we have a look at Mr Hill's diary.
10:05:35 23 No, I withdraw that. Yes, if we have a look at Mr Hill's
10:05:44 24 diary on 19 September 2005. He was at the meeting. The
10:05:51 25 matters within the note suggest similar, that he was in
10:05:56 26 receipt of similar information. There was discussions
10:06:00 27 about tactical issues, bribery offers, et cetera. Were you
10:06:04 28 aware that in fact Ms Gobbo had actually offered the
10:06:07 29 suggestion of the [REDACTED]?---No.
10:06:10 30
10:06:11 31 Also the potential of [REDACTED], do you see
10:06:19 32 that?---Yes, I do.
10:06:19 33
10:06:20 34 That was, that meeting occurs, it seems, about 10 past 9.
10:06:25 35 Now then if we have a look at Mr O'Brien's diary, it seems
10:06:28 36 that after that meeting, if we can have a look at the
10:06:37 37 summary of his diary - after that meeting on the 19th he
10:06:44 38 then goes to your office, do you see that, the meeting with
10:06:49 39 Hill, Sandy White, Smith and Mansell, et cetera, about what
10:06:54 40 had occurred with Ms Gobbo? So they have a discussion
10:06:58 41 about that, in that meeting at 9.12. It seems the very
10:07:02 42 next thing he does at five minutes past 10 is go to your
10:07:07 43 office and brief you with respect to Lanteri and discuss
10:07:14 44 covert options re [REDACTED]. So effectively would
10:07:18 45 it be fair to say that he's come from that meeting and he's
10:07:23 46 then gone and briefed you, at least if we accept that note,
10:07:26 47 about some of the aspects of the meeting that he'd been

10:07:30 1 involved in previously just before?---That's what the notes
10:07:34 2 indicate.
10:07:34 3
10:07:34 4 It was about Gobbo, the meeting effectively was about
10:07:38 5 Gobbo?---Again, I don't, I don't recall the meeting.
10:07:41 6
10:07:41 7 No?---All I can do is look at the notes and - - -
10:07:45 8
10:07:46 9 Would you agree with this proposition, it would be open to
10:07:50 10 the Royal Commission to conclude that you were told on the
10:07:55 11 19th of September about, at least in brief summary form, as
10:08:02 12 to what had occurred at the initial meeting between the SDU
10:08:05 13 and Ms Gobbo?
10:08:07 14
10:08:08 15 MR GLEESON: I object to that question. Phrasing it as a
10:08:10 16 proposition that you can accept that it's open for you,
10:08:12 17 ma'am, to conclude something is inappropriate phrasing of
10:08:15 18 the question, to be asked about a fact, but to invite him
10:08:19 19 to comment on your conclusions is a step too far.
10:08:22 20
10:08:23 21 MR WINNEKE: I think that's reasonable. Do you agree that
10:08:27 22 it's likely that you were told about the meeting between
10:08:30 23 Ms Gobbo and the SDU in that conference on 19
10:08:37 24 September?---It looks to me as if I was told about
10:08:39 25 information that had come from that meeting. Whether I was
10:08:42 26 told about the meeting or not, I don't recall.
10:08:43 27
10:08:44 28 Do you accept, given that on 12 September, about a week
10:08:48 29 before, he had told you about the opportunities that
10:08:51 30 Ms Gobbo presented and then there's a meeting on the 16th
10:08:59 31 where there's an initial debrief and that's discussed in
10:09:03 32 the meeting immediately before, do you agree that it's
10:09:06 33 likely that it would have been conveyed to you by
10:09:09 34 Mr O'Brien?---Well look, again, all I can do is comment on
10:09:13 35 the notes that you've put in front of me. This is not
10:09:16 36 material that I have seen before. It's going back to
10:09:19 37 events that happened now some 14 years ago.
10:09:22 38
10:09:22 39 Yes?---I have on previous occasions been asked about these
10:09:26 40 matters without having reference to any of this material.
10:09:29 41 I've done my best to recall what happened. My recollection
10:09:34 42 is not entirely consistent with what you're putting to me
10:09:37 43 now.
10:09:37 44
10:09:37 45 No?---So all I can do is say I acknowledge the notes that
10:09:41 46 are made at the time. But they do not accord with my
10:09:45 47 recollection of events.

10:09:46 1
10:09:46 2 All right. You had, it seems, just brought Mr O'Brien on
10:09:52 3 board at Purana?---Yeah, and again my recollection was he
10:09:56 4 started with Purana later than this but, you know, the
10:10:00 5 notes - - -
10:10:00 6
10:10:01 7 Your recollection may well be wrong about that too?---They
10:10:04 8 may well be wrong, yeah.
10:10:05 9
10:10:09 10 I take it you had a sufficiently high regard for Mr O'Brien
10:10:14 11 to make him the head of your Task Force?---Absolutely, I
10:10:17 12 have a very high regard for Jim O'Brien.
10:10:19 13
10:10:20 14 Did you find that your relationship with Mr O'Brien was an
10:10:22 15 open and honest relationship?---I believe so.
10:10:25 16
10:10:26 17 And do you believe that he had an attitude whereby as far
10:10:31 18 as his relationship with you was that he would tell you
10:10:35 19 about important steps going on in the investigation?---He
10:10:38 20 would keep me briefed as he deemed appropriate.
10:10:40 21
10:10:41 22 Did you ever come to the conclusion that he didn't provide
10:10:45 23 you with information that you would expect to have been
10:10:48 24 provided with?---Not while I was working with him, no.
10:10:51 25
10:10:52 26 All right then. Now, on 19 September, if we can have a
10:11:03 27 look at Mr Hill's diary, it seems you get a second
10:11:08 28 briefing, this time from Mr Hill, Robert Hill, at around
10:11:13 29 midday. If we can have a look at his diaries for that day.
10:11:37 30 I think the note reveals that he returns to his office,
10:11:42 31 attended Commander Purton, Commander Purton's office at
10:11:49 32 St Kilda Road, police headquarters to run squads under
10:11:52 33 Assistant Commissioner Overland's office, and briefed him
10:11:57 34 on the meeting with SDU and O'Brien about the potential
10:12:00 35 human source and indicates that he would further brief
10:12:06 36 Purton later that week. So it may well be that doesn't
10:12:09 37 indicate that he speaks to you?---No. I just want to be
10:12:12 38 clear, you're not suggesting I was part of that?
10:12:15 39
10:12:15 40 No, I'm not suggesting that?---Okay, thank you.
10:12:18 41
10:12:20 42 If we then go to 26 September 2005. It seems that there
10:12:46 43 was a Task Force Purana progress meeting and if we have a
10:12:55 44 look at Mr Purton's diary on that date. It seems that
10:13:13 45 there's a Task Force Purana progress meeting, SO, JOB, can
10:13:26 46 we accept that on 26 September you had a Task Force Purana
10:13:30 47 or you attended that meeting?---That's what the notes

10:13:33 1 indicate, yes.
10:13:34 2
10:13:36 3 Are you prepared to accept that?---Yes, yes.
10:13:38 4
10:13:38 5 All right. And there are a number of references. It seems
10:13:47 6 that there's a note that Williams' trial started that day.
10:13:51 7 That seems to be right, that was the trial of Williams for
10:13:55 8 the murder of Marshall?---Yes.
10:13:57 9
10:13:58 10 There's a reference to "NG registered, 3838". So I take it
10:14:05 11 you would have been aware as at certainly that date that
10:14:08 12 she'd been registered with a number 3838?---That's what it
10:14:13 13 says, yes.
10:14:14 14
10:14:15 15 And there's also a note to the effect that TM asked NG -
10:14:28 16 sorry. Thursday it seems - there's surveillance which
10:14:35 17 indicates that on Thursday Mokbel met Mr Bickley, do you
10:14:40 18 see that, who was the target of Quills, or both of them
10:14:43 19 were? Do you see that? Where that arrow is
10:14:50 20 pointing?---Sorry, yes, I see that now.
10:14:52 21
10:14:53 22 "SSU, Thursday, TM met Bickley"?---Yes.
10:14:56 23
10:14:56 24 Do you accept that SSU is the State Surveillance Unit?---I
10:15:01 25 do.
10:15:01 26
10:15:02 27 "TM asked Gobbo to draft a statement. Bickley admits TM
10:15:12 28 had no involvement, 30K tablets, Mark Lanteri currently
10:15:19 29 cooking for TM. NG's motivation believed to be concern for
10:15:26 30 her welfare", or to that effect, do you see that?---Yep.
10:15:29 31
10:15:30 32 Do you accept that those matters would have been discussed
10:15:33 33 with you in that meeting?---I do.
10:15:37 34
10:15:37 35 Yes, all right. Do you know whether that reference to
10:15:57 36 Ms Gobbo, Tony Mokbel asking Gobbo to draft a statement, do
10:16:04 37 you know what that was a reference to? Was there any
10:16:07 38 discussion about that?---I have no recollection of this
10:16:09 39 meeting, I don't know what it relates to.
10:16:11 40
10:16:12 41 I take it you would have asked your investigators whether
10:16:18 42 or not Ms Gobbo was acting for Mr Mokbel at that stage,
10:16:22 43 that's something you would have been particularly concerned
10:16:25 44 to find out I assume?---I just don't have any recollection
10:16:28 45 of that briefing.
10:16:29 46
10:16:29 47 No, I understand that. Even assuming you don't have a

10:16:32 1 recollection of it, given the fact that you expressed
10:16:37 2 concern from the outset and the two particular matters you
10:16:41 3 were particularly concerned about were the possibility that
10:16:44 4 she might be acting for him and providing information
10:16:47 5 against him, I take it you would have made it clear at the
10:16:50 6 meeting, "Look, you must find out from Ms Gobbo whether
10:16:53 7 she's acting for this person"?---Look, I just don't have a
10:16:57 8 recollection so I can't say whether I did or I didn't.

10:17:00 9
10:17:00 10 I understand you don't have a recollection but what I'm
10:17:03 11 asking you to turn your mind to is do you think you would,
10:17:06 12 given your concerns, is it likely that you would have made
10:17:09 13 it clear to your investigators your concern that she simply
10:17:13 14 cannot act for someone about whom she's providing
10:17:17 15 information, is it likely that you would have done
10:17:19 16 that?---I remember making that concern known, whether I did
10:17:23 17 it at this meeting or other occasions I can't now say.

10:17:27 18
10:17:28 19 This was certainly an opportunity, do you accept that?---I
10:17:30 20 accept that, yes.

10:17:31 21
10:17:31 22 At a very early meeting with very senior police officers
10:17:35 23 under your command to make your views clear?---Yes.

10:17:37 24
10:17:38 25 Do you say that you believe you would have done so, is that
10:17:41 26 what you say?---No, that's not what I'm saying. I'm saying
10:17:44 27 - you're asking me to agree to something about which I have
10:17:47 28 no recollection.

10:17:51 29
10:17:53 30 Did the briefing, at least the suggestion that she's been
10:17:58 31 asked to draft statements, did that raise in your mind or
10:18:02 32 would it have raised in your mind if that word was
10:18:04 33 mentioned, or that phrase mentioned, would that have raised
10:18:07 34 in your mind a concern that she might have been acting for
10:18:11 35 him?---I honestly don't know what that's referring to so
10:18:15 36 I'd be speculating.

10:18:16 37
10:18:16 38 All right. Now, the evidence the Commission has is that on
10:18:30 39 that evening Ms Gobbo met again with the handlers now for a
10:18:39 40 third time and she provided information about a number of
10:18:44 41 matters. If we have a look at the SML, it's a summary only
10:18:51 42 but it says, "Meeting between HS, Mr Smith and Mr White.
10:19:01 43 Second debrief re Mokbel criminal cartel, 26 September", do
10:19:07 44 you see that?---Yes, I do.

10:19:10 45
10:19:13 46 And the Commission is aware that during the course of that
10:19:17 47 meeting there was discussions about, or Gobbo talking about

10:19:30 1 a number of things, including the [REDACTED]
10:19:37 2 ■, her involvement in assisting that person to become a
10:19:40 3 Crown witness?---Sorry, where is that?
10:19:43 4
10:19:43 5 I'm putting it to you just by way of background,
10:19:47 6 Mr Overland?---Right.
10:19:48 7
10:19:50 8 Mokbel wanting Mr Bickley to make an exculpatory statement.
10:19:54 9 That might well be some indication of what that drafting of
10:19:58 10 the statement was in the earlier meeting, do you understand
10:20:01 11 that?---I understand that.
10:20:03 12
10:20:05 13 And there was discussion about Mr Mokbel's relationship
10:20:10 14 with a person by the name of Karam. Do you know that name
10:20:14 15 or had you - - - ?---I do.
10:20:15 16
10:20:16 17 There was discussion about the Mokbel hearing in the
10:20:20 18 Supreme Court regarding assets and also another sort of a
10:20:25 19 hearing, a [REDACTED], that was a part of the
10:20:28 20 discussion. Then there was discussion along this line,
10:20:36 21 that if Mokbel convinced [REDACTED] and police were trying to
10:20:42 22 strip assets then it would be possible to suggest [REDACTED]
10:20:44 23 [REDACTED], that Mokbel was obsessed with
10:20:50 24 Mr Bickley's case, that is with respect to Operation Quills
10:20:54 25 and the Operation Kayak tapes and Mokbel believes that he
10:20:57 26 can't be convicted without the Kayak tapes. So that would
10:21:03 27 be a discussion about matters that Ms Gobbo has gleaned
10:21:08 28 from Mr Mokbel, one assumes, if that was discussed during
10:21:12 29 the course of that meeting?---Right. But are you
10:21:15 30 suggesting I was at this meeting or are you just putting
10:21:19 31 these matters to me?
10:21:20 32
10:21:20 33 Not at all. I'm not suggesting that at all, Mr Overland.
10:21:23 34 And further it was discussed that Mokbel believes that
10:21:27 35 Mr Bickley can put him in and he was concerned about
10:21:33 36 Mr Bickley rolling on him and words were said to the effect
10:21:38 37 that it must have been something big. So those were the
10:21:41 38 sorts of matters that were discussed in the
10:21:45 39 debriefing?---Right.
10:21:45 40
10:21:46 41 And that would be consistent with a debrief about the
10:21:50 42 Mokbel criminal cartel and consistent with - do you accept
10:21:55 43 that?---I accept that, yes.
10:21:56 44
10:21:56 45 And consistent with the view of investigators, or at least
10:22:00 46 handlers, that they were trying to get information from
10:22:03 47 Ms Gobbo that would assist Victoria Police in putting

10:22:08 1 Mr Mokbel away?---Yes.
10:22:10 2
10:22:10 3 Right. And if that was the investigative plan, those sorts
10:22:17 4 of discussions, getting that sort of information, would be
10:22:20 5 consistent with that investigative plan?---Yes.
10:22:22 6
10:22:24 7 Right, okay. And further, there was information, the
10:22:33 8 Commission has this information, that during that
10:22:35 9 discussion there was also comments made by Ms Gobbo to the
10:22:39 10 effect that [REDACTED] have
10:22:50 11 sufficient information about Mokbel to put him away for a
10:22:54 12 long time?---Right.
10:22:54 13
10:22:55 14 Again, consistent with the plan to put Mr Mokbel away,
10:23:02 15 agreed?---I understand that.
10:23:03 16
10:23:04 17 Okay. Now, subsequent to the 26th - if we have a look at a
10:23:25 18 note on the 27th of September 2005 in the source management
10:23:29 19 log. You'll see that the controller, who is filling out
10:23:39 20 this source management log Mr White, briefs Commander
10:23:43 21 Purton, DDI Hill, O'Brien, Rowe, Burrows, "Determined the
10:23:47 22 Task Force will be formed. Agreed Mokbel [REDACTED]
10:23:52 23 [REDACTED] and [REDACTED] to be pursued". Do you see
10:23:55 24 that?---I do.
10:23:56 25
10:23:56 26 So that seems to be the plan in the brewing and there's an
10:24:01 27 agreement that at that stage to form a Task Force?---Yes, I
10:24:07 28 see that.
10:24:07 29
10:24:07 30 Is that consistent with your understanding that at about
10:24:13 31 that time those events or those things were being
10:24:17 32 planned?---Well I take it they're the steps leading to the
10:24:20 33 formal start of Operation Posse.
10:24:22 34
10:24:22 35 Yes, yes. If we have a look at Mr Hill's diary of - in
10:24:31 36 fact if we have a look at Mr O'Brien's diary summaries,
10:24:38 37 VPL.0005.0126. You'll see that on the 27th there's a 14th
10:24:49 38 floor meeting regarding Gobbo, Purton, Burrows, Rowe, Sandy
10:24:54 39 White, Smith, three meetings, identities associated with
10:24:59 40 Mokbel and then there's information about his current phone
10:25:03 41 number, a number of other pieces of information there. Do
10:25:07 42 you see that?---I do.
10:25:07 43
10:25:11 44 If you read that, and I won't read it all out, if you read
10:25:17 45 that do you accept the proposition this is an indication of
10:25:19 46 the sort of Task Force that was being planned and the sort
10:25:25 47 of information that they were going to be relying upon or

10:25:28 1 using?---Yes, it appears to be discussing the range of
10:25:41 2 information that was available or relevant.
10:25:44 3
10:25:45 4 Mr Hill's diary contains a number of items of information
10:25:53 5 on the same day. Amongst those, amongst the matters that
10:26:02 6 were discussed or that are mentioned in his diary, he talks
10:26:05 7 about high risks related to the human source?---Yes.
10:26:11 8
10:26:13 9 Discussion of information provided by or intelligence
10:26:17 10 provided by human source?---Yes.
10:26:20 11
10:26:21 12 There's a discussion about investigation resources?---Yes.
10:26:24 13
10:26:35 14 There's a reference to - I think that's a reference to
10:26:41 15 Mr Sandy White to continue a debrief with human source,
10:26:49 16 reconvene debriefing, O'Brien, Hill to consider resources.
10:26:54 17 Purton to raise resources with you, would that be fair to
10:26:58 18 say?---Yes.
10:26:59 19
10:27:04 20 Purton to raise the issue of confidentiality with AC Crime
10:27:09 21 also, would that be right?---Yes.
10:27:11 22
10:27:14 23 In relation to recording of contact reports, CR's, and
10:27:21 24 information reports, IRs. In his statement Mr Hill says
10:27:24 25 that the issue of confidentiality refers to the identity of
10:27:27 26 the human source. Now, clearly at that stage you were
10:27:31 27 aware of who she was, do you accept that?---Well that
10:27:34 28 appears to be the case, yes.
10:27:36 29
10:27:36 30 Yes, all right. And then in Mr O'Brien's summary, if we
10:27:42 31 can go back to his summary, on the 27th there seemed to be
10:27:49 32 a fair bit of discussion about this plan at this stage.
10:27:53 33 There's a reference to, "Further discussion with Sandy
10:27:58 34 White re investigation strategies at 4 pm" and then at 5.55
10:28:04 35 he makes a, "Telephone call to a Detective regarding TSU
10:28:11 36 inspection re tapes re Operation Kayak. Advised the tapes
10:28:16 37 to be moved to Commander Purton's office re security and to
10:28:22 38 advise by the police officer that he had been offered \$2
10:28:28 39 million to make the tapes go missing or stuff up his
10:28:34 40 evidence via an ex member there", do you see that?---I do.
10:28:38 41
10:28:38 42 "Spoke to same at a funeral. Submitted IR and discussed
10:28:42 43 with Superintendent Biggin and Assistant Commissioner
10:28:46 44 Overland"?---I see that.
10:28:49 45
10:28:50 46 Do you accept that you would have had a discussion with
10:28:53 47 Mr O'Brien about these matters?---That's what the notes

10:28:55 1 indicate, yes.
10:28:56 2
10:28:58 3 If we have a look at his diary on 28 September. There's a
10:29:09 4 reference to the tapes being moved from the MDID safe and
10:29:13 5 lodged in the Commander's safe for the purposes of
10:29:16 6 safety?---Yep, I see that.
10:29:18 7
10:29:18 8 All right. Now, we can just move through this. There are
10:29:36 9 further meetings going on on the 28th of September
10:29:44 10 involving Commander Hill and Purton in relation to meeting
10:29:48 11 times next week. You'd accept that it's not surprising
10:29:55 12 that there would be further meetings in the lead up to the
10:29:58 13 establishment of a Task Force of the sort that was set
10:30:04 14 up?---Yes. Well a lot of this more operational
10:30:07 15 coordination was done at levels below me and it seems
10:30:12 16 consistent with that.
10:30:13 17
10:30:14 18 I take it - this wasn't an ordinary operation, this was a
10:30:17 19 significant operation that was being planned?---It was one
10:30:20 20 of a number of significant operations that were running at
10:30:24 21 that time.
10:30:24 22
10:30:28 23 And was going to require significant resources, I assume,
10:30:32 24 to put into train?---Yes.
10:30:33 25
10:30:34 26 And that was something you would need to be consulted about
10:30:36 27 I assume?---About the resourcing definitely, yes.
10:30:40 28
10:30:42 29 All right. Then if we have a look at the SML of 5 October.
10:31:17 30 That's a reference to a meeting with Flynn, Dale Flynn, a
10:31:26 31 number of other people, including Burrows, who is a
10:31:33 32 Detective in Mr Flynn's crew, there was an update regarding
10:31:40 33 strategy, [REDACTED] regarding options.
10:31:45 34 There was advice regarding concern for Ms Gobbo should she
10:31:48 35 do [REDACTED]. A DSU option to prefer [REDACTED]
10:31:55 36 [REDACTED] strategy and there's talk about the [REDACTED]
10:31:59 37 [REDACTED], does that make sense or not?---No, not - I
10:32:04 38 understand what's being proposed, I'm not sure I had any
10:32:07 39 knowledge of that.
10:32:08 40
10:32:08 41 No. And there's a discussion about the possibility of
10:32:11 42 [REDACTED] being [REDACTED] and the desire is to get
10:32:18 43 [REDACTED] to assist police?---Yes, I remember that being
10:32:23 44 part of the strategy.
10:32:24 45
10:32:24 46 Right. That is, to get, to have [REDACTED] in effect roll
10:32:30 47 and provide assistance to police?---Yes.

10:32:32 1
10:32:32 2 And that's consistent with the way, with your sort of
10:32:35 3 general investigative planning in a number of
10:32:38 4 areas?---That's my recollection as to what [REDACTED] was
10:32:41 5 focused on, particularly on that individual, with a view to
10:32:44 6 getting him to roll.
10:32:44 7
10:32:45 8 All right. Were you aware that Ms Gobbo had been acting
10:32:50 9 for that individual in the years prior to 2005 or late
10:32:59 10 2005?---I don't believe I was, no.
10:33:00 11
10:33:01 12 Would you have been concerned to know if she had been
10:33:06 13 acting for him if she's providing information about him or
10:33:10 14 against him?---Well, I think there's some temporal issues
10:33:13 15 here. It depends when it was, how long ago. There's also,
10:33:17 16 if she's providing information about his ongoing criminal
10:33:21 17 activities, I'm less concerned about that.
10:33:23 18
10:33:23 19 The evidence is that he had been charged with a number of
10:33:28 20 offences previously. He'd been [REDACTED] and he was awaiting
10:33:32 21 a plea which initially was going to occur in [REDACTED] and
10:33:37 22 it was then adjourned over to [REDACTED]. Were you aware of
10:33:42 23 that?---Look, I may have been, I don't recall it now.
10:33:47 24
10:33:47 25 Right. And that Ms Gobbo was his barrister, was acting for
10:33:52 26 him, had been representing him and having negotiations with
10:33:55 27 Dale Flynn for some period of time prior to this?---No.
10:33:59 28
10:33:59 29 And continued to have discussions with the OPP around her
10:34:06 30 representation of [REDACTED]. Were you aware of that?---I
10:34:09 31 don't believe I was.
10:34:10 32
10:34:10 33 Should you have been made aware of that?---Probably.
10:34:14 34
10:34:14 35 Well if she's providing information to Victoria
10:34:17 36 Police?---Yep.
10:34:17 37
10:34:18 38 About him?---Yep.
10:34:18 39
10:34:19 40 If he's intimately connected with this plan, that is to get
10:34:23 41 evidence on him and have him roll, then it would be
10:34:26 42 important information for you to know, wouldn't it?---Yes.
10:34:29 43
10:34:29 44 Because you would be very concerned that if Ms Gobbo was
10:34:32 45 providing information about him and acting for him, that
10:34:35 46 could - - - ?---I'm concerned about the implications, yes.
10:34:39 47

10:34:40 1 Would you have asked?---I may have, I don't, I don't recall
10:34:49 2 whether I did or I didn't.
10:34:50 3
10:34:50 4 Right, okay. Now, if we have a look at - do you accept
10:35:07 5 this proposition, if your members knew that Ms Gobbo was
10:35:14 6 representing ██████████ at the same time as providing
10:35:18 7 information against him to police, and continued to receive
10:35:22 8 that information, they would be acting contrary to your
10:35:25 9 instructions, would that be fair to say?---They should have
10:35:28 10 made me aware of it, yes. They should have made me aware
10:35:33 11 of it.
10:35:33 12
10:35:33 13 Would they be acting contrary to your instructions if they
10:35:37 14 were doing those things?---They would be.
10:35:38 15
10:35:38 16 Because you had instructed them not to seek information
10:35:42 17 from people in relation to whom she was acting?---No, I
10:35:48 18 said she couldn't continue to act for people if she was
10:35:52 19 providing information about them.
10:35:53 20
10:35:54 21 She couldn't continue to act?---That was my instruction.
10:35:56 22
10:35:56 23 Was it a clear instruction?---I believed it was.
10:35:58 24
10:35:59 25 Do you have a note anywhere of any instruction that you
10:36:04 26 gave to any of your officers to the effect that they could
10:36:11 27 not receive information from people for whom Ms Gobbo was
10:36:15 28 continuing to act?---I don't know. I don't have one
10:36:19 29 available to me, no. I don't recall making one, I don't
10:36:22 30 know whether I did.
10:36:23 31
10:36:23 32 If you did make such a note where would you have made
10:36:28 33 it?---Well I'm not sure - I'm not sure I would have made a
10:36:35 34 note. I mean I think at that time a lot of these
10:36:41 35 discussions would have happened at briefings and I mean I,
10:36:47 36 you know, expressed views on a number of occasions, I
10:36:51 37 didn't necessarily reduce them to writing and my
10:36:54 38 expectation was my views would be noted and followed where
10:36:57 39 appropriate.
10:36:58 40
10:36:58 41 Would you expect that the officers who were receiving those
10:37:00 42 instructions would have been likely to record them?---They
10:37:06 43 may or may not.
10:37:07 44
10:37:07 45 Right. Given your concern about, your very real concern
10:37:16 46 about these matters and the fact that you were shocked when
10:37:18 47 you heard about it, do you think it would have been very

10:37:23 1 important to make it absolutely clear and ensure that there
10:37:29 2 were, there was a written record of your instruction about
10:37:35 3 this matter?--Well, I thought it was clear. You know,
10:37:41 4 these are very senior and experienced detectives. I
10:37:46 5 thought they knew what they were doing and that it was
10:37:49 6 clear.
10:37:49 7
10:37:49 8 All right, okay. Now, if we then go to 11 October 2005.
10:38:15 9 Can we have a look at Mr O'Brien's diary. It's a simple
10:38:53 10 entry. What it says in Mr O'Brien's diary is that he'd
10:39:05 11 spoken to Detective Inspector White, that would be Adrian
10:39:09 12 White, would it be?---I assume so, yes.
10:39:11 13
10:39:12 14 "Advised investigation plan required for Operation Posse."
10:39:18 15 If that's the case, if there was that advice, that would be
10:39:21 16 consistent with your view that in such an operation as this
10:39:24 17 there would need to be an operation plan?---Yes.
10:39:27 18
10:39:31 19 Then if we go to, if we're able to get Mr O'Brien's diary
10:39:36 20 summary for 12 October 2005, which is VPL.0005.0126.0001.
10:39:49 21 If we go to the 12th. It might be somewhere else, yes.
10:40:05 22 Just hold that thought for the moment with respect to the
10:40:09 23 11 October diary entry. In any event if there was
10:40:12 24 discussion about that time of an investigation plan that
10:40:15 25 would be entirely consistent with expectations, wouldn't
10:40:20 26 it?---It would.
10:40:21 27
10:40:21 28 On 12 October he speaks to Commander Purton at the office
10:40:26 29 regarding AFP request for documents re Operation Quills re
10:40:32 30 Tony Mokbel. "Advise AFP are keen to move on arrest of
10:40:37 31 Mokbel. Briefed same re current and likely personnel
10:40:41 32 requests re Operation Posse. Requested investigation plan.
10:40:45 33 Stipulated no hurry on same, need for services undertakings
10:40:51 34 prior to processing, especially on surveillance". Does
10:40:56 35 that make sense to you, that diary entry?---I think so.
10:40:59 36
10:40:59 37 What does that mean as far as you can tell?---I think it's
10:41:03 38 a request to prepare an investigation plan for Operation
10:41:08 39 Posse, but there's no rush because obviously there's a
10:41:13 40 number of support services that would be required as part
10:41:15 41 of that investigation and that all has to be negotiated
10:41:19 42 with primarily the Intelligence and Covert Support area
10:41:24 43 that ran the Special Projects Unit and also the State
10:41:29 44 Surveillance Unit. It seemed to me they would be resources
10:41:32 45 that would be required in such an investigation.
10:41:33 46
10:41:33 47 That's a significant part of putting together an operation

10:41:36 1 like that, is it, getting together resources and
10:41:39 2 negotiating with people about what they can do for you and
10:41:43 3 whether they can devote time and personnel to Purana, is
10:41:46 4 that right?---Well, yeah, one of the limiters is the
10:41:50 5 availability of surveillance resources, electronic and
10:41:54 6 other. They're scarce resources and it's often, it is the
10:41:57 7 limiter around what investigative activity can be
10:42:00 8 undertaken.
10:42:01 9
10:42:01 10 Is it the case that sometimes you need to refocus an
10:42:05 11 investigation bearing in mind what's available to
10:42:07 12 you?---Yes.
10:42:07 13
10:42:08 14 All right, okay. Now, we have a look at - if I can suggest
10:42:18 15 this to you, that on 20 October 2005, Mr "Sandy White of
10:42:30 16 the SDU received a call from Detective Senior Sergeant
10:42:34 17 O'Brien with a request to meet in relation to the risk
10:42:37 18 assessment for the Operation Posse investigation plan". Do
10:42:40 19 you see that there at the top, "Request to meet re risk
10:42:48 20 assessment Op Posse invest plan", do you see that?---I do.
10:42:51 21
10:42:51 22 Again, is that the sort of thing that needs to be carried
10:42:54 23 out, that is a risk assessment when a plan such as this is
10:42:58 24 being prepared?---Yes.
10:43:00 25
10:43:00 26 All right. Now, if we then go to I think 21 October. It
10:43:13 27 seems that the investigation plan has been put together.
10:43:20 28 It's completed and it's ready for approval. As you can see
10:43:25 29 from the source management log, this is Sandy White meeting
10:43:28 30 with Detective Senior Sergeant O'Brien, "Received copy
10:43:31 31 investigation plan and risk assessment for Operation Posse,
10:43:35 32 Task Force. Plan to be submitted today to AC Crime"?---I
10:43:38 33 see that.
10:43:39 34
10:43:39 35 Now it may well be that that indicates that the plan was
10:43:45 36 submitted to you. It may or may not have been but that was
10:43:49 37 certainly what the note indicates there?---Yeah. Look,
10:43:54 38 that note indicates that. I think ordinarily investigation
10:43:58 39 plans would have been approved at levels below me, probably
10:44:02 40 at Commander Purton's level and in those sort of
10:44:06 41 coordination meetings that he ran that was a level below
10:44:10 42 me.
10:44:10 43
10:44:10 44 Do you think in relation to this particular plan, because
10:44:12 45 of the significance of it, it's a plan that you would have
10:44:15 46 been particularly interested in?---I understand what you're
10:44:20 47 putting to me about the significance of this and it was

10:44:24 1 significant. But the point I make is this was one of many
10:44:27 2 significant investigations that had been happening and were
10:44:30 3 happening around that time. I know it's got added
10:44:33 4 significance because it's part of the focus of this Royal
10:44:36 5 Commission, but at the time it was one of many significant
10:44:39 6 investigations. So I don't recall whether I saw that
10:44:42 7 investigation plan or not. The normal practice was I
10:44:45 8 wouldn't have seen the investigation plan.
10:44:48 9
10:44:48 10 You wouldn't have seen it?--No.
10:44:49 11
10:44:50 12 Do you say this, that if it was an operation which had
10:44:53 13 particular importance you'd be more likely to see it?---I'd
10:44:57 14 have been more likely to see investigation plans earlier in
10:45:01 15 2003, 2004.
10:45:02 16
10:45:03 17 Yes?---My recollection is around this time much less likely
10:45:07 18 to see that sort of material. I'm not saying I didn't see
10:45:10 19 it, I don't recall seeing it. It would not be ordinarily
10:45:14 20 the case that I would see it.
10:45:15 21
10:45:18 22 Can I suggest to you that this particular plan represented
10:45:22 23 quite a significant change to the way in which Purana was
10:45:26 24 operating. It was effectively bringing in an MDID
10:45:31 25 component or a drug component or a briefed up drug
10:45:36 26 component with additional resources with a particular focus
10:45:40 27 on Mokbel's cartel? Do you accept that that's is what this
10:45:48 28 represented?---I don't accept the point about the
10:45:51 29 significant point that you made. I do accept that this was
10:45:54 30 a refocusing of the resources of Purana, but my
10:45:57 31 recollection was Purana from its outset had that broader
10:46:00 32 focus. I think there was a drug component as part of
10:46:03 33 Purana from the word get-go.
10:46:05 34
10:46:05 35 We've seen references to cells, or I think MDID
10:46:10 36 cells?---Correct.
10:46:11 37
10:46:11 38 In earlier briefing Task Force updates?---Yes.
10:46:14 39
10:46:14 40 When we have a look at the plan it does seem to suggest
10:46:17 41 that there were significant additional resources being
10:46:22 42 applied to this?---Well I think that was part of how it was
10:46:24 43 resourced, I think there were some resources that came
10:46:27 44 across from the Major Drug Investigation Division, both
10:46:31 45 from a continuity point of view, because they had knowledge
10:46:34 46 about Mokbel and the Mokbel syndicate, but that was
10:46:36 47 combined with the Purana resources because as I said, the

10:46:40 1 end game was always about trying to arrest Mr Mokbel and
10:46:45 2 get him to roll and speak about the murders, or get people
10:46:48 3 around him to roll and speak about the murders.
10:46:50 4
10:46:50 5 All right. In any event this was a fairly significant part
10:46:54 6 or plank in that plan or bridge if you like?---Yes, but I
10:47:02 7 just don't - yes, it was but - - -
10:47:05 8
10:47:05 9 All right?---Things can take on greater significance with
10:47:07 10 the benefit of hindsight.
10:47:09 11
10:47:09 12 No doubt?---At the time it was one of many significant
10:47:12 13 issues.
10:47:13 14
10:47:13 15 Okay. Now, if we can perhaps have a look at the plan.
10:47:25 16 It's VPL.0100.0009.0001, 467 is the exhibit. Commissioner,
10:47:40 17 it has material which is shaded but can be read. I'll
10:47:44 18 leave it to Mr Holt I think to object if he wishes to.
10:47:54 19 Now, that's the - this is - - -
10:48:01 20
10:48:03 21 MR HOLT: If it's to be done that way, Commissioner,
10:48:03 22 there's an obligation on me I need to get documents which I
10:48:08 23 don't have, I didn't get notice.
24
25 MR WINNEKE: Well it's an exhibit.
26
10:48:12 27 MR HOLT: I can sit with my learned friend and look at it
10:48:15 28 on the screen.
10:48:16 29
10:48:16 30 MR WINNEKE: You're welcome to.
31
10:48:18 32 MR HOLT: Can I look at my learned friend's entry?
10:48:20 33
10:48:20 34 COMMISSIONER: Of course. It is an exhibit already, is it?
10:48:25 35
10:48:26 36 MR WINNEKE: It is Commissioner.
10:48:26 37
10:48:28 38 COMMISSIONER: I'll give you the exhibit number, that might
10:48:30 39 help. 467 it is, Exhibit 467 if that helps.
10:48:49 40
10:48:49 41 MR HOLT: Commissioner, if I can have a few minutes, I'll
10:48:53 42 look the document up so I can have it and deal with it on
10:48:57 43 that basis.
10:48:58 44
10:48:58 45 MR WINNEKE: I'll steer clear of any troublesome areas
10:49:01 46 whilst that's going on.
10:49:02 47

10:49:02 1 COMMISSIONER: All right.
10:49:03 2
10:49:03 3 MR WINNEKE: If you have a look at, obviously we have to be
10:49:06 4 careful about the shaded areas so we don't want to go
10:49:09 5 there, but what the plan does do is set out offence
10:49:15 6 details, background information and a narrative of the
10:49:19 7 material which is relevant to the investigation, is that
10:49:21 8 right?---That's what it appears to say, yes.
10:49:24 9
10:49:24 10 It talks about the Mokbel family and how they're insulated
10:49:29 11 from traditional policing methods?---Yes.
10:49:32 12
10:49:34 13 The assertion is that, "Manipulated the judicial process by
10:49:38 14 the employment of high level defence teams. Motivated by
10:49:42 15 financial reward". See that?---I do see that, yes.
10:49:46 16
10:49:49 17 "Used police internal investigative process to stall
10:49:53 18 criminal processes against members of the
10:49:57 19 organisation"?---Yes.
10:49:58 20
10:50:01 21 Obviously that relates to Ceja issues?---Yes.
10:50:05 22
10:50:05 23 In other words applications for bail are made and often
10:50:08 24 successful because of delays which had been brought about
10:50:11 25 by the alleged corruption and corruption within the Drug
10:50:15 26 Squad, so that's what that was about I assume?---I think it
10:50:19 27 was about that and probably other things I suspect.
10:50:23 28
10:50:23 29 There's been arguments previously that large sums of money,
10:50:28 30 in possession of gambling profits and then there's
10:50:31 31 references to a person by the name, well I don't need to
10:50:35 32 read it out, you see the name Emeido there?---Yes.
10:50:41 33
10:50:42 34 There's a reference to Task Force Kayak, October
10:50:48 35 2000?---Yes.
10:50:48 36
10:50:49 37 And, "Delays because of forensic investigation and police
10:50:53 38 corruption issues"?---Yes.
10:50:55 39
10:50:55 40 Do you see that, "Mokbel was subsequently charged, arrested
10:51:02 41 and charged with serious drug offences, also charged by the
10:51:05 42 Federal Police with importation offences". I think that
10:51:08 43 was on 25th - no, withdraw that, that was earlier. And
10:51:20 44 it's the culmination of a plan which had been commenced the
10:51:23 45 previous year. Do you see that? It may not say it there.
10:51:41 46 Can we just scroll through it to enable Mr Overland to read
10:51:45 47 it. There's a reference to without - there's a reference

10:51:48 1 to the ██████████ investigation. Do you recall that,
10:51:55 2 concerning ██████████?---I recall the code name, I don't
10:52:00 3 recall much about it.
10:52:00 4
10:52:01 5 All right. Now, if we can get down to the references to
10:52:13 6 Mr Bickley. Do you see those?---Yes.
10:52:17 7
10:52:17 8 They're in the shaded area there?---Yes, I see that.
10:52:20 9
10:52:20 10 We've got to be a bit careful there. And there's
10:52:24 11 information about his involvement and an associate of his
10:52:33 12 and then further down, "Since his arrest a registered human
10:52:39 13 source has been established"?---Yes.
10:52:42 14
10:52:42 15 "And this indicates that Mokbel is very concerned about the
10:52:46 16 ramification of Mr Bickley talking to police", do you see
10:52:52 17 that?---I can't quite see that. Yes, I see that, sorry,
10:53:02 18 yes.
10:53:02 19
10:53:05 20 That's been corroborated through surveillance of a meeting
10:53:09 21 between a Mokbel associate by the name of Radi and
10:53:15 22 Mr Bickley?---Yes.
10:53:17 23
10:53:17 24 And, "Further information that Lanteri ██████████
10:53:22 25 ██████ currently manufacturing amphetamines from Mokbel. So
10:53:26 26 the source has further stated that Mokbel is attempting to
10:53:30 27 source a corrupt Detective within Victoria Police", do you
10:53:33 28 see that?---I do.
10:53:34 29
10:53:34 30 Can I suggest to you that all that information is
10:53:36 31 information coming from Ms Gobbo, do you accept
10:53:45 32 that?---Yes, I accept that.
10:53:46 33
10:53:47 34 Then if we go on. Just scroll through it. Keep scrolling.
10:54:04 35 Now, just stop there. If we can have a look at the issues
10:54:08 36 outside scope. It's a reference to, "Human source
10:54:11 37 management and handling is a major issue of consideration",
10:54:16 38 do you see that?---I do.
10:54:17 39
10:54:18 40 "One which will need the highest level of consideration in
10:54:20 41 order to protect human sources during and post
10:54:26 42 investigations, court processes. All sources to be handled
10:54:30 43 by the DSU", right?---Yep.
10:54:33 44
10:54:34 45 "All necessary steps taken to protect the identity of
10:54:37 46 them." If we keep going. Stop there. Can you just go
10:54:43 47 back a little bit. Now, "Main investigative steps are

10:54:50 1 fully profile all Mokbel family members drawing upon all
10:54:54 2 past investigative intelligence. Update such profiles with
10:54:57 3 investigative steps and surveillance". 2 and 3, do you see
10:55:01 4 that, "In line with reliable source information attempt to
10:55:05 5 [REDACTED] relative to Mokbels.
10:55:11 6 Increase the motivation of him by further investigation of
10:55:15 7 current criminal activities of associates and himself.
10:55:19 8 Further motivate him by the use of [REDACTED] at a time
10:55:27 9 most advantageous to the overall operation". Next if we go
10:55:30 10 down to 3, "In line with reliable intelligence attempt to
10:55:35 11 [REDACTED] Mr Bickley [REDACTED] on the same basis", do
10:55:43 12 you see that?---I do.

10:55:44 13
10:55:46 14 Those aspects of it were significant planks because they
10:55:50 15 were the main investigative steps, or at least the first
10:55:53 16 three of them, do you see that?---I do.

10:55:56 17
10:55:56 18 And then there's others such as including a [REDACTED]
10:56:00 19 [REDACTED] option and so on. Do you see that?---I do.

10:56:06 20
10:56:07 21 Now, as at that stage Mokbel was Gobbo's client?---I
10:56:16 22 understand that.

10:56:17 23
10:56:17 24 [REDACTED] was Gobbo's client and it seems, and certainly
10:56:26 25 Ms Gobbo was engaged to appear for Mr Bickley at a bail
10:56:31 26 application and that led to, on one view, her coming into
10:56:35 27 the arms of Victoria Police?---Right.

10:56:37 28
10:56:39 29 Do you accept that?---I accept that.

10:56:41 30
10:56:42 31 And subsequently she provided information to Mr Bickley and
10:56:47 32 indeed information to him further down the track and advice
10:56:52 33 to him when he was arrested, but that's to come?---Right.

10:56:57 34
10:56:57 35 I take it that would have been a concern had you known that
10:57:02 36 the main investigative steps in this operation were to
10:57:08 37 focus upon people who were clients of Ms Gobbo?---If she
10:57:15 38 was continuing to act for them, yes.

10:57:17 39
10:57:18 40 Now again, you would have made it clear - you say you may
10:57:26 41 not have seen the document itself, is that what you
10:57:30 42 say?---I do say that, yes.

10:57:31 43
10:57:31 44 But - you do say that now, you're clear that you didn't see
10:57:36 45 it?---Look, I don't think so. I don't think I've seen this
10:57:40 46 document to the best of my recollection.

10:57:41 47

10:57:41 1 Can I suggest that even if you hadn't seen the document you
10:57:46 2 would have been aware of the main investigative steps of
10:57:51 3 this operation?---I do recall being aware that, I think is
10:57:56 4 it ██████████, was very much the initial target, I do
10:57:59 5 remember that, yes.
10:58:00 6
10:58:00 7 Yes, all right. Mr Bickley likewise?---No, not so much
10:58:06 8 Mr Bickley.
10:58:06 9
10:58:07 10 All right. That's your recollection now?---That's my
10:58:09 11 recollection.
10:58:10 12
10:58:10 13 If we can move on just briefly. There's a resources
10:58:15 14 section there, do you see that?---I do.
10:58:18 15
10:58:19 16 Unit personnel requirements and there's information there
10:58:22 17 which you can read but clearly it's an indication for a
10:58:25 18 significant increase in resources being sought, do you
10:58:30 19 accept that?---It's a resource plan to support this
10:58:35 20 investigation.
10:58:36 21
10:58:36 22 Yes?---I'm not sure what overall impact it actually had on
10:58:41 23 the Purana resourcing.
10:58:42 24
10:58:43 25 If we keep going through it. Can I ask you just to stop.
10:58:49 26 Those are additional teams that were needed, is that
10:58:52 27 right?---Yes.
10:58:54 28
10:58:54 29 So there's quite a bit of investigative crews needed, three
10:59:02 30 crews, ACC, criminal proceeds, do you see that?---I do.
10:59:07 31
10:59:08 32 And analytical cell?---I do.
10:59:10 33
10:59:11 34 Quite a large increase in terms of personnel to Purana?---I
10:59:14 35 just want to be careful because people were coming and
10:59:17 36 going from Purana all the time.
10:59:19 37
10:59:19 38 Right?---So it looks like an increase but I'm not sure
10:59:23 39 whether with these resources coming in there are other
10:59:25 40 resources going out.
10:59:27 41
10:59:27 42 All right. You may be right about that, if you have a look
10:59:31 43 further down, "There was certainly physical additional
10:59:34 44 vehicles and equipment, financial, information technology",
10:59:39 45 and what is said there is, "The current downsizing of the
10:59:42 46 Purana Task Force coupled with the provision of some
10:59:44 47 rationalisation of computers from the MDID and VicPol

10:59:48 1 laptop, IBM", et cetera, that will - so that's in relation
10:59:51 2 to the information technology?---Yes.
10:59:55 3
10:59:55 4 Now the assessment, do you see that?---There's a risk
11:00:07 5 assessment.
11:00:07 6
11:00:15 7 Matrix attached?---I see that. This has on it "draft, 17
11:00:19 8 September 2005".
11:00:22 9
11:00:22 10 Yes, it does. Now, it may well be that it's a living
11:00:30 11 document. Did you see it in any of its forms?---I don't, I
11:00:36 12 don't believe so.
11:00:36 13
11:00:37 14 Can we go to the top of it. It has a date I think on the
11:00:42 15 top of 17 October?---A signed date, yes, I see that,
11:00:49 16 thanks.
11:00:50 17
11:00:50 18 Do these documents change, are they added
11:00:55 19 to?---Investigation plans can be changed, yes.
11:00:57 20
11:00:57 21 Yes?---Yep.
11:00:57 22
11:00:59 23 Now, there was a risk analysis prepared and it's available
11:01:07 24 if you wish to see it. It's Exhibit 469, but can I suggest
11:01:12 25 to you that within the risk analysis there's no reference
11:01:17 26 to the source representing any of the accused or any of the
11:01:22 27 targets?---Okay, I accept that.
11:01:24 28
11:01:24 29 Would that be a deficiency?---I'd have thought so, yes.
11:01:28 30
11:01:29 31 If a proper risk assessment is being conducted, it would
11:01:32 32 need to include all of these operational risks such as that
11:01:36 33 surely, wouldn't it?---Yes, yes.
11:01:37 34
11:01:38 35 Do you believe you would have made it clear prior to the
11:01:44 36 preparation of this plan and the risk analysis that this
11:01:47 37 was an issue that really needed to be addressed?---I would
11:01:52 38 have expected it would have been addressed.
11:01:54 39
11:01:54 40 Are you surprised that that particular risk isn't referred
11:01:57 41 to in the risk assessment, if that's the case?---It does
11:02:05 42 depend on how widely the risk assessment is going to be
11:02:08 43 circulated.
11:02:09 44
11:02:09 45 Yes?---So there may have been reasons to not include it in
11:02:13 46 that risk assessment if that was going to be a risk
11:02:16 47 assessment that a number of people saw because of

11:02:17 1 operational security issues around the human source, but
11:02:20 2 I'd have expected there should have been some sort of risk
11:02:23 3 assessment around those issues somewhere.
11:02:26 4
11:02:27 5 If it is the case that you had made your views abundantly
11:02:30 6 clear about that from the very outset, it's hard to accept
11:02:33 7 that that didn't find its way into the consideration about
11:02:37 8 this plan?---Yes, but as I said, it may not have been in
11:02:42 9 this document if this document was being given broader
10 circulation.
11
11:02:46 12 Would you have seen the risk assessment?---I don't believe
11:02:48 13 I did.
11:02:50 14
11:02:51 15 If it was a matter of such concern to you, would you want
11:02:54 16 to have a look at the risk assessment to make sure that
11:02:57 17 these sorts of issues were being considered?---No, as I
11:03:01 18 said, the normal course for these documents is I wouldn't
11:03:04 19 have seen them. They were dealt with at levels below me.
11:03:08 20 So I mean I assume these were highly experienced people, I
11:03:13 21 assumed they knew what they doing and they were doing what
11:03:18 22 they should do.
11:03:19 23
11:03:19 24 But you'd never heard of a barrister being used against, as
11:03:25 25 an informer?---No.
11:03:26 26
11:03:27 27 And you must have been aware, certainly by the time that
11:03:32 28 this plan was being put in place, that at the very least
11:03:35 29 Ms Gobbo had acted for some of these people in the
11:03:42 30 past?---I think so, yes.
11:03:44 31
11:03:44 32 And so therefore it's not just a case of a barrister
11:03:49 33 providing information about matters completely unrelated to
11:03:52 34 her practice, it's a barrister providing information in
11:03:55 35 relation to the very milieu that she's involved in, not
11:03:59 36 just as a barrister but you would say perhaps as an
11:04:03 37 associate of these people?---Yes.
11:04:04 38
11:04:05 39 So can I suggest to you that you would be very concerned to
11:04:08 40 make sure that the parameters of this investigation and her
11:04:12 41 use would be clearly defined?---And I thought they were.
11:04:17 42
11:04:18 43 Well, if you had been so concerned you would have asked to
11:04:23 44 see the investigation plan and asked to see the risk
11:04:26 45 assessment I suggest?---No, I don't agree with that.
11:04:29 46
11:04:29 47 All right. Can we move on then. Can we have a look at 3

11:04:57 1 November 2005 diary summary from Mr O'Brien. Do you see
11:05:28 2 that on 3 November Mr O'Brien attends the 14th floor, your
11:05:35 3 office. "Conference with Commander Purton, Adrian White re
11:05:43 4 Operation Posse staffing and resources." Do you see
11:05:48 5 that?---I do see that.
11:05:49 6
11:05:51 7 And there's reference to, "Agreement reached on staffing.
11:05:57 8 Sergeant Kelly and crew, unit 1", et cetera, "Currently at
11:06:02 9 Purana. Detective Sergeant Flynn, Hantsis, **Evans**, Burrows
11:06:09 10 Rowe, also to supply one vehicle", et cetera, do you see
11:06:12 11 those?---I do.
11:06:13 12
11:06:13 13 Clearly there would have been a discussion about the
11:06:15 14 personnel at least required for the operation?---That's
11:06:18 15 what it seems to be about, yes.
11:06:20 16
11:06:20 17 14 November there's a note that Mr O'Brien speaks to White
11:06:37 18 regarding a decision made only for Flynn, Hayes, et cetera,
11:06:40 19 to go to the Task Force. Do you see that?---Yes.
11:06:46 20
11:06:52 21 If we go to 15 November. He's at the office with Hill, AC
11:07:01 22 Crime, Purton and Grant and various other people. Was that
11:07:07 23 a meeting that you would have been at?---It seems to
11:07:12 24 suggest I was there, yes.
11:07:13 25
11:07:13 26 It seems to be discussion about functional matters, I
11:07:20 27 suppose?---Again, it looks to me like I think discussions
11:07:23 28 about resourcing.
11:07:23 29
11:07:24 30 Resourcing. Then if we have a look at the SML, 28
11:07:29 31 November. Monthly source review. It appears that
11:07:42 32 Ms Gobbo's active, consistent intelligence provided.
11:07:45 33 There's specific tasking pending the commencement of the
11:07:49 34 Task Force. She's remaining of high risk, et cetera. Now
11:07:54 35 was it your understanding that as at the end of November
11:08:01 36 pending the official commencement of the operation that she
11:08:05 37 was still providing valuable assistance?---Look, again, I
11:08:10 38 don't specifically recall what information she was
11:08:14 39 providing or I don't have a detailed recollection of
11:08:18 40 information that she provided. I was - at the briefings I
11:08:21 41 got, the weekly, the Task Force briefings, it was a
11:08:25 42 summary, a high level summary of information, it wasn't
11:08:27 43 detailed.
11:08:28 44
11:08:28 45 All right. That high level summary would have included the
11:08:32 46 fact that she was, that the investigation was to some
11:08:37 47 extent focused on the activities of **██████████** at that

11:08:40 1 stage?---I do recall that, I recall ██████████ very much
11:08:44 2 being the subject of the investigation, the initial phases,
11:08:48 3 yes.
11:08:48 4
11:08:49 5 Then if we go to 5 December it appears there was a meeting
11:08:52 6 between yourself - just excuse me. In fact what we'll do
11:09:01 7 is have a look at Mr White's diary of 5 December. It
11:09:09 8 appears that a discussion that he's had with Mr O'Brien
11:09:13 9 suggests that there's, "Posse has now got a secure
11:09:17 10 directory for intelligence and all DSU IRs be sent to
11:09:24 11 Mr Spargo", who was the analyst who had come into the
11:09:27 12 Operation Purana?---Yes, I see that.
11:09:29 13
11:09:29 14 Then later in the day, if we have a look at Mr O'Brien's
11:09:33 15 summary, diary summary, 5 December, it seems that
11:09:37 16 Mr O'Brien's met with you and Commander Purton and
11:09:42 17 Detective Superintendent Blayney in relation to the Task
11:09:47 18 Force?---Yes.
11:09:47 19
11:09:48 20 Would that be a usual - - - ?---It would be, and I assume,
11:09:52 21 as was normally the course, there would have been a written
11:09:55 22 report that was part of that. So I think that would have a
11:09:58 23 record of what was, of basically what was discussed as part
11:10:04 24 of that.
11:10:04 25
11:10:04 26 Yes, all right. What you say is, "Look, I get weekly
11:10:10 27 briefings about what's going on in the investigation at a
11:10:13 28 relatively high level so that I understand what the major
11:10:17 29 investigative steps are and one of those is obviously the
11:10:21 30 movement of ██████████"?---Yes.
11:10:23 31
11:10:23 32 All right, okay. Now, if we then move into the New Year.
11:11:02 33 There's a note on 16 January 2006. I think Mr O'Brien's
11:11:11 34 notes. If we can have a look at those. 16 January. He
11:11:30 35 attends your office, "Re weekly reports on the Purana Task
11:11:34 36 Force, also present Blayney. Discussion re Operation to
11:11:40 37 narrow the operation into the opportunity of rolling
11:11:43 38 ██████████. There was an opportunity of LD RSD into
11:11:49 39 premises of Mr Karam", do you see that?---I do.
11:11:52 40
11:11:52 41 Do you recall receiving information in the early part of
11:11:55 42 2006 that suggested there was an opportunity to bring
11:12:00 43 Mr Karam into the operation?---I don't recall that but I
11:12:08 44 accept the entry there.
11:12:09 45
11:12:15 46 All right. Then the following day it seems that Mr O'Brien
11:12:21 47 meets with investigators and SDU managers and it was agreed

11:12:27 1 there would be a refocusing of the Task Force to [REDACTED]
11:12:31 2 and [REDACTED], do you see that on the 17th?---Yes, I do.
11:12:37 3
11:12:37 4 And is that an example where it was considered appropriate
11:12:40 5 to in effect refocus the resources available to achieve
11:12:44 6 that particular desire?---That's what it looks like to me,
11:12:48 7 yes.
11:12:48 8
11:12:53 9 If we then move on to 23 January 2006. Mr O'Brien's diary
11:13:02 10 summary indicates that he's briefing you on what's going on
11:13:07 11 with the operation?---Yes.
11:13:09 12
11:13:15 13 If we go to 30 January 2006 we can have a look at his
11:13:21 14 summary. We see that he attends the 14th floor, Purana
11:13:28 15 weekly update with you. There's a discussion about as per
11:13:35 16 weekly briefing note. There's an approval to run two
11:13:39 17 diaries. Do you see that?---I do.
11:13:42 18
11:13:43 19 Do you understand what that's about?---No, I don't.
11:13:48 20
11:13:48 21 There's been evidence that Mr O'Brien was effectively given
11:13:57 22 instructions that it was appropriate for him to operate two
11:14:00 23 diaries. Is that something that you're not aware of, you
11:14:03 24 have no recollection of anything like that?---I have no
11:14:06 25 recollection of that.
11:14:06 26
11:14:07 27 Have you heard of such a proposition, that two diaries be
11:14:13 28 operated?---No.
11:14:15 29
11:14:15 30 In other words, one diary an official diary, another diary
11:14:19 31 which records information pertaining to sensitive matters
11:14:24 32 or something like that?---Well, I guess possibly. I mean
11:14:34 33 one of the problems with diaries is they don't really have
11:14:37 34 much of a security classification so they can be
11:14:41 35 problematic from that point of view.
11:14:42 36
11:14:42 37 Right. Is it something that would need approval? I gather
11:14:48 38 police officers have an official police diary that they
11:14:50 39 use?---Yes.
11:14:51 40
11:14:51 41 Which is numbered?---Yes, accountable documents.
11:14:56 42
11:14:56 43 It's an accountable document. The idea that a police
11:15:00 44 officer might use two accountable documents, is that
11:15:02 45 something you've heard of before?---I have but when I was
11:15:09 46 with the AFP and in national security settings.
11:15:13 47

11:15:14 1 Yes. Is that something that you might have suggested as
11:15:17 2 being a potential for police officers running sensitive
11:15:24 3 operations?---I don't, I don't recall this. I don't recall
11:15:29 4 the discussion. But without knowing more about it, I mean
11:15:33 5 it may - if it's about ensuring appropriate levels of
11:15:38 6 operational security to meet security protocols, then that
11:15:43 7 may be an appropriate thing.
11:15:44 8
11:15:46 9 I mean you say you've got experience of it in federal
11:15:49 10 jurisdiction. Was that the purpose of it in that sort of
11:15:53 11 jurisdiction, was it?---Yes. I've got to be careful
11:15:59 12 because this actually relates to work that I did elsewhere
11:16:03 13 with other agencies and there's obviously sensitivities
11:16:06 14 around all of that.
11:16:07 15
11:16:07 16 In broad compass it's to protect sensitive
11:16:12 17 information?---Correct, yes.
11:16:12 18
11:16:12 19 There's no evidence at least that we've been provided with
11:16:16 20 suggests Mr O'Brien did run two diaries?---Right.
11:16:18 21
11:16:20 22 In any event, do you accept that it may be something that
11:16:27 23 you suggested?---Well it may be something I suggested, I
11:16:33 24 don't recall suggesting it and I don't, I'm not sure I did.
11:16:36 25 I don't believe I did, but I can't exclude - well I may
11:16:39 26 have, but as I say I don't remember that. I don't think I
11:16:42 27 did.
11:16:42 28
11:16:43 29 If the idea is to protect the information, the sensitive
11:16:48 30 information, what would be - protect from whom, who would
11:16:56 31 the information be kept away from or kept secure from?
11:17:01 32
11:17:01 33 MR GLEESON: Commissioner, I object to the approach to the
11:17:03 34 question on this. It was put to the witness do you accept
11:17:06 35 certain things. Now if it's the case that another person
11:17:09 36 has given evidence to the effect that Mr Overland did
11:17:12 37 suggest it, or initiate the discussion, that should be
11:17:15 38 squarely put. The phrasing of the question suggests that
11:17:18 39 that is what's intended, do you accept. If there's no
11:17:21 40 basis for it, because no one's ever said it, then it ought
11:17:25 41 not be put that way.
11:17:26 42
11:17:27 43 COMMISSIONER: Could you just clarify that, Mr Winneke. I
11:17:29 44 think you started saying Mr O'Brien said he was instructed.
11:17:32 45
11:17:33 46 MR WINNEKE: Well Commissioner, I think perhaps I should be
11:17:38 47 a bit, I should be a bit careful about that and I wouldn't

11:17:42 1 mind having a look at the transcript about that. I will
11:17:46 2 withdraw that line of questioning until I see what the
11:17:50 3 transcript says about it. Perhaps if I can do it this way.
11:17:57 4 If it was a matter that was discussed, and certainly the
11:18:01 5 diary entry says that, "DC approval to run two diaries",
11:18:10 6 now at face value it seems to suggest that you gave
11:18:15 7 approval to run two diaries?---Well does it or is it I was
11:18:22 8 asked for approval to run two diaries? It kind of runs
11:18:26 9 together. "DC approval to run two diaries" to, "DC to
11:18:30 10 contact AFP re possible import intelligence". I mean it's
11:18:32 11 almost nonsensical to me.

11:18:34 12
11:18:34 13 Perhaps it would be, perhaps we better find the actual
11:18:37 14 entry itself and we might do that after the break,
11:18:42 15 Commissioner, but what you do say is that the idea of
11:18:49 16 running two diaries is something that has occurred to you
11:18:53 17 before or that you're aware of?---In a very particular
11:18:56 18 context and not in this organisation.

11:18:58 19
11:18:59 20 Right. The next entry relates to you contacting the AFP
11:19:14 21 regarding possible import intelligence. Now, can I suggest
11:19:18 22 to you that other information suggests that that relates
11:19:23 23 to, to Mr Karam and possible imports that he might be
11:19:26 24 involved in. Now do you think you were aware of that?---I
11:19:30 25 quite possibly was and I accept that I may have, I
11:19:34 26 contacted the AFP. I've got to say I really don't
11:19:37 27 understand that whole entry because it just seems to run
11:19:41 28 together in a way - - -

11:19:42 29
11:19:42 30 It does, I agree?--- - - - that doesn't make sense to me.

11:19:46 31
11:19:46 32 It seems to be a literal typing of what was written in his
11:19:50 33 handwritten diary?---I accept that, yes.

11:19:53 34
11:19:53 35 In any event you can shed no light on what that would
11:19:57 36 mean?---Well which bit of it, the contact the AFP bit or
11:20:01 37 the first bit?

11:20:02 38
11:20:04 39 The approval to keep two diaries?---No, I am mystified by
11:20:10 40 that.

11:20:10 41
11:20:10 42 All right then. I wonder, Commissioner, if it would be an
11:20:13 43 appropriate time to have a break and I'll see if I can turn
11:20:16 44 that up.

11:20:37 45
11:20:37 46 COMMISSIONER: All right, we'll have the midmorning break
11:20:41 47 now.

(Short adjournment.)

COMMISSIONER: Yes, Mr Winneke.

MR WINNEKE: Thanks Commissioner. The business about the two diaries. You've got no recollection?---No.

Okay. Look, let's have a look at the handwritten diary of Mr O'Brien's. I don't think it will add to your knowledge to any great extent but let's have a look at it. "Attend 14th floor weekly update, per weekly briefing note", there seems to be a dash, "DC approval to run two diaries", and then there's another note, the words, "Two DC to contact AFP". I think what it seems to be is it's Mr O'Brien's expression "2" is to move on to the next topic?---Right.

That's what it appears to be?---Right.

Mr O'Brien's recollection was that the idea had been raised. He couldn't clearly recollect what it was about but it may have been to do with recording sensitive information about human sources in a separate diary. Does that assist you at all or not?---Well possibly. I mean I'd had have concerns if records about human sources were being recorded in diaries because these are not secure documents.

Yes. Where should they be recorded?---Well they should be appropriately recorded - as I understood it, the protocol was mainly with the Source Development Unit, they would keep appropriate records.

Yes?---And they would be kept very securely. I think they were kept in a safe. So if an investigator - and I think there was a reference earlier to IRs coming across and them being kept in a secret location.

Yes?---So there needs to be appropriate records kept but there also needs to be appropriate information security. Diaries are not secure.

If, for example, an investigator has a conversation with someone who they believe is an informer and makes a note, for example, in their diary that they spoke to 3838, do you say it's inappropriate to do that?---I know some detectives do. I think with, you know, given the sensitivity of human sources - well that's why they're given a code number.

11:47:41 1 Yes?---So, you know, that's a level of protection. But my
11:47:48 2 experience is often sources are discovered through police
11:47:51 3 diaries, and it's inadvertent, but that's the way it
11:47:53 4 happens.
5
11:47:53 6 For example, Stuart Bateson has given evidence that he kept
11:47:59 7 his diary notes to a minimum. Was that some sort of an
11:48:05 8 operative decision of Purana, not to take notes or to take
11:48:11 9 sparse notes?---In general or around - - -
10
11:48:15 11 In general. Was there any directive at all?---No.
12
11:48:17 13 In relation to Purana not to take notes?---No.
14
11:48:20 15 Or to keep notes to a minimum?---No. I'm speculating here
11:48:26 16 so, you know, I'm not saying this is what happened. You're
11:48:30 17 asking. I'm in the realm of speculation here, I just want
11:48:34 18 to be clear about that.
19
11:48:35 20 No, I understand that. I mean on one view if you're
11:48:37 21 speaking to a person who happens to be an informer and you
11:48:41 22 need to keep a contemporaneous record of what was discussed
11:48:45 23 because it's important to do so?---Yep.
24
11:48:48 25 It's got to be done, it's got to be recorded?---I agree
11:48:51 26 with that but I wouldn't put it in a diary.
27
11:48:53 28 Where would you put it?---Well, in the past - - -
29
11:48:55 30 If you're investigator?---Well I wasn't an investigator at
11:48:59 31 this time.
32
11:48:59 33 No?---But my past experience you might have things called
11:49:04 34 occurrence notes or you'd have separate documents that
11:49:06 35 could then be appropriately stored.
36
11:49:08 37 Yes?---So that they weren't - well you can lose a diary.
11:49:17 38 And as I said, you know, in the past I'm aware of through
11:49:20 39 discovery processes diaries tell all sorts of things that
11:49:23 40 they're sometimes not intended to tell. So I'd have
11:49:25 41 thought - my own experience would be to keep appropriate
11:49:28 42 records but to keep them consistent with information
11:49:31 43 security protocols.
44
11:49:37 45 Certainly if someone did take notes about discussions that
11:49:41 46 they had with Ms Gobbo and those notes were relevant, for
11:49:45 47 example, to a prosecution, the expectation is that they

11:49:48 1 would be produced in the usual course?---Yes.
2
11:49:50 3 For the purposes of disclosure?---To the Crown, yes.
4
11:49:55 5 To the Crown, if it was felt appropriate to make a claim
11:49:58 6 for public interest immunity?---Correct.
7
11:50:04 8 Can we have a look at an entry for 16 February 2006 in
11:50:08 9 Mr Biggin's diary referring to a discussion that he
11:50:11 10 apparently had with you. "Spoke to AC Overland re human
11:50:18 11 source. To be protected re Operation Posse, a priority.
11:50:22 12 Discussed possible tactics to manage". Do you recall
11:50:33 13 having discussions about the means by which Ms Gobbo could
11:50:38 14 be protected in this operation and the sort of tactics that
11:50:42 15 could be utilised to protect her?---No, I don't. I don't
11:50:47 16 recall those discussions.
17
11:50:48 18 Right?---But again, you know, it's consistent with the
11:50:52 19 discussion we were just having, I suggest. If I was having
11:50:56 20 discussions it would have been around those sorts of
11:50:58 21 issues.
22
11:50:59 23 In what ways? I mean accepting that you say you don't
11:51:03 24 recall this particular discussion, are you able to provide
11:51:06 25 any view as to what the sorts of tactics might have been
11:51:11 26 discussed?---Again, it would have been primarily about
11:51:16 27 appropriate information handling, information recording.
28
11:51:21 29 Yes?---I mean it seems that processes were put in place
11:51:26 30 within the Task Force to receive information that was
11:51:28 31 coming from the SDU that came from her as a source. I
11:51:32 32 would expect that to absolutely be the case.
33
11:51:34 34 Yes?---It would also be being careful around how that
11:51:38 35 information was shared and disseminated within the Task
11:51:41 36 Force.
37
11:51:41 38 Right?---One of the things we did in the Task Force, in the
11:51:45 39 Purana Task Force generally, so whilst there was some
11:51:49 40 pretty strict attempts to maintain operational security
11:51:55 41 around the Task Force, and I spoke a little bit about that
11:51:57 42 yesterday.
43
11:51:57 44 Yes?---Even within the Task Force there were times when one
11:52:00 45 team would be pretty much, from an information sense,
11:52:03 46 isolated from the other teams so that that information was
11:52:08 47 kept confidential up until such time as it was either no

11:52:12 1 longer necessary to keep it confidential or, you know, to
11:52:15 2 ensure appropriate operational security. So I mean they're
11:52:18 3 the sorts of things I think I'd have been talking about.
4
11:52:22 5 Might one of them have been keep diary entries to a minimum
11:52:26 6 insofar as they related to Ms Gobbo?---Well in relation to
11:52:29 7 Ms Gobbo, yes, I'd have been concerned about too much
11:52:33 8 information going into diaries about information coming
11:52:35 9 from her because it's not secure.
10
11:52:40 11 Would you have provided instructions though as to
11:52:42 12 alternative ways in which such information should be
11:52:45 13 secured?---I'd have thought it should have been recorded
11:52:49 14 with the IRs in the same, you know in the same repository
11:52:52 15 for the IRs. If it was secure enough to take the IRs then
11:52:58 16 there should appropriate records and notes kept there.
17
11:53:01 18 It wasn't only the management unit who was aware that
11:53:06 19 Ms Gobbo was a human source, I take it you were aware of
11:53:10 20 it?---I knew a limited number of investigators knew.
21
11:53:14 22 So, for example, the evidence is that Mr O'Brien for one,
11:53:16 23 Mr Bateson was another, and a number of other
11:53:19 24 investigators, Mr Rowe obviously knew that she was human
11:53:20 25 source?---Yes, necessarily some people do know that, yes.
26
11:53:23 27 Would it have been your expectation that if they were
11:53:25 28 speaking to Ms Gobbo as a human source, that they would
11:53:27 29 make notes reflecting the fact that they're speaking to a
11:53:32 30 human source and refer to her by number?---They shouldn't
11:53:35 31 have been talking to her as a human source.
32
11:53:38 33 Did you understand that they on occasions did speak to her
11:53:42 34 as a human source?---I don't have that understanding at
11:53:45 35 all, no.
36
11:53:45 37 I raised with you yesterday briefly the fact that around
11:53:52 38 early 2006 there were these witnesses who were coming
11:54:01 39 forward and were wanting to assist police, correct, [REDACTED]
11:54:05 40 [REDACTED] who were - - -?---Yes, [REDACTED]
11:54:08 41 [REDACTED].
42
11:54:09 43 [REDACTED]?---[REDACTED].
44
11:54:12 45 Yes. You were, as a general proposition, getting updates
11:54:18 46 about those particular matters, you know, if they were
11:54:24 47 considered significant they would be brought to your

11:54:27 1 attention?---I imagine I would have been updated at the
11:54:30 2 weekly updates. I do make the point, my recollection is
11:54:34 3 there were written briefings provided around all of those.
4
11:54:38 5 Yes?---They would detail in general the matters that were
11:54:42 6 covered in the briefing.
7
11:54:42 8 Yes, all right. And on occasions there'd be direct
11:54:46 9 discussions with you and you'd accept that if there were
11:54:49 10 those discussions they might be recorded in diaries?---Yes,
11:54:52 11 I would expect they would be, yes.
12
11:54:55 13 Can I just take you to a couple of them. The evidence
11:54:58 14 appears to be that Mr Bateson speaks with Ms Gobbo and
11:55:04 15 Mr Valos on the evening of Sunday 19 February in relation
11:55:07 16 to [REDACTED] or [REDACTED]?---Yes.
17
11:55:10 18 Right. And it was at that stage that it became clear that
11:55:14 19 that person might be of assistance to police, right?---If
11:55:21 20 that's what you're - well, I recall there being quite a
11:55:25 21 process with this witness.
22
11:55:26 23 Yes?---They were quite a problematic witness, so I'm not
11:55:31 24 clear on the time frames.
25
11:55:32 26 I follow that. What I'm suggesting to you is that insofar
11:55:36 27 as [REDACTED] is concerned, the process commenced on
11:55:39 28 about 17 February 2006?---Well if there's evidence - - -
29
11:55:43 30 And thereafter the process played out?---If there's
11:55:46 31 evidence of that I'll accept that.
32
11:55:48 33 What I'm suggesting is that you were updated as to the
11:55:51 34 playing out of that process? Do you agree as a general
11:55:54 35 proposition you would speak to your investigators as that
11:55:57 36 process played out?---No, no, I believe I'd have been
11:56:00 37 updated in the weekly updates that happened as appropriate.
38
11:56:03 39 Yes?---As I said to you yesterday, I recall having very few
11:56:08 40 direct conversations with Stewie Bateson.
41
11:56:11 42 Yes?---So, look, as consistent with all of this I'd have
11:56:16 43 been given a high level overview summary of what had
11:56:19 44 happened in the preceding week, what was expected to happen
11:56:22 45 in the following week. That's the way the briefings
11:56:24 46 worked.
47

11:56:24 1 All right. If I can put this proposition to you: on about
11:56:27 2 17 February it was noted that Ms Gobbo had reported that
11:56:31 3 ██████████ was considering assisting police - ██████████
11:56:37 4 rather?---Had told - who had she told that?
5
11:56:41 6 She'd told her controller?---Right.
7
11:56:43 8 Right. Perhaps if I say ██████████?---Sure.
9
11:56:54 10 Is that - - - ?---I know who you're talking about.
11
11:56:57 12 Right, okay. So that first arises on 17 February. There's
11:57:05 13 a discussion that occurs between Ms Gobbo and Mr Valos, the
11:57:10 14 solicitor, with Mr Bateson at the offices of Mr Valos on 19
11:57:15 15 February 2006?---Right.
16
11:57:18 17 Do you accept that? Then on 19 February there's a
11:57:27 18 telephone call to DI Ryan regarding Operation Purana re
11:57:37 19 ██████████. So Mr Bateson in effect
11:57:45 20 tells Mr Ryan that he's had a discussion with Valos and
11:57:51 21 Gobbo in the chambers of Valos on the evening?---Right.
22
11:57:55 23 Do you accept that?---Yeah, I do.
24
11:57:56 25 Okay. The following day, the 20th of February, a briefing
11:58:00 26 takes place involving Mr O'Brien, yourself, DI Ryan,
11:58:05 27 Commander Purton and Blayney, that's the following day on
11:58:12 28 the 20th?---Right.
29
11:58:13 30 Would it be reasonable that you would have been let into
11:58:16 31 that information in the meeting on the following day?---I -
11:58:22 32 it's reasonable to assume I would have been given some sort
11:58:25 33 of summary or overview of what had occurred.
34
11:58:29 35 Mr O'Brien's diary summary says that he attends a briefing
11:58:33 36 with AC Crime Simon Overland, DI Ryan, Commander Purton,
11:58:39 37 "Received UPS G3, monitor fine". Now, I'm not all together
11:58:45 38 clear on what that means?---No, sorry.
39
11:58:47 40 Commander Purton's diary, prior to this meeting, refers to
11:58:51 41 Bateson's meeting with Gobbo and Valos and it had been
11:58:55 42 indicated that ██████████ was prepared to roll in
11:58:58 43 relation to the murders of ██████████,
11:59:03 44 ██████████. It was noted that there was -
11:59:07 45 that's an ██████████, the matter of ██████████, in fact
11:59:10 46 not an actual - - - ?---Yes.
47

11:59:11 1 You're aware of that I take it?---I'm aware of that.
2

11:59:15 3 It was noted there was a conflict between the evidence of
11:59:17 4 [REDACTED] and that [REDACTED] would
11:59:23 5 be spoken to at the prison the following Wednesday. So
11:59:26 6 that's the evidence Mr Purton has?---Right.
7

11:59:33 8 Following that entry in his diary he attends a Task Force
11:59:38 9 briefing meeting with you, Ryan, Blayney and O'Brien, at
11:59:45 10 the same meeting that Mr Ryan's referred to that I've taken
11:59:50 11 you to previously?---Yep.
12

11:59:52 13 Okay. With that in mind it's likely, can I suggest, that
11:59:56 14 that information would have been conveyed to you, it would
11:59:58 15 have been important information?---Well you can suggest
12:00:01 16 that. I don't know whether it was or it wasn't and I am
12:00:07 17 not sure I would have been given the level of detail.
12:00:10 18 Look, I accept that I was aware of efforts to roll [REDACTED]
12:00:17 19 [REDACTED]
20

12:00:18 21 Yes?---To be quite frank, my recollection is much stronger
12:00:21 22 around [REDACTED] and [REDACTED].
23

12:00:24 24 Yes?---And I, prior to more recent times, when I've seen
12:00:31 25 some material that's refreshed my memory, I had almost -
12:00:35 26 well, my memory was - I actually don't remember [REDACTED]
12:00:39 27 rolling. I remember attempts to roll [REDACTED].
28

12:00:42 29 Yes?---But there were all sorts of problems with that
12:00:45 30 witness.
31

12:00:45 32 All right?---So my recollection would have been he didn't
12:00:48 33 roll until recent times.
34

12:00:50 35 In any event this was a matter which you were particularly
12:00:52 36 interested in, do you accept that proposition, that is
12:00:56 37 getting Carl Williams?---No, I think there are a whole
12:00:58 38 range of matters that I was particularly interested in at
12:01:01 39 that time.
40

12:01:01 41 All right, okay, so you say that - - - ?---I don't want to
12:01:04 42 elevate the importance of this because there were lots of
12:01:08 43 matters occupying my time and attention through that period
12:01:12 44 of time.
45

12:01:13 46 All right. If one of the matters was that it was now
12:01:17 47 emerging that [REDACTED] were prepared to

12:01:24 1 plead guilty and assist, that would be a matter of
12:01:26 2 significance, do you accept that?---I would want to know
12:01:29 3 about it, yes.
4
12:01:30 5 And if it was suggested that [REDACTED] was
12:01:36 6 interested in speaking to police, you'd at least ask your
12:01:40 7 investigators, "Well, what do you know about that"?---I
12:01:43 8 would have been briefed on it, yes.
9
12:01:48 10 "How do you know that?" Might be an obvious question?---How
12:01:55 11 do I know what?
12
12:01:56 13 You might ask your investigators, "What do you know about
12:01:58 14 that"?---About what?
15
12:02:01 16 About - you're telling me there's a suggestion that a
12:02:04 17 [REDACTED] might assist police. Would you not be
12:02:08 18 interested to know the source of that information?---Well I
12:02:11 19 assume it would be the witness.
20
12:02:13 21 Right. And how the police might act in order to pursue
12:02:18 22 that possibility?---As I've said previously, my
12:02:25 23 recollection about all of this was that when such offers
12:02:29 24 were made there was consultation with the DPP.
25
12:02:31 26 Yes?---About the fact that the offer was made and the DPP
12:02:36 27 was very much involved in the process of settling that
12:02:41 28 process. I think yesterday you referred to can-say
12:02:44 29 statements.
30
12:02:45 31 Yes?---And ordinarily what would happen is the person who
12:02:48 32 was considering rolling would provide a can-say statement.
33
12:02:52 34 Yes?---To the investigators, that would be taken to the
12:02:56 35 DPP. There would then be some discussion about, "Okay, so
12:03:00 36 if the witness can provide that information and it comes up
12:03:04 37 to proof, then this is the sort of sentence we'd be
12:03:07 38 prepared to recommend were they to plead guilty to
12:03:10 39 particular charges". That's the way it normally worked.
40
12:03:13 41 We follow that. What I'm asking you is would you have
12:03:16 42 obtained the information that Mr Bateson had spoken to
12:03:21 43 Gobbo about?---No - - -
44
12:03:25 45 - - - her client?---No, I don't think so.
46
12:03:27 47 No?---I don't think I - and I can understand why you're

12:03:29 1 asking me that and I understand the significance of it now.
2
12:03:32 3 Yes?---But at the time what I would be told was, "[REDACTED]
12:03:37 4 [REDACTED]", you know, I'd be given an update on
12:03:43 5 their status in terms of whether they were rolling or not
12:03:46 6 rolling. I wouldn't necessarily know, and I don't believe
12:03:48 7 I did know, who was acting for them.
8
12:03:50 9 Right?---What I'm clear about though is the process I've
12:03:53 10 set out around the involvement of the OPP.
11
12:03:55 12 So subsequent to you being briefed about it, about the
12:04:03 13 prospect that [REDACTED] might assist, you then go and have a
12:04:09 14 discussion with the OPP, would that be likely?---Oh, it's
12:04:16 15 possible - it's likely. I was involved in a number of
12:04:20 16 discussions with the DPP at points where I think we'd got
12:04:26 17 to a point where we'd have a can-say statement, we'd be
12:04:31 18 clear about the witness could say, and there would then be
12:04:35 19 discussion literally with the DPP around, "Okay, what do we
12:04:39 20 think about all of this and what do we think" - well, I
12:04:40 21 mean ultimately it was a matter for him and the court, what
12:04:42 22 an appropriate sentence recommendation might be and how we
12:04:45 23 would then take that evidence forward.
24
12:04:48 25 If you're going to go and speak to the OPP there'd be a
12:04:51 26 number of questions that you'd likely be asked, firstly,
12:04:55 27 they might ask you, "Look, who's acting for him"?---Yeah, I
12:04:59 28 assume they would know that.
29
12:05:00 30 And they might ask you how you've got the information?---I
12:05:03 31 assume they would know that.
32
12:05:05 33 They mightn't?---Well I assume they would because they'd be
12:05:08 34 involved at the outset and they would be kept up-to-date on
12:05:13 35 those discussions. So as I understood it there was very
12:05:16 36 close and regular contact between the investigators and the
12:05:19 37 Office of Public Prosecutions.
38
12:05:20 39 All right. In any event on the 19th you get this
12:05:25 40 information and then can I suggest, if we have a look at
12:05:28 41 Mr Bateson's diary, VPL.0005.0058.0323, you then go off and
12:05:36 42 speak to the DPP and Mr Horgan the very next day?---Okay.
43
12:05:44 44 And you provide them with an update, do you see
12:05:48 45 that?---Yes.
46
12:05:49 47 Can I suggest to you it would have, as a matter of simple

12:05:54 1 normal course of discussions with these lawyers, it would
12:05:58 2 have come up in conversation that Mr Bateson had had a
12:06:02 3 discussion with Mr Valos and Ms Gobbo the previous, a day
12:06:07 4 or so previous, in fact the previous day, about the
12:06:10 5 possibility of this person providing assistance?---Well it
12:06:12 6 may have.
7
12:06:16 8 Indeed, the likelihood is they're going to go and speak to
12:06:20 9 the person at the prison the following day, or subsequent
12:06:23 10 to this?---Again, sorry, what date is this? This is
12:06:30 11 the - - -
12
12:06:31 13 20th of February?---You're saying this is before - - -
14
12:06:35 15 Yeah, before they've spoken to him?---All right.
16
12:06:53 17 Can I suggest to you that it's likely that Mr Coghlan
12:06:56 18 and/or Mr Horgan would have said, "Well, what do you know
12:06:59 19 about it? How do you know"?---Well, yes.
20
12:07:02 21 It's almost an inevitable conclusion that they would have
12:07:07 22 asked you that and Mr Bateson would have said, "Well I saw
12:07:09 23 Nicola Gobbo and Jim Valos yesterday, had a conference with
12:07:12 24 them, and she told me that he was considering assisting" in
12:07:17 25 relation to these significant murders that you were wanting
12:07:19 26 to prosecute?---That may be the case.
27
12:07:22 28 Right?---I don't know what discussions happened with the
12:07:24 29 OPP before this meeting.
30
12:07:25 31 You were there?---No, no. I don't know what discussions
12:07:30 32 happened with the OPP before this meeting.
33
12:07:32 34 Well you were there?---No, no, I don't know what
12:07:33 35 discussions happened with the OPP before this meeting. At
12:07:33 36 other meetings I was involved in there'd been significant
12:07:37 37 discussions beforehand where information had been provided
12:07:39 38 by the investigators to a solicitor within the Office of
12:07:45 39 Public Prosecutions, and sometimes directly with Mr Horgan
12:07:49 40 and sometimes directly with Mr Coghlan, so there'd been a
12:07:55 41 whole stack of stuff that had gone before I got involved.
12:07:58 42 So I don't know whether there was such a reference in this
12:08:01 43 meeting or not. There may not have been.
44
12:08:03 45 There may not have been. I suggest to you, do you accept
12:08:06 46 that it's likely that there would have been a discussion
12:08:07 47 about what had occurred the previous day? Mr Bateson was

12:08:10 1 there at the meeting and he would have been quite able to
12:08:14 2 say, if he was asked, "Well tell me about what you know",
12:08:16 3 he would have been quite able to tell the DPP?---I assume
12:08:21 4 he would have in some way referred to what - it says update
12:08:24 5 provided, so I assume there was some discussion about that.
12:08:27 6 Whether that included a reference to the counsel acting for
12:08:31 7 ██████████ or not, I don't recall. And I don't accept that
12:08:34 8 that was necessarily mentioned.

9
12:08:36 10 There'd be no reason why he wouldn't in his explanation say
12:08:39 11 that he'd met with the barrister and the solicitor the
12:08:42 12 previous day in the office of the solicitor?---Well, yes,
12:08:45 13 but equally there may be no reason for him to mention that.

14
12:08:49 15 Right, okay. Do you accept that the likelihood is that
12:08:52 16 there would have been a discussion about those matters that
12:08:55 17 had been, had come to your attention with respect to
12:09:01 18 ██████████?---It's possible.

19
12:09:07 20 Righto?---I think that's all I can say.

21
12:09:09 22 All right. Then if we have a look at an entry on ██████████
12:09:17 23 ██████████ in Mr Ryan's diary, VPL.0005.0120.0107. If we can
12:09:29 24 just have a look at that. At that stage can I say that a
12:09:36 25 statement was being taken by, or from the ██████████
12:09:40 26 ██████████ and that's what Mr Ryan was doing on that occasion.
12:09:49 27 If we have a look at that?---Sorry, I'm not sure where I
12:10:02 28 should be looking.

29
12:10:02 30 Have a look at 17:00 hours. It seems there's a reference
12:10:13 31 to taking a ██████████ statement at S1. Do you know
12:10:25 32 what S1 is? Perhaps it's secure location?---I think it is.
12:10:33 33 I mean I think - again I don't specifically recall with
12:10:37 34 this individual, but I think in order to take statements we
12:10:40 35 actually got a ██████████ from the ██████████.

36
12:10:44 37 Right?---And ██████████ to a secure location, because
12:10:48 38 it's actually impossible to take statements of this nature
12:10:51 39 in ██████████ and for that information not to get out.

40
12:10:55 41 No, I understand that. So that's a secure location?---I
12:10:57 42 think that's what it relates to.

43
12:10:58 44 So he's in the process of speaking to him, taking a
12:11:02 45 statement in relation to the ██████████ murders, and
12:11:05 46 he's there for a period of time. Then at 17:25 he seems to
12:11:08 47 give - - - ?---Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

- - - Geoff Horgan a situation report. Then five minutes later he calls you and gives you an update, would that be fair to say?---I can see the reference to me, I can't quite read what is after the phone number, I'm sorry. Are you able to - - -

I don't know, your guess is as good as mine.

COMMISSIONER: Something at secure location?---At 17:30, Commissioner, there's a reference to me and a phone number and then there's two words that I - - -

MR WINNEKE: Inquiry at S1 it might be?---I think it is. Inquiry at S1.

It's likely that he gave you an update?---Well, no, that potentially looks to me more like there was some issue that he was wanting me to deal with.

In any event, you would say, "I don't accept that he would have - I'm not prepared to accept that he spoke to me about what was going on with [REDACTED] [REDACTED]"?---Well I think it was obviously about that person but it seems to be about, to me - well it's difficult. It's a bit cryptic but it could be about a number of things but one of the things it could be about is issues associated with that person's [REDACTED] and security and maintenance. I did get involved in some of those issues because it wasn't a straightforward process to get someone [REDACTED] for the purpose of obtaining a statement from them.

All right. What we also know is the day before that, on [REDACTED] [REDACTED] 2006, there'd been a discussion between O'Brien, Bateson and [REDACTED] and there were a number of matters spoken about, including the murders of [REDACTED], et cetera

MR GLEESON: Commissioner, I think there's some date confusion here. My recollection is, if we scroll down, this is the [REDACTED].

COMMISSIONER: The [REDACTED], not the [REDACTED].

MR GLEESON: Yes. And Mr Winneke just said the day before.

MR WINNEKE: I apologise.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

12:13:06 MR GLEESON: He introduced this as a note of [REDACTED]
12:13:08 [REDACTED].

12:13:09 COMMISSIONER: He did.

12:13:10 MR GLEESON: In fact it's [REDACTED].

12:13:12 COMMISSIONER: Thanks for that clarification. Is that
12:13:13 right, it's the [REDACTED] not the [REDACTED]?

12:13:17 MR WINNEKE: Yes, it does appear to be. Can we go up and
12:13:18 have a look at the page number on the diary at the top. It
12:13:22 does seem, Commissioner, that there's a day in between. If
12:13:25 we go down we'll see there's a 10.30 entry there and
12:13:34 then - - -

12:13:35 COMMISSIONER: It might be the [REDACTED].

12:13:37 MR WINNEKE: Page 4 is missing. If we keep going down.
12:13:50 Perhaps we can get some clarity about that from Victoria
12:13:56 Police, Commissioner. But it does seem that there's a day
12:13:59 missing, a page of the diary that's not copied there.
12:14:04 Presumably it contains irrelevant information. But it's
12:14:07 not clear on what date it is.

12:14:13 COMMISSIONER: If the original diaries could be looked at,
12:14:15 Mr Holt. If you would tell us what the dates are.

12:14:22 MR WINNEKE: I still maintain it's the [REDACTED], but in any
12:14:26 event we'll get some clarity about that in due course. On
12:14:29 the [REDACTED], as I put to you before, Bateson and O'Brien went
12:14:36 and spoke to [REDACTED] at
12:14:41 that stage. Do you believe you would have got updates
12:14:44 about that?---No.

12:14:45 Do you believe ultimately you were made aware that there
12:14:49 appeared to be a divergence in information which was being
12:14:52 provided by [REDACTED]?---As I say, I recall being made aware
12:14:59 that there were issues - well, I think particularly with
12:15:03 [REDACTED].

12:15:04 Yes?---My recollection is that would have been through the
12:15:07 weekly updates. I don't remember getting blow by blow
12:15:12 descriptions of what was taking place.

12:15:15 Right?---As I say, before, until relatively recent times,

12:15:19 1 if you'd asked me I'd have said we didn't proceed with
12:15:22 2 [REDACTED] because of the problems with their evidence.
3
12:15:24 4 If we go to Mr Ryan's diary of [REDACTED], it appears that
12:15:28 5 he was speaking again to - if we have a look at that. At
12:15:35 6 about 13:30, do you see that, at the SI?---Yes.
7
12:15:39 8 In fact if you go to 11.15 you see, "SI spoke to Sergeant
12:15:45 9 Bateson, all correct, security in place. Will continue re
12:15:49 10 debrief"?---Yes.
11
12:15:50 12 Then he's debriefing the [REDACTED] re
12:15:56 13 Hodsons?---Yes.
14
12:15:57 15 Et cetera, do you see that?---I do.
16
12:15:59 17 And then if we then move down, and he's there from 13:30.
12:16:09 18 I think we go down to the next entry, 16:00 clear; is that
12:16:18 19 right?---I'm sorry, it looks to me something above "clear"
12:16:23 20 I think, but - - -
21
12:16:24 22 Yeah. And then the following page, "Purana re brief" and
12:16:34 23 there's a reference to you over the phone. I know it's
12:16:40 24 difficult to read but would you accept that you'd been
12:16:45 25 communicated with over the telephone subsequent to Mr Ryan
12:16:50 26 speaking to this particular person?---That seems to be what
12:16:54 27 the record indicates, yes.
28
12:16:56 29 Again, is it likely that he was updating you about the
12:16:59 30 progress of his discussions and what he was gleaning from
12:17:04 31 this person?---Well he may have been but it also could have
12:17:07 32 been about security issues or other issues. I think it's
12:17:11 33 likely it was associated with that earlier entry but I
12:17:15 34 would only be speculating now as to exactly what he told
12:17:19 35 me.
36
12:17:19 37 All right. I indicated to you yesterday that ultimately a
12:17:30 38 statement was signed of [REDACTED] on [REDACTED]
12:17:35 39 [REDACTED]. Would you have been interested to know what was in
12:17:39 40 the statement?---In broad terms, yes.
41
12:17:42 42 Given what appears to be your interest and at least appears
12:17:48 43 to be the fact that you were getting updates, would you
12:17:52 44 have been interested to see a copy of the statement and to
12:17:55 45 read it yourself?---I don't believe I did.
46
12:17:59 47 You don't believe you saw the statement?---No.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

All right. Again, you would say that as to whether or not you'd been informed about Ms Gobbo's, or the mention of Ms Gobbo in that person's statement, you say don't know or unlikely or - - - ?---I don't know.

Don't know?---But I wasn't involved in that level of detail so I wouldn't have read the statement. I'd have been briefed, I'm sure, about it but at a reasonably high level in terms of the sorts of evidence that that person could give.

Right. Do you know - you say that you did go out to the [REDACTED] on one occasion to visit the [REDACTED] [REDACTED]?---Yes.

Do you know when you went?---Well just before their decision to roll was finalised, so whatever date that is, it would have been reasonably proximate to that because the reason I did it, I was asked to do it I think by, he was then Detective Senior Sergeant Ryan.

Yes?---And I was told that the witness just wanted to literally eyeball me and, you know, to get - to have guaranteed the assurances that had been made to him in the progress of convincing him to take that step, because obviously it was a very significant step for him to take.

So you believed it would have been before he committed to making a statement or committed to - - - ?---No, no, I think - my recollection is he was - so again there'd been a can-say statement made. I think there'd been consultation with the DPP, involvement of the - well, there must have been consultation, involvement with the DPP, and it was just before he moved from a can-say statement to a signed statement which then becomes admissible evidence, or potential evidence.

Right. Do you know whether the discussion that you had with this person was recorded or not?---I don't think it was.

Do you know who you went with?---Yes.

To go with and see him?---I went with Detective Senior Sergeant Ryan.

12:20:14 1 On 15 March 2006 O'Brien and Bateson again go and visit
12:20:25 2 [REDACTED] and I wonder if we could have a
12:20:31 3 look at Mr O'Brien's diary of 15 March 2006. Whilst it's
12:21:21 4 coming up can I put this to you, that he says that at 10.56
12:21:27 5 he spoke with [REDACTED] "Advised wished to
12:21:33 6 cooperate with police re murder and drug inquiries.
12:21:36 7 Discussion per recording". At 11.40 the witness leaves the
12:21:43 8 [REDACTED] area. There was agreement with respect to contacting
12:21:49 9 a relative of the witness and contact the solicitor Valos
12:22:00 10 on the weekend. It's all redacted. Have we got the
12:22:20 11 handwritten - sorry, the typed out diary? We'll have to
12:22:41 12 move on. I'll come back to this, Mr Overland. We'll leave
12:22:55 13 that for the moment. I want to move on to something which
12:23:01 14 occurs in March of 2006. Ms Gobbo provides information to
12:23:06 15 her handlers about a police officer by the name of Richard
12:23:11 16 Shields, does that ring a bell? He was a Sergeant at
12:23:13 17 [REDACTED]?---He rings a bell.
18
12:23:21 19 And that person was dismissed pursuant to a s.68 notice in
12:23:26 20 2006?---That's why it rings a bell. I think he was either
12:23:28 21 the first or one of the first police officers put through
12:23:32 22 that process which was a Commissioner's confidence process.
23
12:23:36 24 Ms Gobbo had had discussions with her handlers about the
12:23:44 25 fact that Mr Shields may well have been the subject of a
12:23:51 26 complaint by another person who we call [REDACTED]
12:23:55 27 [REDACTED]. Do you have the - - - ?---Yeah, I do.
28
12:24:04 29 COMMISSIONER: It's number 12B?---Thanks Commissioner. Oh
12:24:07 30 yes, I was looking at the wrong column. That helps.
31
12:24:11 32 MR WINNEKE: Yes?---The name doesn't really ring a bell.
33
12:24:17 34 Perhaps if we put up ICR 3838 at p.207 just briefly so
12:24:23 35 Mr Overland can have a look at it. Just have a quick read
12:24:30 36 of that entry there, it may refresh your recollection.
12:25:06 37 Does that assist you in your recollection?---Of [REDACTED]?
38
12:25:19 39 What had occurred was that there was an arrest in August of
12:25:23 40 2004, an allegation was made that [REDACTED] had taken money
12:25:28 41 from Azzam Ahmed and that allegation was put by Ms Gobbo to
12:25:32 42 a Crown solicitor, prosecutor rather, in a bail application
12:25:38 43 for Mr Azzam Ahmed. That led ultimately to an inquiry, an
12:25:47 44 ESD inquiry?---Right.
45
12:25:48 46 Does that - - - ?---I don't have a particular recollection
12:25:51 47 of all of that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Associated with Shields and ultimately it led to a joint inquiry between ESD and the OPI?---So I remember the name Shields.

Yes?---I don't remember Mr Brown.

All right, all right. I'll come back to that. Perhaps if we - - - ?---I wouldn't have seen this contact report. This is not something that I'd have seen if that's what you're suggesting.

No, I'm not suggesting you'd seen that contact report but I'm going to ask you about some other matters which arise subsequent to this?---Sure.

In relation to an operation called Khadi. Does that ring a bell?---Not particularly, no.

Before I get there, if we have a look at an SML on 24 March 2006. If we have a look at 24 March we'll see a reference to contact with the suspended police member by the name of Shields, "Also reports contact with ex-member David Waters and also information from same that Ms Gobbo's phone was being intercepted by the AFP", do you see that?---I do.

There was a decision made with respect to telephones. And then subsequently on 25 March there's a consultation with you, or at least consultation with investigators and a reference to "Mr Overland to inquire with the AFP and confirm that Ms Gobbo's phone hasn't been intercepted", do you see that?---I do.

And it's probable that Ms Gobbo has been heard on Karam phones which have been the subject of AFP operations and contact arrangements between handlers and Ms Gobbo change with new phone numbers, et cetera, right?---Yep.

Were you aware at the time and did you become involved in communicating with the Federal authorities to see whether Ms Gobbo's telephone had been intercepted?---I now understand that I was and I did.

Yes. Were you aware generally of the issues around how it could be that Ms Gobbo was intercepted on telephone calls with Mr Karam?---No. Am I - well, my recollection, which has been refreshed by documentation I've seen in the recent

12:29:08 1 past, was that the suspicion that her phone was being
12:29:11 2 intercepted.
3
12:29:13 4 Right?---And I was approached to see whether I could
12:29:15 5 approach the AFP to determine whether in fact that was the
12:29:18 6 case.
7
12:29:19 8 Right. And did you learn that it wasn't her phone that was
12:29:22 9 being intercepted but it was Mr Karam's phone that was
12:29:25 10 being intercepted?---From the inquiry I made with the AFP?
11
12:29:30 12 Yes?---Look, I may have done but I don't recall now.
13
12:29:33 14 Right. Would you have been interested to know what the
12:29:35 15 relationship was between Ms Gobbo and Mr Karam?---Look, I
12:29:45 16 may have been but again I'm only able to tell you this
12:29:49 17 because of documentation I've seen recently. I don't have
12:29:53 18 a recollection of it.
19
12:29:54 20 Right?---I don't have a recollection of the call that I
12:29:57 21 obviously made to the AFP about this issue.
22
12:29:59 23 Yes?---I thought the advice back was that her phone wasn't
12:30:03 24 being intercepted.
25
12:30:03 26 Yes. Were you aware or was it apparent to you that she was
12:30:12 27 acting for Mr Karam in communications between her and
12:30:18 28 Mr Karam may or may not have been in relation to
12:30:23 29 professional conversations?---I don't believe so.
30
12:30:28 31 You were aware that she was providing information about
12:30:30 32 Karam?---No, I don't believe I was aware of that either.
33
12:30:33 34 Well I thought - had you not had discussions with officers
12:30:36 35 before about information pertaining to Karam?---I don't
12:30:41 36 recall. If you can take me to something. But the
12:30:44 37 information I saw I think was just simply that there was a
12:30:49 38 - or she was suspicious that her phone was being
12:30:51 39 intercepted by the AFP. She reported that to her handlers.
12:30:54 40 She was obviously concerned about that from a security
12:30:57 41 point of view. It was raised with me and I made an inquiry
12:31:02 42 with the AFP to see whether her phone in fact was being
12:31:05 43 intercepted. My understanding, based on the material I've
12:31:07 44 seen recently, was the advice was no, it wasn't.
45
12:31:11 46 There's a diary entry of Mr Blayney's VPL.0100.0072.0001
12:31:19 47 where he makes notes of a Task Force Purana briefing about

12:31:24 1 Operation Posse TIs, Operation Pell LDs, the fact that the
12:31:31 2 AFP is also interested. He refers to the AFP also being
12:31:36 3 interested and AC Overland seeking information at his level
12:31:42 4 in relation to possible security implication?---Yes.
5
12:31:46 6 Were you aware at that stage that there was an interest in
12:31:49 7 Mr Karam, both by your organisation and also by the Federal
12:31:54 8 Police authorities?---Possibly.
9
12:31:57 10 Did you make any inquiries to find out whether or not
12:32:00 11 Ms Gobbo had any professional relationship with
12:32:03 12 Mr Karam?---I don't recall. I don't believe so.
13
12:32:09 14 If she was providing information against Mr Karam and
12:32:12 15 acting for him that would be a concern obviously?---Yes, it
12:32:17 16 would be.
17
12:32:25 18 Can I move now to 25 March of Mr O'Brien's diary summary,
12:32:41 19 VPL.0005.0126.0001, 25 March. That diary entry indicates
12:32:56 20 that after the earlier discussion about the concern that
12:33:01 21 Ms Gobbo's phone may have been intercepted, you told
12:33:05 22 Mr O'Brien that there was no issue with Gobbo's phone and
12:33:09 23 that he was to meet with AFP management to discuss issues
12:33:12 24 relating to Operation Posse?---Yeah, I see that.
25
12:33:16 26 Do you see that?---Yep.
27
12:33:18 28 Do you recall having any discussions with AFP management
12:33:21 29 about Operation Posse?---No, I don't but it seems logical
12:33:34 30 that there would have been some coordination between
12:33:37 31 Victoria Police and the AFP about it, yes.
32
12:33:39 33 If you did have any discussions with them, with the AFP
12:33:43 34 about Operation Posse, where would we find a record of
12:33:47 35 those discussions?---Well I don't think that I did. I mean
12:33:50 36 I seem to be suggesting to Mr O'Brien that he needs to go
12:33:53 37 and talk to the AFP about that.
38
12:33:55 39 Right. That's what you suggest occurred; is that
12:33:59 40 right?---That's what the record at 16:15 seems to indicate.
41
12:34:04 42 Well it may I suppose. In any event, you don't recall
12:34:10 43 receiving any briefing about it?---No, I don't.
44
12:34:13 45 Yeah, all right. If we go to 3 April 2006, Mr Ryan's
12:34:24 46 diary, between 2 and 2.45 Mr Ryan briefed you in relation
12:34:28 47 to Operation Posse and Purana?---Yes, I see that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

12:34:43 2 It's not all together clear but there's a reference to a
12:34:47 3 person who is probably a ██████████, do you
12:34:55 4 understand that?---Well I understand that, I'm not sure I -
12:34:59 5 well, are you telling me that categorically that is ██████████
12:35:03 6 ██████████?

12:35:04 8 No, I'm not telling you categorically?---I'm not clear who
12:35:08 9 it is.

12:35:09 11 Yeah, okay. If we have a look at the source management log
12:35:11 12 of ██████████ 2006. There's a meeting with Purana, there's a
12:35:32 13 reference to a ██████ being located and you understand whose
12:35:38 14 ██████ it is there?---I think so, yes.

12:35:40 16 There's a reference to the ██████████ being
12:35:47 17 ██████████, do you see that?---I do.

12:35:50 19 And in addition to that there is a note that you were to
12:35:56 20 approach the OPP, do you see that?---I see it, yes.

12:36:01 22 If we have a look at the diary at VPL.0100.0096.0157 at
12:36:23 23 183. There's a number of matters that are set out there.
12:36:35 24 There's an update, Operation Purana meet with O'Brien and a
12:36:41 25 number of other people. Update by Mr O'Brien, do you see
12:36:46 26 that?---Yes.

12:36:50 28 And there's a reference to a ██████, they're doing a ██████████
12:36:57 29 ██████, do you see that?---Yes.

12:36:59 31 And various other pieces of information. Over the page -
12:37:05 32 sorry, further down, "JOB to meet Assistant Commissioner
12:37:12 33 today re ██████████ via Coghlan at the OPP", do you see
12:37:19 34 that?---I do.

12:37:20 36 And then there's a reference to the objective being to
12:37:22 37 arrest ██████████ in possession of incriminating
12:37:27 38 evidence?---Right.

12:37:28 40 And roll over and used against others, do you see that?---I
12:37:32 41 do.

12:37:33 43 Do you recall that at that time ██████████ ██████████
12:37:41 44 ██████████ was impending and the desire, or the plan was
12:37:47 45 to in effect catch him in incriminating circumstances and
12:37:53 46 then he would then be under incredible pressure to assist
12:37:58 47 police, do you understand that?---I understand that.

1

12:38:00 2 And that if he wasn't caught in time then the opportunity
12:38:04 3 might be lost because he would then [REDACTED],
12:38:08 4 potentially go [REDACTED], and then the chance would be
12:38:11 5 lost?---Yes, I understand that.

6

12:38:13 7 You recall these issues were being discussed at the time
12:38:17 8 and there was some concern that that might occur?---Now
12:38:22 9 that you're raising them with me, yes, I have a
12:38:25 10 recollection of that, yes.

11

12:38:26 12 Yeah, all right. That assistance which is referred to
12:38:33 13 there means make statements and ultimately give
12:38:40 14 evidence?---Well it was consistent with the strategy of
12:38:42 15 trying to get him to roll.

16

12:38:43 17 Yes, and also [REDACTED] with him which would
12:38:48 18 then be able to be used as evidence and - - - ?---Yes.

19

12:38:52 20 - - - able to be used to convict other people?---Yes.

21

12:38:55 22 Right, okay. If we have a look at a diary of Mr O'Brien.
12:39:02 23 That entry occurs on the [REDACTED] at 10.05 in the
12:39:08 24 morning?---Sorry, [REDACTED] of?

25

12:39:10 26 That's the commencement?---Of [REDACTED]?

27

12:39:13 28 [REDACTED]?---Yes.

29

12:39:13 30 If we then have a look at Mr O'Brien's diary of [REDACTED],
12:39:18 31 the same date?---Sorry, whose diary was this?

32

12:39:24 33 This was Mr White, Sandy White, the controller of the
12:39:25 34 SDU?---Yes.

35

12:39:26 36 Let's have a look at Mr O'Brien's diary of the same date,
12:39:29 37 5 pm. You'll see an entry at - it doesn't matter - but
12:39:46 38 5 pm you'll see that at AC office, do you see that?---I do.

39

12:39:54 40 Weekly briefing to you. Blayney's there, Collins?---Yes.

41

12:40:07 42 And there's a discussion re resolution regarding [REDACTED]
12:40:19 43 and the aerial surveillance tape was played to you. Do you
12:40:27 44 recall that it was around this time that [REDACTED]
12:40:33 45 had been discovered and that there was [REDACTED] surveillance
12:40:35 46 which was shown to you during the course of this
12:40:37 47 meeting?---I don't recall that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

12:40:41
12:40:45
12:40:48
12:40:50
12:40:53
12:40:56
12:41:00

No, do you accept if that appears to be the evidence would you accept that that's - - - ?---Well it does appear to be the evidence. But I guess I make this point again, those weekly briefings, there were written documents that were associated with those so I would get a written update as part of the briefing process and that tended to set out the matters that were covered in the briefing.

12:41:02
12:41:05
12:41:08

In addition to that there were verbal updates and those verbal updates are often reflected in the notes of other people?---Okay.

12:41:09
12:41:12

Do you accept that?---If that's what you're telling me, yes.

12:41:12
12:41:16
12:41:18
12:41:21

Often the written updates didn't contain all of the up-to-date information, things were moving reasonably quickly?---Well that could happen. The written updates were a reasonably good summary of what was going on.

12:41:24
12:41:42
12:41:51

If we have a look at ICR, p.252 for ██████████ 2006. You'll see that controller White, and there's Sandy White and a person by the name of Smith, we're calling Smith?---Yes.

12:41:56
12:42:02
12:42:05
12:42:07
12:42:12

Confer with Operation Purana, DSS O'Brien, and DS Flynn. There's a discussion about tactics for post arrest based on Ms Gobbo's information regarding cooperation and possible ██████████ of target ██████████. Points to be included in interview plan by O'Brien, do you see that?---I do.

12:42:18
12:42:23
12:42:46
12:42:59
12:43:02
12:43:06
12:43:08

If we then go to a meeting - now that's at 10.30. If we have a look at Mr O'Brien's diary of ██████████ you'll see that at 10 o'clock there's obviously the meeting that I've just referred to, there's a discussion of matters that might assist with ██████████ rolling. At 10.20 there's a discussion regarding the interview process, do you see that?---No, I don't.

12:43:10

Okay?---I can't see it, it's redacted.

12:43:13
12:43:23
12:43:28

Yeah, righto. And at 15:00 there is a reference to "clearing with Mr Overland to 565 Lonsdale", which is the offices of the OPP, correct?---Yes.

12:43:31
12:43:37

And, "Meeting with the OPP Director Mr Paul Coghlan re strategic direction of ██████████"?---Yep.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

12:43:40 2 Right. Now do you accept that one of the purposes of the
12:43:44 3 meeting with the OPP was to have a discussion about the
12:43:48 4 possibility of [REDACTED] so as he could
12:43:56 5 be [REDACTED] and able to be caught in the [REDACTED] in
12:43:59 6 accordance with the plan?--I have a recollection of that
12:44:02 7 issue so I accept that that's a meeting - that is
12:44:05 8 consistent with all of the material you've put to me, yes.

12:44:09 10 It's likely that this involved a discussion of the
12:44:13 11 possibility of the [REDACTED]?---Yes.

12:44:20 13 As part of that discussion do you accept that there would
12:44:25 14 have been discussion with the Director as to what the
12:44:30 15 attitude of the representatives of [REDACTED] were to that
12:44:35 16 [REDACTED]?--Well there may have been. I don't recall
12:44:45 17 the specifics but it may have been an initial discussion
12:44:50 18 with the Director about his attitude to seeking an
12:44:53 19 [REDACTED].

12:44:54 21 Yes?--And it may have been then for the DPP to actually go
12:44:58 22 and have those discussions. I don't know. It could have
12:45:00 23 worked a number of ways.

12:45:02 25 It might have. But what I'm suggesting to you is that
12:45:05 26 during the course of the discussion it's likely that there
12:45:07 27 would have been reference made to lawyers for [REDACTED] who
12:45:13 28 were appearing for, acting for [REDACTED]?---It's possible.

12:45:17 30 Right. Do you say you knew who was acting for [REDACTED] at
12:45:26 31 this stage?--I don't believe I did.

12:45:29 33 If you were going to speak to the Director of Public
12:45:35 34 Prosecutions you would certainly arm yourself with
12:45:37 35 sufficient information so as you wouldn't look like an
12:45:41 36 ignoramus when you were having a discussion with
12:45:44 37 him?--Yeah, but Jim O'Brien was there. Jim was right
12:45:49 38 across the detail. He would be in a position to answer any
12:45:52 39 questions the Director might have.

12:45:53 41 One assumes he was aware who was representing
12:45:58 42 [REDACTED]?---I assume so.

12:45:59 44 And did you ask Mr O'Brien?--I don't recall. I can't - I
12:46:05 45 don't recall.

12:46:05 47 Right. The reality is, and we know that Ms Gobbo was his

12:46:09 1 barrister?---You're telling me that now.
2
12:46:14 3 Would you have known that?---I think, look I think I knew
12:46:19 4 she had acted for a lot of these people in the past. But
12:46:23 5 I'm not clear whether I knew - I don't believe I knew she
12:46:24 6 was currently acting for him.
7
12:46:26 8 Can I suggest to you that if you were not aware at this
12:46:31 9 stage that Ms Gobbo was acting for ██████████, in one way or
12:46:37 10 another you weren't doing your job properly?---No, I don't
12:46:40 11 accept that at all.
12
12:46:41 13 Because you say that you were very concerned about the
12:46:45 14 potential that Ms Gobbo would be acting for people - acting
12:46:48 15 for people at the same time as providing information
12:46:50 16 against them, that was your concern?---Yep.
17
12:46:52 18 And you'd made that quite clear to your
12:46:56 19 investigators?---M'hmm.
20
12:46:58 21 Here you are going to speak to the OPP about the potential
12:47:01 22 for ██████████ a matter where Ms Gobbo was acting for this
12:47:06 23 person and also was the informer in relation to that
12:47:10 24 person, and you say it didn't come to your attention, or
12:47:14 25 those two facts didn't come to your attention, or at least
12:47:17 26 the fact that she was representing him?---I don't believe I
12:47:20 27 was aware of that.
28
12:47:25 29 What was your understanding about how Ms Gobbo was getting
12:47:30 30 the information from ██████████?---I don't know.
31
12:47:35 32 Did you ever inquire?---No, because the management of the
12:47:40 33 source and the management of the information from the
12:47:42 34 source, as I said, was done through the SDU.
35
12:47:45 36 Yes?---That was separate and distinct from what I was
12:47:48 37 doing.
38
12:47:48 39 Yes. Did it not occur to you to find out in what capacity
12:47:58 40 Ms Gobbo was getting the information from this person who
12:48:02 41 was the main target of this operation?---No, that was a
12:48:05 42 matter for the SDU.
43
12:48:06 44 It didn't occur to you to ask them?---No.
45
12:48:09 46 Given that she was a lawyer?---No.
47

12:48:11 1 And you remained blissfully ignorant of the fact that she
12:48:16 2 had been acting for him in [REDACTED] and continued to act
12:48:20 3 for him during the current period that she was - - -
12:48:26 4 ?---Well if she'd acted for him in the past that wouldn't
12:48:29 5 cause me concern.
6
12:48:30 7 No, but what would cause you concern is if she continued
12:48:33 8 to?---Correct.
9
12:48:35 10 And that, I suggest, is a question, if we're to accept what
12:48:36 11 you say, you would have asked?---No, because the management
12:48:39 12 of the source was being done through the SDU.
13
12:48:41 14 What about your own investigators, did you ask your
12:48:46 15 investigators whether they were aware that Ms Gobbo was
12:48:48 16 representing [REDACTED]?---No, I didn't. Well, I don't
12:48:52 17 think I asked them, I don't believe I asked them.
18
12:48:56 19 Why wouldn't you ask them, that would be an absolutely
12:48:58 20 obvious question?---Why would I?
21
12:49:01 22 Because you say you're concerned and you were shocked and
12:49:05 23 surprised when you heard that a barrister was acting as an
12:49:08 24 informer?---Correct.
25
12:49:09 26 And you say that you were concerned about the admissibility
12:49:12 27 of evidence?---Correct.
28
12:49:17 29 And the potential for the perversion of the course of
12:49:18 30 justice, were you interested in that?---Obviously.
31
12:49:21 32 And you didn't ask these simple questions I suggest?---Well
12:49:23 33 because they are highly experienced investigators. I mean
12:49:26 34 Jim O'Brien, the investigators working in Purana, were all
12:49:29 35 highly experienced investigators.
36
12:49:30 37 Right?---I assumed, well more than I assumed, I knew them
12:49:34 38 to be competent, I knew them to be highly experienced. I
12:49:37 39 assumed they would be dealing with these issues.
40
12:49:42 41 Do you accept as a person who was ultimately responsible
12:49:45 42 for this investigation that if you didn't know, you should
12:49:49 43 have known?---Yes.
44
12:50:00 45 Can I ask you to have a look at Mr White's diary again of
12:50:09 46 [REDACTED]. On this day, [REDACTED], there was an issue that
12:50:19 47 was exercising the minds of at least the handlers. If we

12:50:25 1 can go to 18:00. There was a meeting between Sandy White,
12:50:37 2 Mr Smith and I think it's Mr Green. There was an issue
12:50:45 3 with Ms Gobbo representing ██████████ after arrest, do you
12:50:54 4 see that?---I do.
5
12:50:57 6 "Evidence from ██████████ implicating self may not be
12:51:02 7 admissible if counsel not impartial"?---Yes.
8
12:52:27 9 So investigators to be warned, it seems to be there's a
12:52:31 10 stop and then "intended that", do you see next page,
12:52:40 11 "██████████ be interviewed prior to ██████████", do you
12:52:46 12 see that?---Yes.
13
12:52:47 14 "Big picture is Mokbel cartel" and obviously there's
12:52:53 15 something obliterated there. Then if we go down,
12:53:04 16 "Investigators intend to use ██████████ as a witness if he
12:53:14 17 agrees", and then there's ██████████ assistance he'd
12:53:20 18 provide with respect to ██████████
12:53:25 19 ██████████, do you see
12:53:31 20 that?---Yes.
21
12:53:31 22 That is consistent with what was intended, that is the
12:53:35 23 plan?---Yes.
24
12:53:35 25 And then further down under "Agreed", "Tactical decisions
12:53:40 26 re 3838 made in accordance with investigators", do you see
12:53:48 27 that?---I do.
28
12:53:53 29 Do you accept that it was the responsibility of the
12:53:55 30 investigators to make tactical decisions about how the
12:54:00 31 investigation and how the evidence gathering would
12:54:04 32 occur?---Yes, it was.
33
12:54:09 34 In other words, that was your responsibility and obviously
12:54:12 35 your investigators' responsibility?---Yes.
36
12:54:15 37 And you accept responsibility for their actions because you
12:54:20 38 were, in effect, their line superior?---I do.
39
12:54:25 40 And is it the case that you were aware that these actions
12:54:38 41 were part of the investigation plan?---Well sorry, what
12:54:43 42 actions are you specifically asking about?
43
12:54:46 44 Firstly, the big picture and what the investigators intend
12:54:49 45 to do, to use - - - ?---Yes, I was aware that the intention
12:54:53 46 was to arrest ██████████ and attempt to persuade him to
12:54:58 47 cooperate.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

12:55:01 2 Right. Obviously the issue about what would occur when
12:55:15 3 [REDACTED] was arrested is a matter that occurred to the
12:55:19 4 handlers, as we can see in the previous page?---Yes.

12:55:25 6 And do you accept that that would be an obvious
12:55:28 7 concern?---Yes.

12:55:29 9 And something that would be apparent to anyone who was
12:55:35 10 aware or considered that it was possible that Ms Gobbo
12:55:39 11 might attend when this fellow was arrested?---Yes.

12:55:51 13 There's been evidence certainly on the part of one of your
12:55:54 14 investigators, Mr Rowe, that he was aware of this issue and
12:55:59 15 had been aware of this issue since the previous I think
12:56:03 16 October or thereabouts?---Right.

12:56:04 18 Right. Now, if he was aware of that issue and hadn't,
12:56:16 19 until now, apparently done anything about it, would that
12:56:20 20 suggest that he was acting contrary to instructions?---Well
12:56:29 21 I think so. I mean it's - depends what he knew and who
12:56:38 22 he'd spoke to and what he'd done about it.

12:56:40 24 The only two pieces of information you need to know, one is
12:56:44 25 Gobbo's potentially going to turn up purportedly to provide
12:56:49 26 legal advice and, two, that she's an informer against the
12:56:51 27 person. Those two pieces of information would - - -
12:56:55 28 ?---But how would he know that? So are you saying he knew
12:56:56 29 that for some months, that she was - - -

12:56:57 30
12:56:57 31 I think his evidence was that it had occurred to him that
12:56:59 32 it was a problem with respect to this particular
12:57:03 33 operation?---Right.

12:57:04 35 What would happen when he gets arrested, the likelihood is
12:57:08 36 he's going to call her?---Right.

12:57:10 38 Those would be fairly obvious issues, wouldn't they?---They
12:57:14 39 would be, yes.

12:57:14 41 If what you say is correct, that it was made absolutely
12:57:18 42 plain to people that she couldn't continue to provide
12:57:21 43 information against people she's purporting to act for,
12:57:28 44 then it would indicate that there's an obvious problem with
12:57:31 45 the plan?---Well there's a potential problem with the plan
12:57:33 46 if that in fact is what happens, yes.

12:57:37 1 You say that was never raised with you at any stage?---No.
2
12:57:45 3 What about the proposition that the plan ultimately is to
12:57:47 4 lead to evidence against Mr Mokbel and the fact that
12:57:51 5 Ms Gobbo in March of 2006 is acting for Mr Mokbel, again
12:57:58 6 that would seem to be an obvious problem with the plan,
12:58:01 7 wouldn't it?---I understand the issue, yes.
8
12:58:10 9 We know that I think in early April or maybe 30 March,
12:58:15 10 during the course of the trial of Mr Mokbel, and I think
12:58:19 11 before the address stage where Mr Heliotis and Ms Gobbo are
12:58:24 12 representing Mr Mokbel, Mr Mokbel decides not to turn up to
12:58:29 13 the trial?---Yes.
14
12:58:30 15 And there was a fair degree of publicity about that?---Yes,
12:58:33 16 there was.
17
12:58:34 18 Can I suggest to you that you would have been aware at that
12:58:38 19 stage that Ms Gobbo was acting for Mokbel?---I can't be
12:58:42 20 sure that I was.
21
12:58:45 22 Can I suggest to you that Purana were very interested in
12:58:50 23 Mr Mokbel?---Correct.
24
12:58:54 25 Interested in the fact that he'd gone missing?---I
12:58:56 26 certainly knew he'd gone missing, yes.
27
12:58:59 28 Right. Again, if you were not aware that Ms Gobbo was
12:59:02 29 involved in his representation, can I suggest you weren't
12:59:05 30 doing your job properly?---It was a Commonwealth matter.
31
12:59:07 32 Right, doesn't matter. I suggest to you if Purana's
12:59:10 33 interested in him and you're not aware of who he's speaking
12:59:15 34 to, what's going on around him at this time that he leaves,
12:59:18 35 can I suggest that you should have known?---No. I
12:59:21 36 understand why you're putting all of these things to me but
12:59:26 37 at the time there were lots of people under investigation,
12:59:29 38 they were represented by lots of people. I would have no
12:59:33 39 idea who was representing people who were the subject of
12:59:35 40 investigations because I didn't need to know that
12:59:37 41 information.
42
12:59:38 43 Well you did need to know because it was very important to
12:59:42 44 your operation?---No, not at all.
45
12:59:47 46 You were saying to your investigators, you say, "Look, I've
12:59:51 47 got real problems with the potential of Ms Gobbo providing

12:59:54 1 information. I need to know who she's acting for", that's
12:59:58 2 what you're saying, so you did need to know, didn't
13:00:02 3 you?---No, I didn't say I needed to know. I said she - you
13:00:04 4 know, we needed to be careful around the way she's managed.
13:00:07 5 She's managed by the SDU but from an investigation point of
13:00:10 6 view we've got to be careful about conflict of interest
13:00:13 7 because it will potentially prejudice evidence at a future
13:00:17 8 trial.
9
13:00:17 10 I suggest to you that it was fanciful that you were not
13:00:20 11 aware that Gobbo was representing Mokbel at the time that
13:00:24 12 he left?---No, it's not fanciful. I may have, I don't
13:00:26 13 recall whether I did or I didn't. But it's not fanciful.
13:00:28 14 I was not following who was representing whom - - -
15
13:00:33 16 Right?---- - - given the huge number of people who were
13:00:36 17 under investigation at that time. I certainly knew about
13:00:38 18 targets. I couldn't tell you who was representing pretty
13:00:41 19 much everyone that finished up being investigated and
13:00:44 20 prosecuted as part of the Purana, or as part of any
13:00:49 21 investigation that I was overlooking.
22
13:00:50 23 Ms Gobbo was the only barrister who was providing
13:00:53 24 information to Purana?---Yes, and she was being managed by
13:00:56 25 the SDU.
26
13:00:56 27 You were in effect their client, you were using their
13:01:01 28 information?---My investigators were using their
13:01:05 29 information, yes.
30
13:01:06 31 Do you accept responsibility for the actions of your
13:01:08 32 investigators?---I've accepted responsibility. I've said
13:01:10 33 that.
34
13:01:17 35 As you say, there are a number of matters going on at any
13:01:24 36 particular time. You were aware that - can we have a look
13:01:45 37 at the SML again on ██████████ 2006. The last entry on that
13:02:12 38 page, 27, there's a meeting between Ms Gobbo and three of
13:02:19 39 the handlers. There was a discussion, general discussion
13:02:22 40 regarding the arrest. The process of ██████████ and her
13:02:29 41 involvement in the same, do you see that?---Yes.
42
13:02:35 43 General discussion re Emeido Navaroli, another person
13:02:42 44 called Bayeh. It's reasonably clear on that meeting
13:02:48 45 between Ms Gobbo the issue of concern, that was concerning
13:02:52 46 the handlers, at least recorded by Mr White in his diary on
13:02:56 47 the previous day, was raised with her?---Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

I mean the Commission knows that Ms Gobbo indicated that she intended to represent ██████ when he was arrested and that Mr White questioned what a defence lawyer might argue and that the advice that he received prior to participating in the interview mightn't be impartial because it was done on behalf of the police by a person who was acting for the police and we've heard that Ms Gobbo's response to that was, "Well who the fuck's going to say that?" And he indicated that it was a theoretical question and he was trying to understand the conflict of interest issue. I mean we've established it's an issue that was well and truly uppermost in your mind you say, this conflict issue?---Yes.

Right. And Ms Gobbo asked, and I'm paraphrasing, she asked the point of the questions and Mr Smith responded they were looking at the general ethics of the whole situation and Gobbo responded that, "The general ethics of all of this is fucked", although she didn't consider it to be illegal. Do you agree with that?---That the ethics were fucked but it was not illegal?

Yes?---I think so.

I mean - - - ?---Certainly I agree the ethics were fucked.

What about the potentiality of illegality? I mean if, for example, Victoria Police knowingly have a person and bring that person along, presenting that person to be an independent and impartial lawyer, and present that person to someone who is seeking independent legal advice, when in fact Victoria Police know that that person is in fact an informer acting as an agent for Victoria Police, is there the potential for that to be illegal conduct?---Potentially.

Could it be, for example, that it might have a tendency to pervert the course of justice?---It could do.

Right?---But I think you'd need a lot more facts to come to a concluded view about that. But I see the problem, I accept the problem.

All right. Do you believe - I withdraw that. Subsequent to that Ms Gobbo made a suggestion that what she was doing might be bordering on conspiring with ██████ when she

13:05:37 1 sat down and had conversations with him in which he told
13:05:41 2 her about how much he was [REDACTED] and so forth and she
13:05:46 3 asked why, the question to the handlers, why she wasn't an
13:05:50 4 equivalent to an aider and abettor. And she was asked what
13:05:53 5 was she doing to assist and her response was forget about
13:05:57 6 assisting, she might be encouraging, inciting and
13:06:00 7 conspiring with him. Do you believe as a lawyer that those
13:06:03 8 were questions which needed answers?---I see the issue.
13:06:16 9 Again, it's difficult to give a view on those basic facts
13:06:21 10 but I see the issue.
11
13:06:24 12 If you were a police officer and those issues were of
13:06:26 13 concern to you, what do you think you'd do?---Well you
13:06:31 14 should certainly elevate them and get advice.
15
13:06:37 16 Right. And who would you get advice from?---Well you could
13:06:44 17 get advice internally but you may well go and talk to the
13:06:49 18 OPP about it.
19
13:06:50 20 You'd need to get legal advice, wouldn't you?---Yes.
21
13:06:54 22 And if there was a suggestion that your actual informer was
13:06:57 23 suggesting to you that she was potentially encouraging or
13:07:01 24 inciting a person to engage in the conduct that he was
13:07:04 25 engaging in, that could well be a matter of grave
13:07:07 26 concern?---If that's the case, yes.
27
13:07:08 28 If that's the case. Is that something that you as an
13:07:12 29 investigator who was intending to prosecute [REDACTED] and
13:07:17 30 then utilise him would want to know?---Yes.
31
13:07:21 32 I take it you say that you were never made aware of those
13:07:24 33 concerns or those statements that Ms Gobbo had made?---No.
34
13:07:33 35 If we go back to that source management log. One of the
13:07:44 36 things that we also see is that Ms Gobbo is shown [REDACTED]
13:07:50 37 [REDACTED] transcripts at the investigator's request
13:07:55 38 and then there was a discussion about the execution of a
13:07:57 39 search warrant. Can I ask you about the business of the
13:08:01 40 transcripts being shown to [REDACTED] - I'm
13:08:10 41 sorry, transcripts of discussions with that person between
13:08:15 42 Bateson, O'Brien and [REDACTED]. Those
13:08:19 43 transcripts being shown to Ms Gobbo by her handlers. What
13:08:25 44 do you say about that process?---I don't know why. I mean
13:08:31 45 I think I'd need to try and understand what the purpose of
13:08:34 46 that was.
47

13:08:34 1 If the purpose was to in some way enable Ms Gobbo to go and
13:08:38 2 speak to her client and assist Victoria Police to encourage
13:08:44 3 him to cooperate, would that be an appropriate
13:08:50 4 course?---No.
5
13:08:52 6 Sorry?---No.
7
13:08:54 8 If it was felt appropriate that [REDACTED] legal
13:09:03 9 advisors should be provided with those documents then
13:09:05 10 there'd be an appropriate way of going about it, wouldn't
13:09:09 11 there?---I'd have thought so, yes.
13:09:11 12
13:09:12 13 It wouldn't be to provide it to an informer's handlers to
13:09:15 14 look at and not to keep so as she might be able to in some
13:09:20 15 way assist the process of this person, or convince this
13:09:22 16 person to provide assistance to police?---If that's what
13:09:27 17 you're suggesting happened, yeah, I understand the problem
13:09:30 18 with that.
19
13:09:31 20 Did you know, did you have any idea that your investigators
13:09:35 21 were doing this?---No.
22
13:09:46 23 If it was the intention to provide these transcripts, the
13:09:53 24 expectation would be that they would be provided to either
13:09:57 25 the solicitor or the barrister and they could be discussed
13:10:01 26 with the client and everyone would know that they'd been
13:10:05 27 provided, correct? That would be the appropriate way of
13:10:09 28 going about it?---That's how I'd do it, yes.
29
13:10:14 30 And the prosecution would know that it's been done?---Yes,
13:10:16 31 if it's part of that process that we've talked about, yes.
32
13:10:20 33 It appears to be the case here that it was done in such a
13:10:23 34 way that Mr Valos, who was the solicitor on the record for
13:10:27 35 [REDACTED], didn't know and the prosecution
13:10:31 36 didn't know and the witness didn't know. Is that an
13:10:36 37 appropriate way of going about things?---It doesn't appear
13:10:40 38 to me to be so, no.
39
13:10:42 40 All right. Could we have a look at Mr O'Brien's diary of -
13:10:57 41 just excuse me. Could we have a look at Mr O'Brien's diary
13:11:09 42 of - before we go there can we have a look at the ICR at
13:11:22 43 p.255, 3838. You'll see under the heading "[REDACTED]
13:11:43 44 [REDACTED]", "Transcripts shown to human source at
13:11:52 45 investigator request. She's aware that the [REDACTED]
13:11:56 46 [REDACTED] has not told the entire truth", sorry, [REDACTED]
13:12:00 47 [REDACTED] hasn't told the entire truth. "She's told that

13:12:04 1 police will have nothing to do with him unless he tells the
13:12:09 2 entire truth. Ms Gobbo believes that [REDACTED]
13:12:13 3 [REDACTED] [REDACTED], hasn't mentioned this in his
13:12:20 4 statements. She is to speak with Bateson re what can be
13:12:24 5 done for [REDACTED] before she talks to him. She
13:12:29 6 is concerned about what charges he will face". Do you see
13:12:33 7 that?---I do.
8

13:12:39 9 It seems that she's adopting sort of dual positions because
13:12:44 10 in the first place she's speaking to her handlers and
13:12:48 11 carrying out a task, if you like, that she's been given,
13:12:53 12 that is to look at the transcripts, that she's been tasked
13:12:58 13 to look at those transcripts, apparently at the
13:13:01 14 investigators' request?---Yes.
15

13:13:03 16 And then the next paragraph she's describing her dealings
13:13:08 17 with investigators?---Yes.
18

13:13:11 19 Do you see that simply reading those entries in effect
13:13:21 20 reveals the somewhat schizophrenic position that she was in
13:13:27 21 and that police were putting her in?---I see the position,
13:13:33 22 yes.
23

13:13:37 24 If we can have a look at Mr O'Brien's diary of [REDACTED].
13:13:54 25 If we have a look at the summary I think. I think we'll
13:14:05 26 need to just have a look at it. Can you accept this from
13:14:11 27 me, that there are some entries made at 16:15 - sorry,
13:14:21 28 there's a reference to him clearing with you to 565
13:14:30 29 Lonsdale Street?---That seems to relate to [REDACTED], is
13:14:37 30 that - - -
13:14:37 31

32 Yes?---You said the [REDACTED].
33

13:14:38 34 Yes, it does, but if you can accept from me that the actual
13:14:40 35 diary contains those notes under the [REDACTED] of [REDACTED]?---Okay,
13:14:45 36 I accept that.
37

13:14:46 38 It appears that you've gone with him, with Mr O'Brien, to
13:14:51 39 see the OPP and you meet with him at 3 o'clock re the
13:14:56 40 strategic direction regarding [REDACTED]?---Yes.
41

13:15:00 42 See that?---Yes.
43

13:15:04 44 Bearing in mind that at this stage there's an awareness
13:15:11 45 that the [REDACTED]'s been discovered and there's a concern or at
13:15:18 46 least there's a belief that the arrests will be impending,
13:15:26 47 do you have a recollection of what was discussed during the

13:15:29 1 course of this meeting?---With Mr Coghlan?
2
13:15:33 3 Yes?---I think that was a meeting about trying to defer the
13:15:38 4 [REDACTED].
5
13:15:39 6 Right?---I think, to allow sufficient time for the [REDACTED] to
13:15:43 7 be completed.
8
13:15:47 9 Then it seems that there's a discussion - so there's that
13:15:51 10 discussion at quarter past four. So there's the meeting
13:15:58 11 with Mr Coghlan, there's a telephone call to Mr O'Brien
13:16:01 12 from Mr Coghlan at quarter past four regarding the
13:16:05 13 [REDACTED] issues?---Yes.
14
13:16:07 15 Do you see that?---I do.
16
13:16:08 17 Then at 5.26 there's a telephone call from you regarding
13:16:12 18 the [REDACTED] issues and the OPP?---Yes.
19
13:16:17 20 Returning a call from you. So he returns a call to
13:16:21 21 Mr Coghlan and then he returns a call from you regarding
13:16:26 22 those issues, right?---Right.
23
13:16:28 24 Do you believe that they would have been discussions about
13:16:33 25 whether or not [REDACTED] might be able to be [REDACTED]?---I
13:16:39 26 assume that's what it would be about.
27
13:16:41 28 All right. I wonder if that's an appropriate time,
13:16:44 29 Commissioner?
13:16:45 30
13:16:46 31 COMMISSIONER: Sure. We'll adjourn until 2 o'clock.
13:16:53 32
13:16:53 33 <(THE WITNESS WITHDREW)
13:17:33 34
35 LUNCHEON ADJOURNMENT
36
37
38
39
40
41
42
43
44
45
46
47

13:53:32 1 UPON RESUMING AT 2.01 PM:

14:01:57 2
14:01:58 3 <SIMON JAMES OVERLAND, recalled:

14:02:05 4
14:02:05 5 COMMISSIONER: Yes Mr Winneke.

14:02:07 6
14:02:11 7 MR WINNEKE: Can I ask you, Mr Overland, to have a look at
14:02:18 8 an entry of Mr White's in his diary at, I think on ■
14:02:29 9 ■■■■■. It's VPL.0100.0096.0157 at p.188. There's an entry
14:02:43 10 at 17:40. Bear in mind that this is at 5 o'clock on the
14:02:52 11 ■■■■■ and he has a discussion with Mr O'Brien re, it looks
14:03:01 12 like, "App ■■■■■ OPP" or, "Application to ■■■■■ OPP
14:03:06 13 Coghlan. Believes will be difficult, co-accused. Gobbo is
14:03:13 14 getting pressure from co-accused solicitors" and then
14:03:22 15 there's some other entries. But does that reflect
14:03:29 16 information that you had gleaned from your discussions with
14:03:34 17 the OPP, sorry, the DPP?---I don't, I don't recall.

14:03:42 18
14:03:42 19 Well assuming you had gone to see Mr Coghlan I think on the
14:03:48 20 ■■■■■ and then had had discussions perhaps or updates later
14:03:53 21 on on the ■■■■■, it may be the case - - - ?---It may be. I
14:04:00 22 think the matter was ■■■■■ in the end. I stand to be
14:04:02 23 corrected but I think there was an ■■■■■, so.

14:04:05 24
14:04:05 25 The reality is he was arrested before - - - ?---Okay, all
14:04:10 26 right.

14:04:10 27
14:04:10 28 - - - the day, ■■■■■ was the day of ■■■■■. It may well
14:04:15 29 be it was ■■■■■. In any event there was no need to
14:04:20 30 ■■■■■ it because he was arrested on the ■■■■■d?---All
14:04:24 31 right.

14:04:24 32
14:04:24 33 If that was in fact the case, you had had discussions
14:04:27 34 initially with on the Director on the ■■■■■ and there may
14:04:30 35 have been updates on the ■■■■■, do you accept that at least
14:04:33 36 there were discussions with the Director about the
14:04:36 37 possibility of getting ■■■■■?---I do.

14:04:39 38
14:04:39 39 And it was conveyed that it would be difficult, that is
14:04:42 40 conveyed by the OPP that it would be difficult because
14:04:45 41 there was issues with respect to co-accused
14:04:51 42 solicitors?---That's what the note indicates, yes.

14:04:53 43
14:04:53 44 Do you think that albeit the information came from
14:04:56 45 Mr O'Brien - I apologise, I apologise. Mr Smith.

14:05:08 46
14:05:08 47 COMMISSIONER: Sandy White or is it Smith? Whose diary is

14:05:12 1 it, please?
14:05:13 2
14:05:17 3 MR CHETTLE: Sandy White's diary but - - -
14:05:20 4
14:05:20 5 MR WINNEKE: There's a discussion between Mr White and
14:05:23 6 Mr Smith about Ms Gobbo regarding this. Clearly it seems
14:05:27 7 that the handlers have got that information?---They've got
14:05:30 8 information it would seem from - - -
14:05:32 9
14:05:32 10 The likelihood is it's come from either Mr O'Brien, who has
14:05:36 11 had the discussion, and probably - well you and Mr O'Brien
14:05:43 12 went to see Mr - - - ?---It wouldn't have come from me. So
14:05:46 13 it's a third hand account of a meeting, yes, I accept that.
14:05:50 14
14:05:52 15 Nonetheless an account of a meeting at which you
14:05:55 16 attended?---Yes.
14:05:56 17
14:05:57 18 All right. Now, if we have a look at Mr Bateson's diary,
14:06:08 19 VPL.0005.0058.0233. Now it appears that on [REDACTED] 2006,
14:06:24 20 and I alluded to this yesterday, there was a mention in the
14:06:28 21 matter of the Williams proceeding and at this stage it was
14:06:32 22 Williams [REDACTED] [REDACTED]?---Is that the 16:45
14:06:41 23 entry?
14:06:42 24
14:06:42 25 Yes, 16:45?---Yes.
14:06:44 26
14:06:44 27 "Inquiries re court hearing involving Solicitor 2 and
14:06:48 28 Nicola Gobbo re conflict of interest." And then underneath
14:06:51 29 that it seems that he spoke to, and he's written down,
14:06:56 30 "3838 re", and this is I think underneath that we'll see,
14:07:01 31 well you can see there, "[REDACTED]"?---Yes.
14:07:06 32
14:07:06 33 "Possibly pleading guilty and giving evidence", do you see
14:07:09 34 that?---I do.
14:07:10 35
14:07:10 36 He has recorded his discussion with Ms Gobbo about that
14:07:14 37 person. He's recorded her as using an informer number. Do
14:07:21 38 you see that?---Yeah, I do.
14:07:22 39
14:07:22 40 And above it he's recorded her name overtly as it relates
14:07:29 41 to her appearance before a judge in the Supreme Court, do
14:07:33 42 you see that?---I see the reference to it, yes.
14:07:38 43
14:07:39 44 I should say Mr Bateson says that that was a slip, it
14:07:43 45 wasn't done intentionally?---Right, I'm just trying - it
14:07:47 46 says "inquiries re court hearing involving both those two
14:07:51 47 people", I'm not quite sure what the court hearing was, but

14:07:55 1 yes.
14:07:55 2
14:07:55 3 Do you not know even now what that was about?---At that
14:08:00 4 time I think you said it had to do with [REDACTED].
14:08:04 5
14:08:05 6 Yes, well what had occurred was that Solicitor 2 had
14:08:08 7 written to the Office of Corrections and asked to have a
14:08:11 8 joint meeting between her representing [REDACTED] and Gobbo
14:08:15 9 as the legal representative for [REDACTED]
14:08:19 10 ■?---Right.
14:08:19 11
14:08:19 12 And that had come to the attention of both the Office of
14:08:24 13 Public Prosecutions and to the court?---Right.
14:08:26 14
14:08:26 15 And the court was concerned about it and they called,
14:08:30 16 Justice King called both practitioners before her and asked
14:08:35 17 for an explanation as to how it could be that - - - ?---I
14:08:39 18 think you mentioned this yesterday.
14:08:40 19
14:08:40 20 Yes, right. And I take it had, well you would have been
14:08:44 21 aware that had Solicitor 2 previously been involved in
14:08:49 22 representing [REDACTED], she would then have
14:08:52 23 difficulties in representing [REDACTED] because it would
14:08:57 24 be a conflicted situation?---Yeah, again I'm not sure I
14:09:01 25 knew that.
14:09:01 26
14:09:01 27 No, all right. And likewise I take it, putting aside what
14:09:06 28 you knew then, but now, if you're aware that Ms Gobbo had
14:09:10 29 been involved in representing and advising [REDACTED]
14:09:14 30 [REDACTED], it would be difficult for her to appear in a
14:09:17 31 proceeding representing [REDACTED] because
14:09:22 32 [REDACTED] had rolled on that person, if
14:09:26 33 your use the colloquialism?---I follow, yes.
14:09:29 34
14:09:29 35 You understand why the judge would have been concerned if
14:09:32 36 she was of the view that Ms Gobbo was seeing [REDACTED]
14:09:37 37 [REDACTED] as a legal representative?---Yes.
14:09:39 38
14:09:40 39 And so were you, you say you weren't made aware of the
14:09:45 40 judge's calling Ms Gobbo before the court to have her
14:09:50 41 explain?---I don't recall that, no.
14:09:52 42
14:09:52 43 All right. I take it had you been aware of that you would
14:09:55 44 have said, "Well I can well understand why the judge has
14:09:58 45 that concern"?---Yes.
14:09:59 46
14:10:00 47 Now, the day before, as we've established, at least the

14:10:07 1 Commission has established, Ms Gobbo was shown the
14:10:11 2 transcripts of those discussions that [REDACTED] [REDACTED]
14:10:15 3 [REDACTED] had had with your two
14:10:19 4 investigators?---Yep.
14:10:19 5
14:10:19 6 Via her handlers with a view to her using those in
14:10:22 7 discussions with [REDACTED] in a
14:10:25 8 conference?---Yes.
14:10:26 9
14:10:26 10 On one view to assist her in providing advice which may
14:10:32 11 have been of assistance to the police?---Yes.
14:10:34 12
14:10:34 13 Right. Now, you would be concerned, can I suggest, if the
14:10:40 14 very next day, the [REDACTED], Ms Gobbo then did go out
14:10:49 15 to the prison to see [REDACTED], correct,
14:10:54 16 you'd be concerned about that?---Is this ahead of or after
14:11:01 17 this?
14:11:01 18
14:11:01 19 After the judge's ruling?---Yes, I would be.
14:11:03 20
14:11:04 21 Not only that, the evidence is she saw [REDACTED] as
14:11:07 22 well, that would be concerning also?---Yes.
14:11:09 23
14:11:09 24 Can I ask you, was Purana keeping tabs on the visits of
14:11:18 25 lawyers or individuals to these people, these significant
14:11:23 26 accused people as witnesses?---Yes, I understand they were.
14:11:28 27
14:11:29 28 One would assume they would have been aware and obviously
14:11:32 29 Mr Bateson was aware of the fact that Ms Gobbo was going to
14:11:35 30 see him because that was the plan?---Yep.
14:11:37 31
14:11:38 32 Were you made aware that Ms Gobbo was seeing these
14:11:41 33 people?---No.
14:11:41 34
14:11:44 35 So the very day after that, the evidence is that Ms Gobbo
14:11:49 36 does go out and see those two people, [REDACTED]
14:11:53 37 [REDACTED] and [REDACTED], and when she's out there, or at
14:11:56 38 least shortly after, there are communications between her
14:12:00 39 and her handlers advising her that [REDACTED] [REDACTED]
14:12:10 40 [REDACTED], I take it you know that person, we don't need to
14:12:14 41 - - - ?---Yes.
14:12:15 42
14:12:15 43 Had been arrested at the [REDACTED]?---Right.
14:12:19 44
14:12:24 45 Do you recall being at work on this day, do you
14:12:30 46 know?---What day of the week?
14:12:32 47

14:12:36 1 I'm anxious not to provide too much data. It's been done
14:12:41 2 but - just excuse me. It was a [REDACTED]?---Then [REDACTED]
14:13:08 3 [REDACTED].
14:13:08 4
14:13:09 5 Right. Would you have been, I take it you would have been
14:13:14 6 in telephone communication with your investigators?---Yes,
14:13:17 7 and I remember getting a phone call.
14:13:20 8
14:13:20 9 And do you recall who you spoke to?---It was Jim O'Brien as
14:13:23 10 I recall it.
14:13:24 11
14:13:25 12 Jim O'Brien told you that the arrest had taken
14:13:29 13 place?---Yes.
14:13:30 14
14:13:30 15 And do you recall what time it was, was it during the day
14:13:33 16 or was it in the evening?---I think it was late afternoon
14:13:37 17 or evening.
14:13:38 18
14:13:38 19 Right. Do you recall what else he told you?---He told me
14:13:48 20 that - sorry, I've just got to get the right - is it Brown?
14:13:55 21
14:13:55 22 [REDACTED]?---[REDACTED], sorry. He told me that [REDACTED] was
14:13:59 23 prepared to assist.
14:14:00 24
14:14:00 25 Right?---And for the purpose of assistance Jim wanted to
14:14:05 26 not take him immediately before a Bail Justice, but to have
14:14:09 27 him [REDACTED] and he wanted to know my attitude
14:14:12 28 to that.
14:14:13 29
14:14:13 30 Yes. That would be an unusual thing?---It was unusual and
14:14:16 31 I said that I thought he should ring Geoff Horgan at the
14:14:21 32 DPP and get some advice about that.
14:14:23 33
14:14:25 34 One would assume if this was going to be done, that he
14:14:28 35 would, he was taking this unusual step, he would want to
14:14:32 36 make sure the person had appropriate legal advice, not just
14:14:35 37 the police, but the person who has been arrested?---Well I
14:14:38 38 think that I - I know this is sort of foremost in your mind
14:14:43 39 but I don't know that I actually asked that question, I
14:14:45 40 just - the advice was he'd rolled, that he was prepared to
14:14:49 41 cooperate, that Jim wanted to [REDACTED]
14:14:52 42 and I said, "I think you need to ring Geoff Horgan and run
14:14:56 43 it past him and make sure he's okay with all that" and I
14:14:59 44 understand that's what happened.
14:15:00 45
14:15:02 46 You know what I'm asking and I suspect I know what you're
14:15:05 47 going to say. You didn't know who was the legal

14:15:10 1 advisor?---Correct.

14:15:11 2

14:15:17 3 The Commission of course knows that the first person who
14:15:23 4 [REDACTED] wanted to speak to was
14:15:27 5 Ms Gobbo?---(Witness nods.)
14:15:28 6

14:15:28 7 When did you find out that that was the case?---I think in
14:15:36 8 the process of this Royal Commission.
14:15:38 9

14:15:39 10 In the process of this Royal Commission?---No, sorry, well
14:15:44 11 I might have - I'm just trying to remember. It might have
14:15:47 12 been during IBAC, I'm trying to recall. I think it was
14:15:51 13 IBAC. I think that came up in IBAC, I don't really have a
14:15:54 14 particularly.
14:15:56 15

14:15:56 16 Right?---If it did it would be in the transcript, so.
14:15:59 17

14:15:59 18 Yes. What you say is that you were not told by any of your
14:16:05 19 investigators during the period of time that were you at
14:16:09 20 Victoria Police, either as Assistant Commissioner of Crime,
14:16:14 21 Deputy Commissioner or Chief Commissioner, that Ms Gobbo
14:16:20 22 had turned up on the [REDACTED] to advise [REDACTED]?---No, I
14:16:26 23 don't, I don't recall being told that, no.
14:16:28 24

14:16:32 25 Given your clear instructions to your officers from the
14:16:37 26 very outset and given your concern about it, is the only
14:16:42 27 conclusion that this was, your instructions were
14:16:47 28 disobeyed?---Well I would assume so.
14:16:49 29

14:16:51 30 Because if you'd have made it clear that there were real
14:16:54 31 problems if Ms Gobbo had acted or advised someone who was
14:17:01 32 the subject of information she was providing, if you'd made
14:17:06 33 that clear, one assumes that they would have, investigators
14:17:12 34 would have known your views about it and would have
14:17:15 35 conveyed the information to you.
14:17:17 36

14:17:18 37 MR GLEESON: I object, Your Honour. This misstates the
14:17:21 38 evidence of the witness. It was about the contemporaneity
14:17:24 39 of acting and providing information. That was put as an
14:17:28 40 historical fact in that question. Gobbo had acted or
14:17:32 41 advised someone. That wasn't his evidence.
14:17:35 42

14:17:36 43 MR WINNEKE: Can I ask you this: did you have concerns
14:17:42 44 about Ms Gobbo historically acting for people and then
14:17:49 45 providing information about them subsequent to her having
14:17:54 46 acted?---No.
14:17:55 47

14:17:56 1 You had no concerns about that?---No.
14:17:57 2
14:17:57 3 What about the situation of Ms Gobbo providing information
14:18:02 4 about people and then acting for them, either
14:18:06 5 contemporaneous to the provision of information or acting
14:18:09 6 for them when they were arrested as a result of the
14:18:12 7 information that had been provided?---I had concerns about
14:18:16 8 that.
14:18:16 9
14:18:16 10 So both of those things I take it you would have had
14:18:19 11 concerns about that?---Yes.
14:18:20 12
14:18:20 13 The contemporaneous aspect of it and then probably
14:18:24 14 exponentially concerned about Gobbo providing - - -
15 ?---Continuing, yes.
16
14:18:29 17 - - - information about someone which leads to their arrest
14:18:31 18 and then advising them what they should do once they had
14:18:34 19 been arrested?---Yes.
14:18:36 20
14:18:36 21 That would be a disaster if that occurred surely?---Well
14:18:39 22 it's, it's not appropriate, so yes.
14:18:42 23
14:18:43 24 All right. Did you have concerns that she might provide
14:18:49 25 old confidential information that she'd learnt during the
14:18:53 26 period she was acting for someone and then provide that
14:18:57 27 information subsequently to police officers?---Well as long
14:19:00 28 as it wasn't covered by privilege, no.
14:19:02 29
14:19:03 30 If it was covered by privilege, or alternatively it was
14:19:06 31 confidential information she had learnt of during the
14:19:09 32 period she was acting for them?---What do you mean by
14:19:11 33 confidential information?
14:19:12 34
14:19:13 35 Say, for example, confidential information like telephone
14:19:15 36 details or personal details that would only have been
14:19:19 37 provided to her in - - - ?---In the course of providing
14:19:22 38 legal advice, yes.
14:19:23 39
14:19:23 40 You'd accept as a lawyer that there is certain information,
14:19:28 41 albeit there isn't legal professional privilege attaching,
14:19:32 42 there are confidential communications would likewise be
14:19:35 43 covered by a duty not to disclose?---Yes.
14:19:39 44
14:19:39 45 Medical details, health issues, those sorts of
14:19:41 46 records?---They're covered by health records and other
14:19:43 47 things as well, so yes, I understand.

14:19:43 1
14:19:43 2 Whether it be confidential, whether it be LPP or whether it
14:19:45 3 simply be health records, that sort of information gathered
14:19:49 4 in one's capacity as a lawyer is not the sort of
14:19:53 5 information you pass on to police?---In general, yes.
14:19:56 6
14:19:56 7 Without the authority of your client to do so?---Yes.
14:19:59 8
14:20:01 9 Did you make those positions clear to your investigators,
14:20:05 10 do you believe?---I don't recall going into that level of
14:20:09 11 detail. As I said, these were very experienced
14:20:11 12 investigators, they dealt with these issues on a weekly
14:20:15 13 basis. I thought they well understood the issues.
14:20:18 14
14:20:20 15 Mr Overland, you're a lawyer with respect, you had a first
14:20:23 16 class honours degree in law, your investigators are not
14:20:29 17 lawyers. No disrespect to them, they're very good at what
14:20:32 18 they do, one assumes, because you chose them for that
14:20:35 19 reason, but they're not lawyers, do you accept that?---Well
14:20:40 20 I accept most of them probably aren't. I don't know their
14:20:43 21 qualifications necessarily.
14:20:44 22
14:20:45 23 You think most of them aren't?---I don't know, one or two
14:20:48 24 of them may have legal qualifications, I don't know.
14:20:52 25
14:20:53 26 Look, do you accept this proposition, that issues of LPP,
14:20:57 27 legal professional privilege, confidentiality are not the
14:20:59 28 sort of things that in their finer points police officers
14:21:02 29 would be expected to know all about?---No, I think these
14:21:07 30 detectives would know all about it because this is bread
14:21:09 31 and butter stuff when you're dealing with prosecution of
14:21:12 32 series criminal offences. You're dealing with these issues
14:21:16 33 all the time.
14:21:17 34
14:21:17 35 The sort of issue that you were dealing with here was not
14:21:21 36 the sort of bread and butter issue that police officers
14:21:22 37 dealt with all - - - ?---No, you asked me specifically
14:21:24 38 about LPP and those sorts of issues, they are the sorts of
14:21:27 39 issues that these very senior detectives would deal with
14:21:30 40 all the time.
14:21:31 41
14:21:31 42 Do you accept that there were particular dangers associated
14:21:34 43 with using a barrister who is an informer?---Yes, I've
14:21:38 44 accepted that.
14:21:39 45
14:21:45 46 What you were told, as I understand it, by - perhaps you
14:21:50 47 can explain. Were you told that the investigation plan

14:21:57 1 went off according to Hoyle, it went without a hitch, by
14:22:06 2 Mr O'Brien when he rang you?---I, I don't recall that. I
14:22:12 3 recall being told that [REDACTED] was in custody. I think
14:22:18 4 probably something along the lines things had gone well and
14:22:21 5 he was agreeing to cooperate and then there was the issue
14:22:23 6 about whether he could remain essentially in [REDACTED]
14:22:28 7 without being brought [REDACTED] to assist.
14:22:31 8 That's my recollection of the conversation. I don't think
14:22:34 9 it was a particularly long conversation, my advice was
14:22:38 10 speak to Geoff Horgan.

14:22:39 11
14:22:40 12 Did he contact you after he'd spoken to Mr Horgan?---I
14:22:44 13 believe he did because I believe the advice he conveyed
14:22:49 14 back to me from Mr Horgan was that it was okay, as long as
14:22:53 15 it was very clear that [REDACTED] was consenting to that
14:22:56 16 course of action, and I think he suggested that that be
14:23:00 17 recorded in some way to make sure that it was very clear
14:23:02 18 that he was so consenting.

14:23:04 19
14:23:05 20 As to the facts of what occurred, the evidence of the
14:23:10 21 Commission is that when both of these people were arrested
14:23:15 22 they exercised their right to speak to a solicitor. You
14:23:17 23 wouldn't be surprised if they did that?---No, no,
14:23:21 24 absolutely not.

14:23:22 25
14:23:22 26 Would you be surprised if the solicitor in the initial
14:23:26 27 stages told them to exercise their right to silence, not to
14:23:29 28 participate in interviews?---Well I understand that can be
14:23:34 29 standard advice but if they're caught red-handed sometimes
14:23:38 30 that's not the best course of action. It would depend
14:23:41 31 really on the circumstances and on the solicitor and on the
14:23:44 32 client.

14:23:44 33
14:23:44 34 Obviously you were aware that [REDACTED] at least was [REDACTED]
14:23:49 35 [REDACTED] in relation to [REDACTED]
14:23:52 36 [REDACTED]?---Yes, yep.

14:23:54 37
14:23:55 38 And indeed that was part of the plan, the expectation was
14:23:59 39 he would be under such pressure because of those things
14:24:03 40 that he would in all probability want to assist?---Yes.

14:24:05 41
14:24:07 42 And were you aware that initially he exercised his right to
14:24:11 43 silence?---No.

14:24:12 44
14:24:12 45 But then when investigators commenced to speak to him and
14:24:19 46 commenced to ask him if he wanted to assist, he asked to
14:24:24 47 speak to his lawyer?---No, I wasn't aware of that.

14:24:28 1
14:24:28 2 Perhaps I should get the process right. Initially
14:24:31 3 exercised right to silence, then wanted to see the lawyer,
14:24:36 4 Ms Gobbo then turns up. You say you weren't aware Ms Gobbo
14:24:40 5 turned up?---No.
14:24:41 6
14:24:41 7 Had discussions with [REDACTED] who had been
14:24:44 8 arrested. Then went away and then [REDACTED] begins, that
14:24:51 9 is Mr O'Brien and Mr Flynn go and speak to [REDACTED] and
14:24:55 10 ask him, in effect, to sell the proposition, you understood
14:25:00 11 that was going to take place?---I did.
14:25:02 12
14:25:02 13 And he said he didn't want to make any deals unless
14:25:07 14 Ms Gobbo was present. That's the effect of it?---Right.
14:25:09 15
14:25:10 16 Now, do you say your phone call was in the afternoon - did
14:25:17 17 you get a telephone call in the afternoon immediately at
14:25:20 18 the time of the arrest?---I said earlier that I thought I
14:25:24 19 got the call in the afternoon or the evening.
14:25:26 20
14:25:26 21 Right. Do you say you only got the one telephone call?---I
14:25:34 22 think now - I think I got a call back from Jim to tell me
14:25:39 23 the outcome of his conversation with Geoff Horgan. My
14:25:42 24 recollection is I only got the one phone call which was
14:25:47 25 about the fact he'd agreed to assist.
14:25:50 26
14:25:51 27 And that would have been I think later in the evening?---It
14:25:56 28 may be. I don't recall.
14:25:56 29
14:25:57 30 I think the evidence is - I think it was around 10 pm or
14:26:04 31 something like that?---That may well be right. I was
14:26:06 32 getting calls at all hours of the day back then.
14:26:10 33
14:26:11 34 In any event, what's occurred is the picture's commenced,
14:26:15 35 he's not going to speak to police until Ms Gobbo is
14:26:18 36 present. She then comes back. Were you aware that
14:26:22 37 Ms Gobbo, that there was a member of the SDU at [REDACTED]
14:26:28 38 [REDACTED] at that time initially speaking I think with
14:26:31 39 Mr O'Brien and Mr Flynn - - - ?---No.
14:26:33 40
14:26:33 41 - - - to [REDACTED]. You weren't aware of that?---No.
14:26:36 42
14:26:36 43 And then subsequently Ms Gobbo comes back, [REDACTED] says
14:26:42 44 he wants to speak to Mr Flynn and Ms Gobbo alone?---No, not
14:26:49 45 aware of that.
14:26:49 46
14:26:49 47 Not aware of that. And a conversation then ensues for in

14:26:58 1 excess of an hour. Were you aware of that?---No.

14:27:00 2

14:27:00 3 And during the course of that conversation the evidence of
14:27:05 4 Mr Flynn was that Ms Gobbo in effect assisted him in
14:27:10 5 carrying out his role of convincing, and I'm paraphrasing,
14:27:14 6 but provided assistance and ultimately ██████████ agreed to
14:27:24 7 assist police?---(Witness nods.)

14:27:25 8

14:27:26 9 Would you expect that in such a conversation or such a
14:27:33 10 conversation would be recorded, whether it be by way of a
14:27:38 11 tape-recording device or by way of contemporaneous
14:27:44 12 notes?---I'm a long time out of that level of operational
14:27:53 13 policing. I think so. I mean I think I'd have made notes
14:27:58 14 of it, yes.

14:27:59 15

14:27:59 16 Could you think of any reason why you wouldn't make notes
14:28:02 17 and record what was going on in that conversation?---No.

14:28:11 18

14:28:14 19 I mean if you were concerned perhaps that what was going on
14:28:18 20 was irregular, that might be a reason not to make
14:28:22 21 notes?---Well, I mean I always think notes in those sorts
14:28:28 22 of situations were essential.

14:28:31 23

14:28:32 24 Well, clearly at this time Ms Gobbo was an informer, was in
14:28:43 25 effect an agent of police?---Yes.

14:28:44 26

14:28:44 27 And you would say had you known what had gone on it would
14:28:48 28 be very troubling?---Yes.

14:28:53 29

14:28:55 30 What were the implications insofar as disclosure and
14:29:01 31 Victoria Police's obligation to disclose information to an
14:29:04 32 accused person or to the Crown about these events?---Well
14:29:08 33 it should have been disclosed.

14:29:10 34

14:29:15 35 To whom should it have been disclosed?---Well in all
14:29:21 36 probability to me but it should have also been disclosed to
14:29:24 37 the OPP.

14:29:25 38

14:29:27 39 Would there conceivably be an argument - perhaps I'll
14:29:34 40 withdraw that. Now, you were updated on the night about
14:29:49 41 what had occurred and you say you weren't given details
14:29:53 42 about the steps which occurred in the rolling
14:29:58 43 process?---No, I wasn't.

14:29:59 44

14:30:00 45 Did you ask?---No.

14:30:02 46

14:30:02 47 Did you ask any questions at all of Mr O'Brien about

14:30:06 1 whether there were any hitches in the process of [REDACTED]
14:30:12 2 offering to assist police?---I don't think so because my
14:30:17 3 recollection is that the conversation was it's all gone
14:30:22 4 well, he's agreed to cooperate and it was that specific
14:30:25 5 question around not taking him in immediately before a Bail
14:30:29 6 Justice.

14:30:29 7
14:30:29 8 All right. Now, subsequently I take it you did have
14:30:40 9 briefings about how the operation had gone, more formal
14:30:45 10 briefings?---Look I assume so, without having a specific
14:30:48 11 recollection of that, but I'm sure I would have been
14:30:50 12 updated on how things were progressing.

14:30:53 13
14:30:53 14 I take it you would have also been aware of what the next
14:30:57 15 phases or next step in the operation would have been?---I
14:31:06 16 recall the generalities, I don't recall the specifics, I
14:31:09 17 think there were arrangements made for [REDACTED] to [REDACTED]
14:31:13 18 [REDACTED]. I think [REDACTED], maybe [REDACTED]
14:31:16 19 [REDACTED] if I recall correctly.

14:31:19 20
14:31:19 21 Yes, and what else? Do you recall anything else that was -
14:31:28 22 - - ?---Look, I'm - whether he made, I'm not sure whether
14:31:35 23 he made contact with anyone or was asked to make contact
14:31:38 24 with anyone.

14:31:39 25
14:31:40 26 I take it you understood there were certain people who the
14:31:42 27 investigators, your investigators wanted to implicate or
14:31:45 28 wanted to catch if you like?---Yes.

14:31:47 29
14:31:47 30 I take it you're aware that two of them were members of the
14:31:50 31 Mokbel family, Milad Mokbel was one?---Yes.

14:31:54 32
14:31:54 33 And was Horty Mokbel the other?---Horty was the other.

14:31:58 34
14:31:59 35 Was there a person called [REDACTED]?---I remember that
14:32:01 36 name as well.

14:32:02 37
14:32:02 38 Was there a person called [REDACTED] also. Do you know
14:32:10 39 [REDACTED]?---The name rings a bell, I don't particularly
14:32:14 40 associate it. I can't - - -

14:32:15 41
14:32:15 42 COMMISSIONER: It's a pseudonym.

14:32:16 43
14:32:17 44 MR WINNEKE: I apologise, I've been using the pseudonym.

14:32:20 45
14:32:20 46 COMMISSIONER: It has been used before?---Yes, I'm sorry,
14:32:23 47 Commissioner, I'm struggling to keep up with all of this.

14:32:26 1
14:32:27 2 I understand?---Yes, I know that name, yes.
14:32:30 3
14:32:33 4 MR WINNEKE: I take it there are operation reports in
14:32:36 5 relation to this investigation, an operation plan, were
14:32:41 6 there various operation orders that occurred - - - ?---I
14:32:44 7 assume so, yes.
14:32:45 8
14:32:46 9 Could you have a look at this document, VPL.0099.0056.0001.
14:33:09 10 What I'm going to show you is an operation order for
14:33:14 11 execution on [REDACTED] 2006?---Yes.
14:33:17 12
14:33:17 13 Now, obviously these are the operations which occur
14:33:21 14 [REDACTED] in relation to [REDACTED] on
14:33:25 15 the [REDACTED]?---Right.
14:33:26 16
14:33:27 17 And as you anticipate, there were actions against other
14:33:31 18 people as well once [REDACTED] had been arrested and put on
14:33:35 19 ice as it were for [REDACTED] pursuant to the advice of
14:33:39 20 Mr Horgan, do you accept that?---Yes.
14:33:40 21
14:33:41 22 This is called phase 5. Can we take it that there would
14:33:46 23 have been similar operation orders relating to the earlier
14:33:51 24 execution phases of the operation?---Well I would assume so
14:33:56 25 but again these are not matters that I would normally be
14:33:59 26 involved in.
14:33:59 27
14:34:00 28 No, I understand that. But your assumption would be there
14:34:04 29 would be operation orders, not just for the next phase but
14:34:06 30 there would have been operation orders previously?---I
14:34:09 31 would assume that, yes.
14:34:10 32
14:34:11 33 This order, and I don't need to go through it in any great
14:34:15 34 detail, perhaps scroll through it. It sets out background,
14:34:21 35 the situation, do you see that?---Yes, I do.
14:34:23 36
14:34:24 37 And this is the sort of document that you would expect to
14:34:28 38 be prepared in this sort of an operation?---I would, yes.
14:34:32 39
14:34:32 40 You may or may not see it?---I wouldn't see it. I'd be
14:34:36 41 very surprised if I saw this.
14:34:37 42
14:34:38 43 It would be provided only to people who need to know
14:34:42 44 it?---Correct.
14:34:42 45
14:34:44 46 And if we go through it, it sets out the various
14:34:48 47 occurrences during the operation, do you see that?---Yeah,

14:34:54 1 I do.

14:34:54 2

14:34:55 3 If we go to paragraph 55 - have a look at 13. You see that
14:35:04 4 between the 21st of September and 26th September 2005 a
14:35:09 5 registered human source - - - ?---Yes, I see that.

14:35:10 6

14:35:11 7 - - - provided information that members of the Mokbel
14:35:13 8 family were in the manufacturing, et cetera?---I see that.

14:35:16 9

14:35:16 10 And had various people working for them, including ■
14:35:19 11 ■■■■■, do you see that?---I do.

14:35:21 12

14:35:21 13 Thereafter the person is referred to as 3838, or RHS, yes.
14:35:27 14 Keep going through to paragraph 55. The current situation
14:35:35 15 and proposed execution, do you see that?---I do.

14:35:38 16

14:35:39 17 They were arrested, those ■■■ people were arrested leaving
14:35:42 18 ■■■■■ and at paragraph 56 you'll see that subsequent to
14:35:50 19 the arrest further information in regards to the
14:35:52 20 involvement of other people, listening devices,
14:35:58 21 et cetera?---Yep.

14:35:58 22

14:35:58 23 And you'll see the two names, ■■■■■ and ■■■■■ and
14:36:05 24 ■■■■■ there, do you see that?---Yes.

14:36:08 25

14:36:08 26 Then if we can continue scrolling through. There's the
14:36:14 27 mission there. We keep going, just stop there. There's
14:36:16 28 the operation, the command structure?---Yes.

14:36:20 29

14:36:20 30 With the Investigation Leader Mr Flynn, Deputy Forward
14:36:27 31 Commander, Forward Commander Mr O'Brien and Operations
14:36:30 32 Commander Mr Grant, do you see that?---I do.

14:36:32 33

14:36:32 34 Did you ever speak to Mr Grant about this operation?---I
14:36:34 35 may have done.

14:36:35 36

14:36:35 37 Would you be - you've given evidence that Mr O'Brien
14:36:40 38 contacted you directly on the night, the 22nd. Do you know
14:36:46 39 whether or not Mr Grant was the Operations Commander on the
14:36:50 40 night?---I don't recall.

14:36:51 41

14:36:52 42 Would you normally speak to the Commander or the Forward
14:36:57 43 Commander or did it not make any difference?---It would
14:37:00 44 depend who chose to ring me.

14:37:02 45

14:37:02 46 And it wouldn't matter as far as you were concerned?---No.

14:37:06 47

14:37:07 1 All right. Then if we continue going through, we'll see I
14:37:12 2 think a distribution list. Keep going. There it is there.
14:37:20 3 Page 15, distribution and you're a person who's provided
14:37:24 4 with this, that document there. That doesn't surprise you
14:37:30 5 that you're on the distribution list?---It does a bit. I
14:37:34 6 don't recall seeing it, I don't remember being provided
14:37:36 7 with these things as a matter of course. I mean these are
14:37:39 8 operational matters that were dealt with below my level.
14:37:42 9
14:37:42 10 Right?---It might have come to my office and I might not
14:37:46 11 even have seen it, but I, my recollection is as a matter of
14:37:50 12 course I didn't see these sort of documents.
14:37:52 13
14:37:53 14 Can I suggest that as a matter of course you may not, but
14:37:55 15 with operations you were particularly interested in you
14:37:58 16 might say, "Look can you put me on the distribution
14:38:01 17 list"?---No, that's not my recollection.
14:38:02 18
14:38:03 19 This was an operation in which you were expecting
14:38:05 20 significant publicity, that is the rest of Mokbel, M and
14:38:11 21 H?---Well yes, it would have been of media interest, yes.
14:38:15 22
14:38:15 23 And in cases where there is media interest very often you
14:38:20 24 would be the person in front of the camera?---Not for
14:38:25 25 something like this.
14:38:26 26
14:38:26 27 No, all right. In any event, you say, "Look, I can't
14:38:29 28 recall whether I read that or not"?---I don't recall
14:38:32 29 reading that document.
14:38:34 30
14:38:34 31 All right. In any event I tender that, Commissioner, if it
14:38:37 32 hasn't already been.
14:38:38 33
14:38:38 34 COMMISSIONER: It has, Exhibit 763.
14:38:42 35
14:38:46 36 MR WINNEKE: Certainly would it be fair to say that you
14:38:50 37 were aware at this stage of the significant assistance
14:38:57 38 Ms Gobbo had provided to the Victoria Police in the
14:38:59 39 execution of this operation?---I was aware that she was
14:39:10 40 providing information in relation to this operation.
14:39:13 41
14:39:13 42 Yes?---I don't now have a strong recollection and I don't
14:39:18 43 believe I was across the detail of exactly what information
14:39:21 44 was coming from her or from other sources.
14:39:23 45
14:39:23 46 Right. If we can have a look at, briefly Mr White's diary
14:39:32 47 indicates that an application for a reward had been

14:39:35 1 submitted in late March of 2006 on behalf of Ms Gobbo.
14:39:40 2 Apparently she managed to accrue a couple of speeding fines
14:39:46 3 on an occasion, do you recall - - - ?---Yes, I do now
14:39:49 4 because I've seen material but I don't have an independent
14:39:52 5 recollection of that.
14:39:52 6
14:39:52 7 No, I follow that. There's a payment committee which
14:40:03 8 apparently sat on occasions to deal with these sorts of
14:40:07 9 things?---Apparently because I was obviously part of it,
14:40:10 10 but again I really don't recall being part of it, so.
14:40:13 11
14:40:14 12 In any event, it did sit and if we can just have a look at
14:40:20 13 Mr White's diaries dated 25 April. VPL.0100.0096.0157. I
14:40:31 14 don't have the instant page but it's 25 April. 14:10,
14:40:45 15 there's a rewards payment committee tomorrow. "Advised I
14:40:50 16 was informed would be Friday the 29th", in any event it was
14:40:57 17 changed from Friday to the Wednesday. If we go over the
14:41:00 18 page. And then he queried - if you go down, it seems that
14:41:13 19 there are a number of people sitting on the committee, one
14:41:15 20 of whom is you, another one's Moloney, and another one is
14:41:20 21 Mr Blayney. "Queried why Mr Blayney was included re 3838.
14:41:26 22 Arrangements via Porter. Discussion with McLean re two man
14:41:31 23 committee, Overland and Moloney". Now, do you know why,
14:41:39 24 are you able to explain why there would be a problem with
14:41:42 25 Mr Blayney sitting on the rewards panel, or the
14:41:46 26 committee?---Not anything particular about Mr Blayney, I
14:41:51 27 think he's a senior, was a senior and trusted officer.
14:41:54 28 Unless there was a genuine concern about another person
14:41:58 29 being made aware of the identity of 3838.
14:42:01 30
14:42:01 31 Was he an officer who was a respected and an ethical police
14:42:09 32 officer?---As far as I knew, absolutely.
14:42:11 33
14:42:22 34 Could we just have a look at the document that was passed
14:42:27 35 to the committee. Now this is VPL.0100.0121.0155. It
14:42:51 36 obviously takes some time for these things to get before
14:42:55 37 the committee because the evidence is it was submitted on
14:42:58 38 28 March by Mr Smith, who was a handler, and Mr White. If
14:43:02 39 we go to the second page. This is the first page - that's
14:43:07 40 the second page. That's the first page there. You see the
14:43:11 41 handler details, controller details?---Yes, I see that.
14:43:14 42
14:43:14 43 Officer-in-charge. Can we go back. And the Local Informer
14:43:27 44 Registrar is Mr Porter, do you see that? Can we go to the
14:43:31 45 next page. That is, in effect, the first page of the
14:43:37 46 request for informer reward, do you see that?---Yes, I do.
14:43:41 47

14:43:43 1 And there's some details there, "The human source is
14:43:49 2 providing extremely sensitive information on a number of
14:43:52 3 very high level drug manufacturers and traffickers and has
14:43:56 4 been doing so for several months. A large volume of
5 information has been found to be exceptionally accurate and
14:44:01 6 timely and is being disseminated to Operation Purana for
14:44:05 7 current operations. It's expected that the source will
14:44:08 8 continue to provide vital intelligence in the foreseeable
14:44:12 9 future. To date the information generated has resulted in
14:44:18 10 the compiling of 107 information reports". Bearing in mind
14:44:22 11 this was submitted on 28 March, obviously the operation
14:44:26 12 hadn't come to fruition at that stage?---Yes.

14:44:28 13
14:44:30 14 And you then consider the application after the events of
14:44:36 15 the [REDACTED], do you follow that?---Yes, I
14:44:40 16 do.

14:44:41 17
14:44:44 18 The information, if we scroll - perhaps if we have a look
14:44:48 19 at that. What offence has been, has the RI given
14:44:53 20 assistance with on this occasion? [REDACTED]
14:44:56 21 [REDACTED]. Quality and quantity of the
14:45:00 22 intelligence, et cetera. Do you see that?---I do.

14:45:04 23
14:45:04 24 If we go down to "recommendation for reward". Do you see
14:45:09 25 that? And the speeding fines?---Yes, I'm just reading it.

14:45:18 26
14:45:19 27 Yes?---Yes, I've read that.

14:45:25 28
14:45:30 29 If we continue going down we see that there are names,
14:45:37 30 there is the informant - come back to the other one,
14:45:40 31 please. Just come back to where the name was. Keep going.
14:45:55 32 There. Stop there. Informer details. Do you see
14:45:59 33 that?---I do.

14:46:00 34
14:46:00 35 The name, address, date of birth were included on the
14:46:04 36 application form. Now, can I ask you this, in the first
14:46:10 37 place is it unusual for a reward application to be the
14:46:16 38 withdrawal of penalties or infringements imposed because of
14:46:22 39 offences committed?---It is a little unusual but in the
14:46:26 40 quick read I had the argument was there was a risk she'd
14:46:32 41 lose her licence and they wanted to keep her licence to
14:46:34 42 facilitate her activities. I think in those circumstances
14:46:38 43 - yeah, that's what the application says.

14:46:40 44
14:46:40 45 And no doubt that would have been considered by the
14:46:42 46 committee who were dealing with her I assume, would that be
14:46:46 47 fair to say?---Yes.

14:46:46 1
14:46:48 2 And ultimately the reward, I think, was withdrawn - sorry,
14:46:58 3 the infringements were withdrawn, go over the page we see
14:47:02 4 that, the 26th?---I don't recall but you're telling me.
14:47:05 5 Okay, yep. It says "requested".
14:47:09 6
14:47:09 7 Type of reward approved, withdrawal I think of infringement
14:47:13 8 notice or penalty notice as requested?---Yep.
14:47:16 9
14:47:21 10 And whose handwriting is that?---The withdrawal of PM, I
14:47:25 11 don't know who wrote that.
14:47:27 12
14:47:28 13 That's your signature I assume?---Yes, it is.
14:47:30 14
14:47:30 15 And also the signatures of Moloney and Blayney?---I assume
14:47:35 16 it to be their signatures, I don't - yes.
14:47:37 17
14:47:40 18 Did you make a comment on the application? If we have a
14:47:47 19 look at the page - if we go to this document,
14:47:56 20 VPL.2000.0002.0892. This is an Interpose record. Keep
14:48:09 21 going, just slowly. This is an Interpose document of the
14:48:20 22 reward application?---H'mm.
14:48:22 23
14:48:31 24 Just go back a little bit. Now, just stop there. You see
14:48:35 25 that there's a comment made by yourself that, "When a
14:48:40 26 highly sensitive source reward request is to be presented
14:48:45 27 to the committee, the human source PC, payments committee,
14:48:55 28 the name of the source should be left off the
14:48:58 29 reward"?---Yes, I see that.
14:48:59 30
14:49:01 31 What's the reason for that?---Well it's linking the name to
14:49:07 32 the identification number, so it creates a risk that if
14:49:11 33 that document's ever discovered it puts the two together.
14:49:14 34 So the purpose of having a number like 3838 is to protect
14:49:18 35 the source, so the more documents floating around that link
14:49:22 36 those two things together I think the more problematic it
14:49:25 37 is.
14:49:25 38
14:49:25 39 Did you have any particular concern in relation to this
14:49:32 40 application?---I suspect this was one of the early - I
14:49:39 41 think this committee was a new committee coming out of the
14:49:43 42 work that was done around source management.
14:49:46 43
14:49:46 44 Yes?---So I suspect it was early on in the process, I
14:49:50 45 suspect. But it just seemed to me that it wasn't necessary
14:49:54 46 to have the name on the form. If necessary committee
14:49:58 47 members could be told that but to put it in writing, even

14:50:01 1 though it's a protected document, I thought was an
14:50:03 2 unnecessary risk. So it's a general issue, I don't think
14:50:06 3 it was particularly about this one.
14:50:08 4
14:50:09 5 About this one?---No, I don't think so.
14:50:11 6
14:50:11 7 Thanks very much. Now, did you have a view after this
14:50:20 8 operation had been executed - perhaps before I get there.
14:50:29 9 If we can have a look at Mr Ryan's diary on ██████████ 2006.
14:50:42 10 There's a note that, I think at 9.40, "Briefed Assistant
14:50:56 11 Commissioner in relation to the events of the last few
14:51:00 12 days"?---I can see that, yep. I see that.
14:51:03 13
14:51:04 14 Now, given that we're now on ██████████, I take it you would
14:51:09 15 have been made aware that - obviously you were aware of the
14:51:14 16 events of ██████████, since ██████████ I take it you'd been
14:51:18 17 getting updates as to how the operation was
14:51:23 18 progressing?---I honestly don't recall. I assume I would
14:51:25 19 have got some level of update but I don't now recall.
14:51:29 20
14:51:29 21 As a matter of probability I suppose if the next phase of
14:51:34 22 the operation involved arresting, for example, ██████████
14:51:42 23 and another person called ██████████, as part of the
14:51:47 24 operation that's something that you would have been
14:51:51 25 interested to know?---I would, but I'm not sure, yeah. I
14:51:57 26 mean I would be interested to know that, but that could
14:52:00 27 have been conveyed any time, yeah.
14:52:03 28
14:52:03 29 And I assume it would have been of interest to you to know
14:52:10 30 what was going on with ██████████, whether he was still
14:52:17 31 prepared to assist?---Well I assume once he was committed,
14:52:24 32 that, you know, he would have been committed as I
14:52:26 33 understand it. So once he was assisting that's really not
14:52:30 34 a course of action you can pull out of.
14:52:32 35
14:52:33 36 No. You would have been made aware that ██████████
14:52:38 37 had been arrested I think on ██████████?---I would have been
14:52:42 38 made aware of that, yes, at some point, yep.
14:52:44 39
14:52:46 40 And would it have been conveyed to you that his lawyer,
14:52:56 41 having spoken to him, indicated that, he having been
14:53:00 42 arrested, that he wanted to plead guilty, would that have
14:53:03 43 been of interest to you?---It would have been of interest
14:53:09 44 to me if that's what happened. I don't now recall that.
14:53:12 45
14:53:12 46 The evidence is that when he was arrested he wanted to
14:53:15 47 speak to a lawyer and guess who turned up? Did you not

14:53:19 1 know that Ms Gobbo turned up?---No.
14:53:21 2
14:53:23 3 And having spoken to him, indicated to Mr Flynn that he
14:53:31 4 wanted to plead guilty?---Right.
14:53:34 5
14:53:34 6 That wasn't conveyed to you?---I don't remember whether it
14:53:37 7 was or it wasn't. I'm sure at some point I became aware of
14:53:42 8 the fact he had been arrested. I don't now recall the
14:53:46 9 offer or the decision to plead guilty.
14:53:48 10
14:53:48 11 Right. And [REDACTED], who was also arrested as a
14:53:52 12 result of the operation, he also wanted to speak to a
14:53:57 13 lawyer and Ms Gobbo spoke to him as well, did you know
14:53:59 14 that?---No.
14:54:00 15
14:54:01 16 You would have been told I assume that the matter had gone
14:54:04 17 to court, at least for the filing hearing, certainly
14:54:07 18 insofar as [REDACTED] were concerned, the
14:54:12 19 people who had been arrested that night?---I may have been,
14:54:16 20 yes.
14:54:16 21
14:54:16 22 Would you have been informed that on [REDACTED], on the
14:54:21 23 filing hearing, Ms Gobbo represented [REDACTED]
14:54:23 24 in court?---I wasn't told that.
14:54:26 25
14:54:26 26 Again, I mean do you say that this is the first time you've
14:54:30 27 learnt that?---Yes.
14:54:31 28
14:54:32 29 And again, it would be contrary to instructions that you
14:54:38 30 had given clear instructions - well when I say contrary,
14:54:44 31 you having made it clear about your concerns in this area,
14:54:48 32 you would be very surprised not to have been told about
14:54:51 33 that?---Yes.
14:54:51 34
14:54:58 35 Now, you were aware when this whole operation started that
14:55:06 36 Ms Gobbo was the lawyer for Tony Mokbel?---I think so, yes.
14:55:13 37
14:55:16 38 Indeed one of the things that you - - - ?---Well, I'm not
14:55:20 39 sure about that and I'm not sure I know that.
14:55:24 40
14:55:24 41 I thought you were saying quite clearly one of the concerns
14:55:27 42 for Ms Gobbo was that she being the lawyer of choice for
14:55:31 43 this syndicate, that's where her potential or risk of harm
14:55:36 44 arose?---Correct.
14:55:37 45
14:55:37 46 If she chose not to represent these people?---Correct.
14:55:41 47

14:55:41 1 That's your position?---Yep.
14:55:42 2
14:55:42 3 You'd be surprised, wouldn't you, or you wouldn't be
14:55:45 4 surprised if any of these people were arrested they'd call
14:55:49 5 her, you wouldn't be surprised about that surely?---No, but
14:55:56 6 they shouldn't have, well that shouldn't have happened.
14:55:58 7
14:55:59 8 Well, given what you knew, one expects that you would say
14:56:03 9 to your investigators at the outset, "What's going to
14:56:08 10 happen if these people are arrested? Aren't they going to
14:56:11 11 call Ms Gobbo", wouldn't you have asked that question?---I
14:56:14 12 don't believe I did ask that question. As I said earlier,
14:56:18 13 I understood, I understood that the investigators
14:56:20 14 understood the situation and that they were well versed in
14:56:24 15 dealing with these issues and that they would deal with
14:56:28 16 them appropriately.
14:56:29 17
14:56:29 18 There was nothing secret, one assumes if Ms Gobbo stands up
14:56:33 19 in court and represents, for example, ██████████, and the
14:56:38 20 other person, there would be nothing secret about
14:56:41 21 that?---No.
14:56:41 22
14:56:41 23 Everyone can see it?---Yeah.
14:56:43 24
14:56:43 25 The investigators are there, they can see it?---Yes.
14:56:45 26
14:56:46 27 Invariably the investigators are there for a filing hearing
14:56:49 28 because they're going to be asked by the magistrate how
14:56:53 29 long is it going to take for the brief to be prepared,
14:56:56 30 et cetera?---Yes.
14:56:56 31
14:56:56 32 They would have been there?---Yes.
14:56:58 33
14:56:58 34 Can I suggest if you had made it clear to them, it would
14:57:02 35 have been extraordinary for them not to have contacted you
14:57:05 36 and said, "Look boss, we've got a real problem here, it
14:57:08 37 looks like Gobbo is still acting for these people"?---Yes,
14:57:13 38 they should have let me know.
14:57:14 39
14:57:15 40 Can I suggest to you, Mr Overland, that you would have
14:57:17 41 known?---No, I didn't know.
14:57:18 42
14:57:18 43 It would have been made known to you?---No, I didn't know.
14:57:21 44
14:57:21 45 If you weren't aware of it then can I suggest you weren't
14:57:24 46 doing your job properly?---Again, I don't accept that. I
14:57:28 47 should have been made aware of it, but I was not involved

14:57:31 1 in that level of operational detail. It was not my job to
14:57:34 2 do.
14:57:34 3
14:57:35 4 If what you say is correct, you've given clear instructions
14:57:38 5 about your concerns to your investigators, Messrs Flynn,
14:57:41 6 O'Brien, these people. Do you say these are the sort of
14:57:47 7 people who would hide that information from you?---I
14:57:51 8 wouldn't have thought so, no.
14:57:52 9
14:57:53 10 Do you believe that they were, that when you told them
14:57:57 11 about your views they were left in an uncertain state of
14:58:01 12 mind?---I don't believe so, no.
14:58:03 13
14:58:06 14 Now, do you believe that the information that was within
14:58:21 15 Victoria Police, you say you weren't aware of it but
14:58:25 16 certainly police officers within your investigative team
14:58:29 17 were aware of this information, the fact that Gobbo had
14:58:31 18 been providing the information and then acting for these
14:58:35 19 people or advising them. That is information which should
14:58:38 20 have been immediately made known to the OPP as soon as it
14:58:44 21 became apparent that this is what was going on?---I'd have
14:58:48 22 thought that was an appropriate step.
14:58:49 23
14:58:51 24 And if that had been made known, then do you accept that
14:58:56 25 there would have been alternatives available to Victoria
14:59:02 26 Police if it wished to pursue the charges arising out of
14:59:05 27 the information? One, there would need to be an argument
14:59:09 28 in the nature of a public interest immunity argument if
14:59:11 29 Victoria Police wished to withhold the information from the
14:59:14 30 accused people?---Yes.
14:59:17 31
14:59:17 32 That's one option?---Yes.
14:59:18 33
14:59:18 34 The alternative option is that the charges would simply
14:59:21 35 have to be withdrawn?---Yes.
14:59:23 36
14:59:23 37 And they were the two options, weren't they, as at [REDACTED]
14:59:29 38 2006 when Ms Gobbo turned up at the filing hearing, if not
14:59:35 39 before?---I think so.
14:59:38 40
14:59:40 41 All right. I take it neither of those options would have
14:59:52 42 been palatable to you?---I wouldn't have been happy about
14:59:58 43 them.
14:59:58 44
14:59:58 45 You wouldn't have been happy about it?---No.
15:00:00 46
15:00:01 47 One of them would be trying to prevent Ms Gobbo's name from

15:00:05 1 being exposed as a human source and there would be problems
15:00:08 2 there surely?---Yes.
15:00:09 3
15:00:09 4 And obviously the other ones would be the potential of
15:00:14 5 losing these charges?---Yes.
15:00:16 6
15:00:25 7 In either event there might be the potential of an inquiry
15:00:29 8 into the conduct of Victoria Police a lot sooner than
15:00:32 9 now?---Potentially, yes.
15:00:33 10
15:00:34 11 Do you think you were aware of this information at the
15:00:37 12 time?---No, I wasn't.
15:00:38 13
15:00:39 14 Now, I take it after these events was it your view that
15:00:47 15 Ms Gobbo ought not remain as a human source?---It was
15:00:53 16 around that time - well, sorry, I've had matters put to me
15:01:00 17 in other inquiries.
15:01:02 18
15:01:02 19 Yes?---That confirms my general recollection, which I've
15:01:05 20 described to you earlier, that I saw her role as being time
15:01:08 21 limited.
22
15:01:09 23 Yes?---And that I was suggesting there needed to be an exit
15:01:12 24 strategy developed for her
25
15:01:14 26 Right?---And I understand there was a meeting around this
15:01:16 27 time where I was approached by people from the Source
15:01:21 28 Development Unit and as part of that there's a reference
15:01:24 29 that I take to me saying to them, "What about the exit
15:01:27 30 strategy?"
15:01:28 31
15:01:31 32 I take it there would have been conflicting emotions in
15:01:39 33 your mind because as far as you were concerned the
15:01:41 34 information that Ms Gobbo provided was exceedingly good
15:01:46 35 information?---Correct.
15:01:47 36
15:01:48 37 And indeed I think you've said that - perhaps I'll put this
15:01:55 38 to you in complete - I think IBAC at p.49 before Mr Kellam
15:02:01 39 you said - yes, p.49. This is one of the answers you gave,
15:02:10 40 "I think that's my recollection as with a number of those
15:02:13 41 people who were there, ultimately directions, well I think
15:02:17 42 with this witness in particular I ultimately gave a
15:02:20 43 direction to a Task Force not to deal with her"?---That's
15:02:25 44 right.
45
15:02:25 46 Perhaps we can just go back so as we know what the earlier
15:02:28 47 questions were. It can be shown to - I think the questions

15:02:42 1 are about bringing the relationship to an end. I think you
15:02:50 2 said you were alert to particular challenges, "Clearly
15:02:54 3 behaved in ways that indicated to me that she was incapable
15:02:57 4 of recognising and acting in her own best interests and
15:03:01 5 that could only end up one way, well two ways, she was
15:03:05 6 either going to get herself killed or she was going to be
15:03:09 7 effectively outed as a source or she'd finish up in
15:03:13 8 protection as I pointed out in the statement". You were
15:03:15 9 asked by Mr Kellam, then you went on to say, "Victoria
15:03:21 10 Police needed a strategy and that's confirmed by, yes, what
15:03:24 11 I was saying. We needed to have a way of bringing the
15:03:27 12 relationship to an end and having her move on with the rest
15:03:30 13 of her life, hopefully in a safe way"?---Yes.
15:03:33 14
15:03:34 15 "Without creating increased risk for her or even greater
15:03:38 16 risk for her"?---Yes.
15:03:39 17
15:03:39 18 "Exit strategies talked about, yeah. I think there's a
15:03:43 19 couple of reasons, I'm only speculating here, it's my view
15:03:46 20 I think it was partly about the nature of the source. It's
15:03:51 21 an attachment issue. Impossible to get rid of in a way
15:03:55 22 that wasn't catastrophic in terms of the nature of the
15:04:00 23 parting. And I think they were in probably in a real bind
15:04:04 24 around how on earth do we get rid of this woman but do it
15:04:08 25 in a way that's safe to her", right?---Yes.
15:04:11 26
15:04:11 27 Just before I move on, these were risks, I take it, that
15:04:15 28 you knew about certainly in April and May of 2006?---Yes,
15:04:20 29 and I think that's what the evidence - and that's when I
15:04:23 30 was raising these concerns with her handlers to say, "I
15:04:25 31 think you need to have an exit strategy for her".
15:04:29 32
15:04:29 33 And Mr Kirkham says, "Because in the end, years down the
15:04:33 34 track it had to be said, they had to be told, 'Don't
15:04:36 35 respond to her'", and I think he's talking about the fact
15:04:39 36 that years down the track it was very hard to get rid of
15:04:43 37 her?---And I want to make the point that my comments about
15:04:46 38 her are from the position of 2014 looking back over the
15:04:51 39 whole of her relationship with Victoria Police.
15:04:52 40
15:04:53 41 I follow that. But I take it your views even around 2006,
15:04:59 42 shortly after the events which had resulted in the arrest
15:05:02 43 of the people who are the subject of Operation Posse, would
15:05:06 44 have been, "Look well, we need to end this
15:05:10 45 relationship"?---Yes, because I think by then Mr Mokbel had
15:05:13 46 taken off in the March.
15:05:15 47

15:05:15 1 Yes?---We'd arrested his brothers, we'd arrested a number
15:05:19 2 of keys players. It seemed to me that was a natural break
15:05:23 3 point and we should try, her handlers should try and find a
15:05:28 4 way to manage her out.
15:05:31 5
15:05:31 6 That's on the one hand, and you say - what you do say
15:05:35 7 though is, "Not to go anywhere near her because she
15:05:41 8 wouldn't let go and she wasn't very good at finding her way
15:05:44 9 back in so I think that was part of the problem. And look,
15:05:44 10 the other issue is, as I've said, she was the best source
15:05:48 11 I've seen in 25 years of investigation. She was
15:05:51 12 unbelievable in terms of the quality of what she could do
15:05:54 13 and provide and, you know, as an investigator you sometimes
15:05:58 14 find that difficult to let go". Was that an attitude that
15:06:02 15 you had?---No, no, no. That was not an attitude that I
15:06:05 16 had, and again it was from the perspective of 2014, because
15:06:13 17 of course there's other events that I'm sure we'll get to
15:06:17 18 where she had other information but more as a witness than
15:06:19 19 as a source. And it's been described a bit. She was
15:06:22 20 involved in, it seemed like she was involved in literally
15:06:26 21 everything that was going on and she knew about it. So she
15:06:32 22 did, she had a lot of information. But as I said all
15:06:34 23 along, I understood her role as a human source was always
15:06:37 24 highly problematic. I saw it as time limited and I thought
15:06:42 25 as early as sort of April, May 2006 this is the time to
15:06:47 26 think about how we actually manage her out.
27
15:06:49 28 Yes?---Because it seems the threat from the Mokbel
15:06:52 29 syndicate has been somewhat reduced.
15:06:55 30
15:06:55 31 What you're saying to the Commission is, "Look, as far as I
15:06:57 32 was aware at the time I didn't see any problem, any legal
15:07:00 33 issues with what had occurred because I didn't know that
15:07:06 34 she had been appearing for people who she'd provided
15:07:10 35 information against"?---No, I didn't.
15:07:12 36
15:07:12 37 Correct?---No, I didn't.
15:07:14 38
15:07:14 39 "And she'd provided very valuable information which had
15:07:19 40 enabled us to, at least at that stage, pack up the Mokbel
15:07:25 41 cartel"?---Well at that stage she'd provided valuable
15:07:30 42 information.
43
15:07:31 44 Yes?---She went on, after this, to provide even more
15:07:35 45 valuable information and that's the perspective from which
15:07:38 46 I made these comments. So I just want to be clear about
15:07:41 47 that.

15:07:41 1
15:07:42 2 Are you talking about other information, such as
15:07:44 3 information which led to the arrest of people involved in
15:07:47 4 serious importations?---No, I'm talking about the matters
15:07:51 5 covered by Petra and Briars.
15:07:53 6
15:07:53 7 You say that falls into the category of unbelievably good
15:07:57 8 information in terms of quality?---Absolutely.
15:08:00 9
15:08:05 10 One assumes, or one would have thought you'd be talking
15:08:09 11 about your Operation Posse which led to the arrests of
15:08:14 12 Mokbel's offsidiers?---Sorry, in the comments that you're
15:08:18 13 referring to here?
15:08:19 14
15:08:19 15 The unbelievably good information?---No, no. Well, we'll
15:08:24 16 get to it I'm sure, but in Operation Petra she finished up
15:08:30 17 providing evidence from the ██████████ person where he
15:08:32 18 corroborates the account that had been provided by
15:08:37 19 ██████████. I've never heard of that happening.
15:08:37 20
15:08:38 21 Was that provided as an informer or a witness?---That was
15:08:43 22 provided as a witness.
23
15:08:43 24 So not as an informer?---No, but it's still information.
15:08:44 25 She's still in a position where - yes, I agree, the
15:08:48 26 evidence she provided - sorry, as I understand it, I don't
15:08:50 27 know the detail, but as I understand it she provided very
15:08:53 28 useful, very important evidence in relation to the Mokbel
15:08:57 29 syndicate at this point.
30
15:08:59 31 Yes?---She went on to provide very important evidence
15:09:01 32 around the recapture of Tony Mokbel, so that happened after
15:09:05 33 this, and again quite remarkable in terms of what she was
15:09:09 34 able to do. She then pops up in subsequent investigations
15:09:12 35 and seems to be able to provide evidence relevant to two
15:09:17 36 Task Forces that were set up to investigate murders where
15:09:21 37 there are allegations that serving and former police
15:09:25 38 officers were involved, and she could provide evidence in
15:09:27 39 relation to those matters. I'd call that quite a
15:09:30 40 remarkable history.
15:09:31 41
15:09:32 42 Certainly the reward form you signed seemed to indicate you
15:09:36 43 were pretty happy with the information she had provided at
15:09:39 44 that point?---Absolutely. I'm not trying to diminish the
15:09:42 45 importance of that but I'm just trying to put in context
15:09:46 46 the comments that I'm making here, because they are looking
15:09:48 47 over the history of her interaction with Victoria Police.

15:09:49 1 They are not particular to this point in time in 2006.
15:09:53 2
15:09:53 3 Okay. If we have a look at the source management log of 17
15:09:57 4 May. It seems that Mr White, Sandy White and Mr Smith meet
15:10:11 5 with yourself on 17 May?---Yes, and that's the entry that
15:10:15 6 I'm thinking of.
15:10:16 7
15:10:17 8 "Re issues of potential reward to Ms Gobbo and the
15:10:21 9 termination process"?---Yes.
15:10:23 10
15:10:23 11 "You were to consider acknowledgement of appreciation by
15:10:27 12 you, discuss motivation and counselling for source" and
15:10:36 13 there's also, it's unclear whether there's information
15:10:39 14 about associations there, but can we focus on the
15:10:45 15 termination process?---Yes.
15:10:46 16
15:10:48 17 Do you recall how that meeting came about?---I understand
15:10:54 18 the Source Development Unit came to see me.
15:10:57 19
15:11:00 20 Were they saying to you, "Look, we think that we should
15:11:03 21 initiate a reward process and a termination process"?---No,
15:11:06 22 I think they came to see me about reward issues.
15:11:09 23
15:11:09 24 Yes?---And to be honest I'm struggling to remember what
15:11:13 25 those reward issues were.
26
15:11:15 27 Yes?---I'm clear in my mind I raised with them the need to
15:11:22 28 develop the termination process. I think I may have raised
15:11:25 29 this earlier but this was a clear reference that was put to
15:11:27 30 me in the IBAC inquiry
31
15:11:28 32 Yes?---That confirmed for me my general recollection that I
15:11:31 33 was raising this issue at a reasonably early time.
15:11:35 34
15:11:36 35 Was there a discussion about providing her with a money
15:11:41 36 reward?---I don't - I think - so my recollection, and I
15:11:46 37 stand to be corrected, there were rewards offered for a
15:11:52 38 number of outstanding crimes and homicides.
15:11:54 39
15:11:54 40 Yes?---And I think she was actually seeking a reward for
15:11:59 41 that. The general rule with those things is we don't pay
15:12:02 42 rewards until convictions are secured.
15:12:04 43
15:12:04 44 Yes?---And so I think, my recollection is I said yes, well
15:12:09 45 that's all well and good, she can apply and we'll deal with
15:12:13 46 it in due course, I think that's what happened.
15:12:16 47

15:12:16 1 You say ultimately it wasn't your responsibility or you
15:12:21 2 weren't the person who was immediate line superior to the
15:12:28 3 SDU, is that right?---No, that's right.
15:12:30 4
15:12:32 5 It was Mr Moloney who was the person who was - - - ?---I
15:12:35 6 think so. There was an earlier reference to Mr Thomas and
15:12:39 7 I think he was there for a period of time, but Mr Moloney
15:12:42 8 was I think the substantive Commander. I don't remember
15:12:44 9 exactly when it was he took over.
15:12:46 10
15:12:47 11 He would be the one who would be responsible for
15:12:51 12 terminating her, any relationship?---Through the SDU and
15:12:54 13 through the policy there would be a formal termination
15:12:56 14 process, yes.
15:12:57 15
15:12:57 16 Ultimately would you say that it would be his
15:13:01 17 responsibility or your responsibility to make a decision
15:13:05 18 about termination?---No, it would be his and the source
15:13:08 19 manager's responsibility. It was a suggestion from me that
15:13:11 20 I thought they should be turning their mind to that.
15:13:14 21
15:13:14 22 Is it a discussion that you had with Mr Moloney?---I think
15:13:17 23 I did talk about this with Mr Moloney, yes.
15:13:20 24
15:13:20 25 You say that you felt it earlier than this that you'd
15:13:26 26 turned your mind to deregistering Ms Gobbo?---No, I was
15:13:32 27 always of the view that her role as a human source should
15:13:34 28 be time limited.
29
15:13:35 30 Yes?---And that part of the planning needed to be, you
15:13:39 31 know, how do we transition her out of this. Now that I
15:13:42 32 appreciated might take some time but I thought we needed to
15:13:46 33 be thinking about that pretty early on.
15:13:48 34
15:13:48 35 Yes. Do you think that if this approach had been made it's
15:13:59 36 something that you would have, well in relation to the
15:14:04 37 approach would you have said, "Look, it's not a matter for
15:14:07 38 me, it's a matter for Mr Moloney. You really need to speak
15:14:10 39 to Mr Moloney about this issue of deregistration"?---Well
15:14:18 40 you're calling it deregistration.
15:14:20 41
15:14:20 42 Termination, exit?---I was saying to them, "Look, I think
15:14:24 43 her role is going to be problematic". And partly because
15:14:27 44 of the quality of the information she was providing it
15:14:30 45 seemed to me, given I assumed that normal discovery
15:14:34 46 practices would be followed, that there was some chance
15:14:36 47 that she would be discovered through those processes. So I

15:14:40 1 was suggesting to them that I thought they needed to be
15:14:44 2 thinking about a termination strategy.
15:14:46 3
15:14:46 4 In the usual course if she hadn't been advising or acting
15:14:50 5 for any of these people the usual public interest immunity
15:14:53 6 argument would prevail, wouldn't it? There would be no
15:14:56 7 concern about her being exposed because she'd have nothing
15:15:00 8 to do with - the fact that she was an informer would have
15:15:04 9 no relevance to the defence?---No, but the public interest
15:15:09 10 immunity is not a complete defence to these matters
15:15:12 11 because, and particularly if you're involved in multiple
15:15:17 12 briefs, as I said to you earlier, I think yesterday, the
15:15:21 13 crooks go looking and they look within the brief and they
15:15:25 14 look across briefs and they look for patterns, and they
15:15:28 15 look for who knew that information, who knew that
15:15:30 16 information, who knew that information. And sometimes it's
15:15:31 17 been my experience almost through a process of elimination
15:15:35 18 they work out where the source is and the longer you're
15:15:38 19 involved in the criminal justice system the greater that
15:15:41 20 risk is.
15:15:42 21
15:15:42 22 I wonder if we could have a look at VPL.0100.0096.0226.
15:15:49 23 It's a diary entry of Mr White of 17 May 2006. It seems
15:16:46 24 that, I think it's at 12.30, Mr White and Mr Smith met with
15:16:52 25 you. There was a discussion of a reward process.
15:16:56 26 "Discussed motivation. Financial reward not appropriate."
15:17:01 27 Is that something that you would have conveyed or that
15:17:05 28 information you would have conveyed?---I think I was very
15:17:08 29 sceptical about her application for the reward but, again,
15:17:12 30 my recollection was to, I think I expressed that scepticism
15:17:17 31 but I also said, "Look, the process is she can be apply and
15:17:23 32 it can be assessed, good luck with that".
15:17:25 33
15:17:26 34 Was her motivation a basis for the view that the financial
15:17:30 35 reward wouldn't be appropriate?---I don't quite understand
15:17:47 36 that entry. I don't understand what it means.
15:17:51 37
15:17:51 38 What would be the circumstances where a financial reward
15:17:53 39 would be appropriate to an informer who'd enabled - -
15:18:00 40 -?---So the rewards, yeah - well they're normally phrased
15:18:08 41 "provides evidence or information leading to the solving
15:18:11 42 of", again I'm struggling to remember the exact details,
15:18:16 43 what the reward application was for, so I don't quite
15:18:19 44 understand. I understand "discuss motivation". I then
45 don't understand the, "Link to financial reward not
15:18:23 46 appropriate". I'm sorry, I can't help you with that.
15:18:25 47

15:18:26 1 Do you know how this meeting came about? Would you have
15:18:27 2 called the meeting?---My recollection is they came to see
15:18:30 3 me.
15:18:30 4
15:18:30 5 You hadn't called them in to say - - -?---No.
6
15:18:33 7 - - - "look, I think you should consider an exit strategy",
15:18:36 8 they came to see you?---My recollection is they came to see
15:18:41 9 me about the reward.
15:18:42 10
15:18:43 11 And then it says here that there was a consideration of
15:18:50 12 acknowledgement of appreciation by you?---Yes, I see that.
15:18:53 13
15:18:54 14 And you advised that she is aware of, now this is, "AC
15:19:00 15 advised that Ms Gobbo is aware of apparently Gobbo's
15:19:11 16 existence but not the extent of same"?---Sorry, I don't
15:19:16 17 understand that.
15:19:17 18
15:19:17 19 No, it's a bit unclear. Do you think it might mean this,
15:19:20 20 that what Ms Gobbo had been advised by the handlers is that
15:19:25 21 you were aware of her existence but not of the extent of
15:19:34 22 the information or the assistance that she had
15:19:39 23 provided?---It could mean that, but I'm - - -
15:19:43 24
15:19:43 25 We had a discussion with Mr White about that and he
15:19:46 26 conceded that that may well be what he intended, that she'd
15:19:49 27 been told that you knew that she was a source but you
15:19:53 28 weren't aware of the extent of the information or
15:19:55 29 assistance she had been providing?---And that would be
15:19:58 30 right.
15:19:58 31
15:19:59 32 But the reality - - - ?---Whether that says that or not I
15:20:03 33 don't know.
15:20:04 34
15:20:04 35 The reality is you were certainly aware of the extent of
15:20:07 36 the assistance that she had provided because it had led to
15:20:11 37 the arrests of ██████, Milad Mokbel and so forth?---Well I
15:20:17 38 was aware of the outcome. As I said all along, I didn't
15:20:21 39 have detailed knowledge of what information she was
15:20:24 40 providing and when.
15:20:25 41
15:20:25 42 There was a discussion about funding a trip to Las Vegas to
15:20:29 43 a Celine Dion concert. Is that something that was
15:20:35 44 raised?---It must have been but I don't remember it.
15:20:38 45
15:20:40 46 That might be, "Instead of a financial reward maybe we give
15:20:45 47 her a trip to Las Vegas to see Celine Dion"?---I guess so.

15:20:51 1
15:20:51 2 And there was also a discussion about the need for
15:20:54 3 counselling?---Yeah.
15:20:56 4
15:20:56 5 "Consider as an appropriate thing to do from VicPol
15:21:02 6 perspective"?---Yeah. And look, you know, clearly being a
15:21:08 7 human source can be very stressful, so I'm assuming - well
15:21:13 8 look, I'm assuming that's what that was about.
15:21:15 9
15:21:15 10 Subsequently you've given evidence to Justice Kellam that
15:21:19 11 you were aware that psychologically speaking she was
15:21:24 12 perhaps a needy sort of a person, she had attachment
15:21:30 13 disorders?---Yes, I used some language in what I thought
15:21:34 14 was a private hearing that I perhaps wouldn't use more
15:21:37 15 publicly, but I certainly had concerns about her state of
15:21:40 16 mind and her judgment.
15:21:40 17
15:21:40 18 One assumes that because you were in a private hearing you
15:21:43 19 were speaking frankly?---I was a bit more frank than I
15:21:48 20 should have been. Sorry, not franker than I should have
15:21:49 21 been, I used language that I perhaps would qualify.
15:21:51 22
15:21:51 23 You were speaking frankly because you were in a private
15:21:54 24 hearing?---Yes.
25
15:21:56 26 And they were your honest views?---I thought that - well I
15:21:56 27 was concerned from the outset. I mean the mere fact she
15:21:59 28 got herself into a position where she saw the out as coming
15:22:06 29 to us and informing indicated to me that there were serious
15:22:09 30 issues about her judgment and possibly about her mental
15:22:12 31 health.
15:22:12 32
15:22:12 33 That was speaking in 2014, you obviously accumulated more
15:22:19 34 information as you went on?---Absolutely.
15:22:21 35
15:22:22 36 Which gave you to have even more concern?---Yes, it did.
15:22:26 37
15:22:28 38 I take it between you and Mr Moloney you could have said to
15:22:32 39 Mr White and Mr Smith, "It is time now to detach Victoria
15:22:38 40 Police from Ms Gobbo and it's got to be done"?---Well, my
15:22:41 41 understanding was that they agreed to do that but I always
15:22:45 42 understood that it was going to take a period of time to
15:22:48 43 bring that about.
15:22:49 44
15:22:49 45 Yes?---So I thought they agreed and I thought they'd gone
15:22:53 46 away to actually work on that.
15:22:54 47

15:22:55 1 There's a discussion about the need for counselling?---Yep.
15:22:58 2
15:22:59 3 There doesn't appear to be any note to the effect that, "We
15:23:04 4 are to terminate Ms Gobbo and to end the relationship",
15:23:09 5 does there?---No, there's not.
15:23:11 6
15:23:11 7 All right. I note the time, Commissioner.
15:23:16 8
15:23:16 9 COMMISSIONER: Yes, all right, we'll take the afternoon
15:23:18 10 break.
15:23:47 11
15:23:47 12 (Short adjournment.)
15:23:48 13
15:42:40 14 MR WINNEKE: Thanks Commissioner. The meeting that you'd
15:42:43 15 had with Mr White and Mr Smith on 17 May, was that a usual
15:42:51 16 sort of a meeting that you'd have, that is be approached by
15:42:55 17 the SDU and have discussions about a particular
15:42:58 18 source?---No, it's not usual, so that's why I think they
15:43:01 19 approached me about the reward payment.
20
15:43:05 21 Do you think that there was a discussion about the need to
15:43:12 22 - whether or not she should be retained and the way in
15:43:14 23 which she might be moved out?---My recollection is I just
15:43:22 24 suggested to them that they needed a strategy to manage her
15:43:25 25 out. That was for them to do, not for me to do, but I
15:43:29 26 thought it was important for them to be thinking about
15:43:31 27 that.
28
15:43:32 29 Was there any discussion about the time frame over which it
15:43:34 30 might occur?---No.
31
15:43:36 32 And the way in which it might occur?---No, well that - as I
15:43:39 33 say, I appreciated it would probably take some time to do
15:43:43 34 but I thought there needed to be a plan. They were the
15:43:45 35 experts, I thought they needed to really be thinking about
15:43:49 36 that.
37
15:43:49 38 Was there any discussion about the need to retain her on
15:43:54 39 the books for any particular purpose?---I don't think so.
15:44:05 40 I don't recall that, no.
41
15:44:07 42 So, for example, was there any discussion about the
15:44:11 43 potential that she might be exposed through court processes
15:44:14 44 and disclosure?---Well I know that was a concern of mine.
45
15:44:22 46 Yes?---I may have expressed it during the meeting or not.
15:44:27 47 I know that was a concern of mine so I could have said

15:44:30 1 something about that to them.
2
15:44:31 3 And do you believe that, or do you think it might have been
15:44:36 4 the case that there was a concern on both parts, that is
15:44:39 5 you and the handlers, that it would be far more convenient
15:44:44 6 or far more effective to retain her at least during the
15:44:49 7 period that litigation's going on as a result of
15:44:52 8 information she's provided, that is criminal
15:44:59 9 charges?---Retain her in what sense? Keep as a registered
15:45:01 10 human source?
11
15:45:02 12 As a registered informer, a source?---I wouldn't have seen
15:45:07 13 those two things as necessarily going together. I
15:45:09 14 understood that whilst matters were progressing through the
15:45:12 15 criminal justice system she would need ongoing support.
16
15:45:15 17 Yes?---But I thought her career as a human source at that
15:45:20 18 point should be somewhat limited.
19
15:45:22 20 Right. I mean it may be suggested that - indeed, the
15:45:28 21 handlers have suggested it at some stage during the course
15:45:32 22 of the Royal Commission that there was a necessity to
15:45:34 23 retain the source on the books during the period that that
15:45:38 24 source, or at least the trials were going on to manage
15:45:42 25 disclosure issues. Is that something that you believe was
15:45:49 26 discussed?---Not with me. Again, as a matter of - I
15:45:51 27 wouldn't be involved in those sorts of issues around
15:45:54 28 disclosure and around the management of that. I guess my
15:45:59 29 view is I don't think the two things go together, but if
15:46:02 30 was that their view, that's their view.
31
15:46:04 32 I take it what you would say is look, whether or not the
15:46:08 33 source is currently registered is neither here nor there to
15:46:12 34 the issues of protection of the source via public interest
15:46:14 35 immunity arguments should they be needed?---Correct.
36
15:46:16 37 Because those arguments are available whether or not the
15:46:19 38 source is registered?---Correct.
39
15:46:21 40 The policy is that the source oughtn't be disclosed whether
15:46:26 41 after or during the period that they're an
15:46:30 42 informer?---Preferably at any stage.
43
15:46:34 44 In any event you would have expected that following the
15:46:38 45 meeting that steps would be put in place to ease her
15:46:46 46 out?---At some point. As I said, I accepted that it may
15:46:51 47 take some time to manage her out.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Yes?---So I didn't have a time frame in mind. Again, it wasn't my formal responsibility but I thought that it's something that I should take the opportunity to talk to them about and say, "I think this is something that would be wise to do."

There's a note to the effect that there should be counselling considered, would that be the responsibility of Victoria Police?---Yes.

Because - - - ?---Because she's a source and we have a duty of care to her and, as I said, being a source is for many people, I think almost invariably for everyone, can be an incredibly stressful existence.

Yeah, I follow that. Was it your expectation that that counselling process would continue during the period that she remained a human source for Victoria Police?---I'd have thought so, yes.

Did you have any time frame in mind that you can recall?---No, I didn't. As I say, I don't pretend to be expert in these matters. I just thought that there was a need to develop an exit strategy and to attempt to implement that exit strategy. And I appreciated that that would take some time.

In any event your view was that she wouldn't - it would be unlikely that she would be tasked to do anything, to get information?---I don't know that I had a view about that and I don't know that I talked about that. I didn't understand what her current taskings or activities were at that time, I don't think.

But you might have asked, wouldn't you? If they were coming to you and saying look, we need to talk about, one, a reward and, two, a termination process - - - ?---No, I don't think I did because they asked me about the reward, we had a discussion about the reward. I don't think I was all that receptive to the idea of her getting a reward but I think I kind of put them off and said we'll just tell her she can apply in due course and we'll consider it. And then I think we had the discussion about I think, you know, now's a good time to be thinking about what an exit strategy might look like.

15:49:00 1 And it may be it will be suggested that she wanted to meet
15:49:03 2 with you. Do you recall at one stage hearing that she
15:49:05 3 actually wanted to meet with you?---I recall that but I
15:49:11 4 don't recall whether it was at that period of time. I do
15:49:14 5 recall I think she wanted to meet with me much later. But
15:49:22 6 I stand to be corrected. I recall her having that desire,
15:49:27 7 I don't recall when that was.
8
15:49:29 9 In any event you didn't meet with her?---I have never met
15:49:35 10 Nicola Gobbo in my life.
11
15:49:40 12 Can we just have a quick look at the source management log
15:49:43 13 for 22 May 2006. There's a monthly source review which
15:49:53 14 contains an update. It says that, "She continues to be a
15:49:57 15 very productive source of intelligence re Operation Purana.
15:50:00 16 Since the arrest of Milad Mokbel she's been under suspicion
15:50:04 17 as being an informer". There's an updated risk assessment
15:50:07 18 prepared. Did you ever see a risk assessment?---No, I
15:50:12 19 never saw risk assessments.
20
15:50:15 21 I take it you never asked to see a risk assessment because
15:50:19 22 had you done so you would have been provided with one,
15:50:22 23 wouldn't you?---Well, again, that was not a matter for me.
15:50:24 24 The sterile corridor was in place, that was a matter for
15:50:29 25 the Source Development Unit and its command.
26
15:50:32 27 Do you believe they would have told you that she was under
15:50:35 28 suspicion as being an informer?---They may have but I would
15:50:41 29 have had my own views about that, which it was either I
15:50:44 30 would have known or suspected it was highly likely that she
15:50:47 31 would be under suspicion by reasons of the matters that
15:50:50 32 I've mentioned previously.
33
15:50:51 34 All right. Then there's a note to the effect that, as to
15:51:00 35 her value she's high value still?---I understand that, yes.
15:51:03 36 I see that.
37
15:51:04 38 And recommended continued management by DSU essential, do
15:51:12 39 you see that?---Yes.
40
15:51:12 41 There doesn't appear to be any - aside from the note on 17
15:51:20 42 May, there doesn't appear to be any note which makes it
15:51:25 43 clear that there had been advice given to them that
15:51:32 44 Victoria Police should commence to detach from her?---No, I
15:51:37 45 agree with that. But there's the previous note that you've
15:51:39 46 put to me that indicates there was some discussion about a
15:51:43 47 strategy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Yes?---And that accords with my recollection. As I recall it in front of IBAC I spoke generally about my recollection about this.

Yes?---And I talked about it and then that document was shown to me and my recollection and my evidence is well that's consistent with my recollection.

Okay. You recall I asked you before about a note, an ICR I think which referred to a person by the name of Shields, Richard Shields?---I do recall you asking me about that.

Can I show you a document which is called a joint agency agreement which was signed on 5 June 2006, VPL.0005.0147.0063. I take it you know what these sorts of documents are?---Yes.

If we scroll through to the bottom of it we'll see that it's signed by I think Mr Cornelius and Mr Ashton who was then the Assistant Director of Police Integrity at the OPI?---Yes.

Luke Cornelius was then the Assistant Commissioner Ethical Standards Department. So he was your equivalent in Ethical Standards, ESD?---Yes, although I think if that's the third, 5th of the 6th of the 6th.

I don't think he'd been promoted just yet?---Around that time I became Deputy Commissioner I think.

Around that time, yes. So if we just go back to the top we'll see basically what it's about and you'll see that the name, the Leading Senior Constable is the person who's described as [REDACTED]?---Yes.

And there's a reference to the arrest of Azzam Ahmed on 16 August 2004. We've discussed Mr Ahmed before and I take it certainly by now you would have been, when I say now, by 5 June you would have been aware who Azzam Ahmed was?---Yes, certainly, yeah.

Because of his connection to the events, firstly, surrounding Operation Gallop?---Yes.

And then subsequently the Hodson murders?---Yes.

15:54:01 1 And his connection at least to Ms Gobbo, you would have
15:54:07 2 been aware of that?---Again, I'm not sure I was aware. I'm
15:54:15 3 certainly aware of the earlier matters, I'm not sure I was
15:54:20 4 aware of his connection with Ms Gobbo.
5
15:54:23 6 What we see here is that there was an arrest and there was
15:54:28 7 cash seized, then there was a bail application, I think I
15:54:32 8 referred to this previously, in December 2004. Former
15:54:37 9 police officer David Waters and Campbell, who made
15:54:42 10 statements to the effect, that is to ██████████, "Mate, I
15:54:50 11 think she", Nicola Gobbo, "has done you a huge favour.
15:54:54 12 Mate, trust me. She has probably saved your job". You
15:54:57 13 would have been aware I take it generally of those matters,
15:55:02 14 would you not?---I don't have a recollection of - I don't
15:55:11 15 have a recollection of those matters.
16
15:55:14 17 All right. In any event you'll see that the joint agency
15:55:18 18 agreement refers to suspects and they're waters and
15:55:25 19 Campbell and I think it's a civilian by the name of
20 Boyle?---Yep.
21
15:55:29 22 The associate suspect is Richard Shields, and you certainly
15:55:34 23 were aware of Mr Shields because I think you said
15:55:37 24 previously he may have been the first subject of an order
15:55:39 25 68 show cause notice?---Yes, I just don't - - -
26
15:55:45 27 Section 68?---Yes, it was. I just don't remember the time.
15:55:48 28 I think it was around 2006 that that was happening.
29
15:55:51 30 The evidence that the Commission has is that this agreement
15:55:54 31 was entered into on 5 June 2006 between Cornelius and
15:56:01 32 Ashton. Would you likely have been - you say you don't
15:56:16 33 specifically recall this matter but is it something that
15:56:18 34 you would have spoken to Mr Cornelius about?---Not
15:56:24 35 necessarily. I mean it's an ESD matter.
36
15:56:26 37 Yes?---So there would be no - I don't think any necessary
15:56:32 38 reason for me - - -
39
15:56:34 40 To get involved in it?---To do that. I want to be careful
15:56:40 41 here, I've seen some documentation in the last few days
15:56:43 42 that changes my - well, it doesn't change my recollection
15:56:46 43 because I remember very little about it.
44
15:56:49 45 It gives you a recollection?---It indicates that I did
15:56:51 46 certain things, so yes.
47

15:56:57 1 What it indicates is that on 6 June, obviously a day
15:57:00 2 subsequent to this agency agreement, it seems that
15:57:15 3 Mr Wilson and yourself, Mr Cornelius and Mr Masters are
15:57:25 4 involved in a meeting?---Right.
5
15:57:26 6 Do you see that? You're aware of that?---No, I wasn't
15:57:30 7 aware of that.
8
15:57:32 9 No?---I was aware that I somehow finished up having a
15:57:36 10 conversation with Mr Wilson. I was aware of that.
11
15:57:38 12 Right. Let's have a look at this diary entry of
15:57:40 13 Mr Cornelius. VPL - there it is. At 9.30 on the 6th
15:57:48 14 there's a meeting. We understand that Mr Cornelius and
15:57:53 15 Mr Wilson - Mr Masters and Mr Cornelius would have a
15:58:00 16 regular meeting?---Right.
17
15:58:03 18 And on this occasion you and Mr Wilson came to the
15:58:09 19 meeting?---Right.
20
15:58:10 21 Right. It was concerning Operation Khadi, right?---Yes, I
15:58:17 22 see that. Sorry, can I ask in what capacity was Mr Masters
15:58:24 23 there?
24
15:58:25 25 Well, Mr Masters was involved in surveillance for
15:58:40 26 ESD?---Right.
27
15:58:43 28 And there had been a plan on the part of - - -
15:58:59 29 ?---Mr Masters used to work for me in the Crime Department
15:59:02 30 so I'm just trying to be clear whether he was - I was just
15:59:08 31 trying to be clear whether he was still with the Crime
15:59:11 32 Department at that time or whether he was somewhere else,
15:59:12 33 because I have a recollection he moved somewhere else.
34
15:59:16 35 ESD - now the plan was this, and it was a plan which was
15:59:20 36 part of a joint plan of the joint agency agreement, that
15:59:24 37 they would put telephone intercepts on Ms Gobbo's
15:59:29 38 phone?---Right.
39
15:59:32 40 At a time that she'd be called to the OPI to give
15:59:35 41 evidence?---Right.
42
15:59:36 43 About the matters which are the subject of the operation,
15:59:39 44 right?---Right.
45
15:59:40 46 Her knowledge of the events surrounding the allegations of
15:59:44 47 corruption against members of Victoria Police, Waters and

15:59:48 1 Campbell, right?---Right.
2
15:59:52 3 That was the plan, to put off her phones to see what was
15:59:55 4 said when she was called before the OPI?---Right.
5
15:59:58 6 That was the plan. The desire was Gobbo was to be called
16:00:06 7 at a hearing and that was the plan of the Office of Police
16:00:12 8 Integrity?---Right.
9
16:00:13 10 To investigate these corruption allegations. Mr Masters
16:00:19 11 made inquiries to see if there were any issues around
16:00:22 12 putting TIs on Ms Gobbo's phone with Purana?---Right.
13
16:00:27 14 Does that enlighten you as to why you might have been
16:00:31 15 involved in the meeting?---Well I assume because Ms Gobbo
16:00:34 16 had popped up it was probably for that reason.
17
16:00:37 18 Right. So it was conceivably because of your connection to
16:00:42 19 Ms Gobbo or to the use of Ms Gobbo as a human source that
16:00:47 20 you become involved in this meeting, would that be fair to
16:00:50 21 say?---Look, I don't know. I don't remember being at this
16:00:54 22 meeting but I assume it had something to do with that, yes.
23
16:00:57 24 Righto. In any event, you understand that the Office of
16:01:01 25 Police Integrity is set up to independently oversight
16:01:05 26 Victoria Police, do you agree with that?---Yes.
27
16:01:11 28 Do you agree that it's an independent government - it's an
16:01:16 29 independent body set up, independent of the police to
16:01:19 30 investigate Victoria Police without any influence by
16:01:26 31 Victoria Police?---Yes.
32
16:01:27 33 Right. It seems that the OPI were of the view that it was
16:01:33 34 an appropriate course to take to investigate this
16:01:36 35 corruption and use Ms Gobbo, or at least to put her phone
16:01:42 36 off. Do you see any issue with that?---I do but I don't
16:01:46 37 recall that, but I see an issue with it.
38
16:01:49 39 What would the issue be?---There's a couple of issues. One
16:01:52 40 is she's a lawyer, so intercepting any lawyer's phone is
16:01:58 41 never straightforward because of the issues of legal
16:02:02 42 professional privilege.
43
16:02:03 44 Right?---But also she, of course, was a human source so
16:02:06 45 there may be some risks associated with that as well.
46
16:02:08 47 All right. So if we have a look at Mr Wilson's diary of

16:02:14 1 the same date, we see that he was on duty, there was a
16:02:21 2 meeting with yourself, Masters regarding - I'm sorry AC is
16:02:28 3 Cornelius, he's Assistant Commissioner at ESD,
16:02:32 4 Cornelius?---Yes.
5
16:02:33 6 You, Masters, regarding Operation Khadi?---Yes.
7
16:02:37 8 A coercive hearing was discussed involving Nicola
16:02:39 9 Gobbo?---Yes.
10
16:02:40 11 You briefed meeting regarding Ms Gobbo and her involvement
16:02:50 12 as a human source, do you see that?---Yes, I see that.
16:02:55 13
16:02:55 14 "Briefed by Simon re Gobbo and involvement as a human
16:03:00 15 source. Need to speak to" - now that's redacted out as you
16:03:07 16 see there?---Yes.
17
16:03:09 18 But it's Sandy White?---Yes.
19
16:03:12 20 "To coordinate issues"?---Yes.
21
16:03:14 22 Do you accept that, assuming these notes are taken
16:03:16 23 contemporaneously they suggest that you briefed the meeting
16:03:21 24 that Ms Gobbo was a human source and before anything was
16:03:23 25 done there needed to be discussions with Mr White at the
16:03:27 26 SDU before any action is taken and to coordinate issues
16:03:32 27 rather?---The only qualification is did I brief the meeting
16:03:36 28 or did I brief Mr Wilson about that? I'm just not clear.
16:03:40 29
16:03:41 30 Do you have any recollection?---No, I don't.
31
16:03:44 32 Have you had any discussions in recent times with
16:03:45 33 Mr Cornelius?---No.
34
16:03:47 35 I take it you're aware of his evidence, are you?---No.
36
16:03:51 37 You haven't heard his evidence?---I haven't looked at it.
38
16:03:54 39 Do you know what he said about this?---No.
40
16:03:57 41 Have you ever discussed these issues with him in times gone
16:04:00 42 by?---No.
43
16:04:01 44 Not at all?---No.
45
16:04:03 46 Okay. Have you had any discussions in recent times about
16:04:08 47 these issues, with anyone, anyone at all?---Well my lawyers

16:04:15 1 have alerted me to the fact that there are some issues
16:04:18 2 around this, yes.
3
16:04:20 4 And you haven't seen this note?---I haven't seen this note,
16:04:23 5 no.
6
16:04:26 7 Do you say that it's likely that you would have briefed the
16:04:32 8 meeting about Ms Gobbo and her involvement as a human
16:04:35 9 source?---Well I'm just asking the question, it says I
16:04:40 10 briefed. I don't recall it. My question was a simple one,
16:04:44 11 did I brief the meeting or did I just brief Wilson? I
16:04:48 12 don't recall what I did.
13
16:04:48 14 Right. It certainly suggests that there was a meeting and
16:04:58 15 - - - ?---I don't want to make too much of a point of it, I
16:05:02 16 accept what it says.
17
16:05:03 18 What you're saying is you don't recall as to whether or not
16:05:05 19 you briefed Mr Wilson or you briefed Mr Cornelius and Mr -
16:05:08 20 - - ?---No, I don't, no.
21
16:05:09 22 Was there any reason why you'd brief Mr Wilson and not his
16:05:13 23 Superintendent, Mr Cornelius?---Well other than the general
16:05:16 24 issue around trying to keep the identity of sources as
16:05:20 25 confidential as possible, that may have been a reason why I
16:05:24 26 only spoke to Mr Wilson, but I honestly don't recall now.
27
16:05:32 28 In any event, your view was that before anything was done
16:05:35 29 or at least - perhaps I'll withdraw that. Do you say that
16:05:41 30 it would be necessary for the SDU to coordinate
16:05:48 31 issues?---Well other entries I've seen, I haven't seen this
16:05:50 32 entry but I've seen some other records, it seems to me that
16:05:54 33 I said to Wilson, "You need to go and talk to the Source
16:05:57 34 Development Unit about this and coordinate with them."
35
16:06:00 36 What documents have you seen?---I think I've seen a
16:06:04 37 statement of Wilson.
38
16:06:06 39 Right. Have you seen a source management log entry?---I
16:06:14 40 don't believe so but if you want to show it to me it might
16:06:18 41 help.
42
16:06:18 43 All right. 6 June 2006. This is an entry made by Sandy
16:06:33 44 White who was advised by Superintendent Wilson of ESD that
16:06:38 45 he was aware of source ID, "Informed by AC Overland after
16:06:45 46 being referred to same by Superintendent Biggin when
16:06:48 47 inquiry was made re putting TI on the phone". Do you see

16:06:52 1 that?---Yep.
2
16:06:54 3 "ESD working with the OPI regarding an investigation of
16:06:56 4 Richard Shields and ██████████, ██████████ police. Had
16:07:02 5 intended to subpoena Ms Gobbo to OPI hearings and compel to
16:07:05 6 answer questions to see what occurs on the TI. Advised by
16:07:09 7 Overland to contact SDU"?---M'mm.
16:07:11 8
16:07:11 9 "Advised Wilson will consider appropriate course of action
16:07:15 10 and meet with same. Informed by Wilson that Cornelius and
16:07:20 11 Masters are also aware of the source identity now"?---Yes.
12
16:07:24 13 Again, I mean on one view it's hearsay but it suggests - -
16:07:29 14 - ?---No, I accept that.
15
16:07:30 16 It certainly does support the proposition that the note of
16:07:33 17 Mr Wilson's indicates it was a meeting, a briefing - - -
16:07:37 18 ?---I briefed the meeting, yeah, I accept that.
19
16:07:39 20 You don't - if you are prepared to inform Super Wilson it's
16:07:45 21 unlikely that you would say, "Look, I'm going to brief him
16:07:48 22 and I'm not going to brief the Assistant
16:07:51 23 Commissioner"?---Yes.
24
16:07:51 25 And you would see no reason not to as a matter of
16:07:56 26 principle?---Generally, no.
27
16:07:58 28 Particularly given that Cornelius was a signatory and was
16:08:00 29 involved in the joint agency agreement?---Yep.
30
16:08:03 31 All right. Then if we go to Mr White's diary,
16:08:23 32 VPL.0100.0096.0261. Really I suppose this reflects what is
16:08:27 33 set out in the source management log. "ESD have a joint
16:08:29 34 agreement with the OPI. Activities of ██████████ police.
16:08:33 35 Intel to use surveillance powers to interview 3838 re
16:08:39 36 knowledge of Shields and ██████████. Were considering TI.
16:08:44 37 Thought we'd check with Biggin in case Purana had TIs
16:08:50 38 already". Then Biggin was told to speak to yourself. "Met
16:09:02 39 with same today. Cornelius and Phil Masters present. AC
16:09:07 40 stated 3838 was human source. Also stated that DSU were
16:09:15 41 working on an exit strategy". I'm not too sure what the
16:09:27 42 last part of that says. But that's consistent, you say,
16:09:29 43 with your view that there was an exit strategy being
16:09:32 44 considered at that stage?---I haven't seen that entry but
16:09:34 45 yes, it is consistent with that view.
46
16:09:40 47 If we then have a look at a diary entry of 15 June 2006

16:09:47 1 which is a meeting between Sandy White, Mr Wilson and
16:09:52 2 Inspector Attrill. Do you know him?---No, I don't. Well
16:09:59 3 if I did I don't now recall him.
4
16:10:03 5 It appears - if we look at that diary entry it appears that
16:10:10 6 he's met with Wilson and Attrill re ██████ inquiry,
16:10:14 7 "Expressed concern re Attrill being informed the identity
16:10:19 8 of the human source, too many. Attrill's conducting the
16:10:24 9 Brown/Shields inquiry. Opposed suggestion that Graham
16:10:29 10 Ashton of the OPI be informed". And it was agreed the OPI
16:10:33 11 not to be told that she's a source. There's intelligence
16:10:46 12 that Ms Gobbo met with Wilson, may provide a lot of - it's
16:11:09 13 a bit hard to interpret this but the effect of it is that
16:11:14 14 there's an update with respect to intelligence will be put
16:11:18 15 into an information report. "HS may assist voluntarily but
16:11:24 16 doesn't want to give evidence. Advised of risk if human
16:11:28 17 source is before the OPI examiner. Chief Examiner says it
16:11:34 18 can't happen". It may well be that there's a mistake about
16:11:39 19 whether it's Chief Examiner or OPI. It seems that there's
16:11:47 20 frustration being expressed that too many people know and
16:11:52 21 they don't want Ashton to know about it at the OPI?---I
16:11:55 22 understand that's what it suggests, yes.
23
16:12:00 24 If we go over the page. "Agreed that human source to be
16:12:08 25 spoken to as a witness. Nil clandestine meetings. SDU to
16:12:18 26 smooth the way. Human source may be able to assist with
16:12:23 27 Adam Ahmed. Advise Adam Ahmed has intelligence regarding
16:12:31 28 the theft of \$700,000 to \$900,000 from Operation Gallop.
16:12:31 29 Advise Adam Ahmed unwilling to talk". It may well be that
16:12:38 30 that was information certainly insofar as Adam Ahmed in the
16:12:43 31 theft of the \$700,000 to \$900,000 in Gallop. Is that a
16:12:47 32 matter that you were across at that stage?---When you say
16:12:49 33 across, I have awareness of the fact that there was an
16:12:52 34 allegation about that money being stolen but I don't
16:12:55 35 remember much more about it to be honest. I'm not sure I
16:13:00 36 was all that across it.
37
16:13:02 38 In any event, it may well be you weren't aware of at that
16:13:05 39 time, but had you been aware of that - - - ?---I'm sorry, I
16:13:08 40 just want to be clear. Does that relate to the burglary
16:13:12 41 that was committed in Oakleigh?
16:13:13 42
16:13:13 43 Yes, it does?---Is that what we're talking about?
44
16:13:14 45 Yes, the burglary, 27 September 2003?---Sorry, yes, I do
16:13:18 46 know about that , yes.
16:13:19 47

16:13:19 1 The assertion or the allegation there was money there that
16:13:22 2 was stolen?---Well, yes, as I understand it, it was, yes.
3
16:13:27 4 Clearly that's information that back in 2006 you would have
16:13:31 5 been very interested in, any evidence from Azzam Ahmed
16:13:35 6 about the involvement potentially of someone like Paul Dale
16:13:38 7 in that burglary?---Yeah.
8
16:13:40 9 Would be information that you would be very keen to get
16:13:43 10 your hands on?---I'd be interested in that, absolutely.
11
16:13:47 12 Yeah, all right. Both ESD would be interested and also
16:13:56 13 Purana would be interested, I assume, given that it was
16:14:00 14 concerned both with the murder of the Hodsons potentially
16:14:06 15 and also corrupt behaviour of a police officer?---I think
16:14:08 16 at that stage the Hodson investigation was still with the
16:14:12 17 Homicide Squad, Charlie Bezzina would have been interested
16:14:18 18 in it, definitely.
19
16:14:20 20 And not only that, I assume the Chief Commissioner would be
16:14:22 21 interested in any corruption issues involving Victoria
16:14:24 22 Police because of the organisational risk that was posed by
16:14:27 23 that?---Yes.
24
16:14:28 25 Is it likely that the Chief Commissioner would have been
16:14:32 26 advised as to these goings on?---She may have been but
16:14:37 27 probably more likely by Mr Cornelius than me.
28
16:14:40 29 All right. If you had have been, and assuming you were at
16:14:46 30 the meeting that we've referred to previously, would it be
16:14:52 31 - what would be the situation with you recording the
16:14:55 32 events? Is it likely you would have recorded what was said
16:14:59 33 by you?---Possibly.
34
16:15:00 35 Possibly?---Yep.
36
16:15:04 37 If we go to 21 July 2006. There had been - after a
16:15:15 38 discussion with the SDU it seems that the plan in relation
16:15:18 39 to interviewing Ms Gobbo changed and the plan was now that
16:15:25 40 ESD would speak to Ms Gobbo informally. Were you aware of
16:15:30 41 that or not at this stage?---I don't have any recollection
16:15:32 42 of that. So this is in relation to ████████?
43
16:15:35 44 In relation to ████████?---No, I don't. I don't have any
16:15:37 45 recollection of that.
46
16:15:38 47 ████████ and Shields and also Waters and Campbell, those

16:15:42 1 issues?---Yeah. Well as I say I have a stronger
16:15:44 2 recollection about Shields.
3
16:15:47 4 Yes?---I don't really have much of a recollection about
16:15:50 5 ██████████ and until I saw that document you showed me with
16:15:53 6 the target list I wasn't aware that those other gentlemen
16:15:56 7 were part of that investigation. If I was, I've forgotten
16:16:01 8 it.
9
16:16:01 10 Okay. If we have a look at this document,
16:16:09 11 VPL.0005.0147.0119. This is an information report prepared
16:16:11 12 by Inspector Attrill concerning a meeting on 21 July 2006.
16:16:18 13 There was a meeting between Superintendent Rod Wilson and
16:16:24 14 himself and John Kapetanovski, Michael Davson and Stephen
16:16:29 15 Parker from the OPI. Do you know any of those names, aside
16:16:33 16 from Wilson and Attrill?---I know John Kapetanovski because
16:16:38 17 he was a member of Victoria Police I think before going
16:16:41 18 across to the OPI.
19
16:16:42 20 Had you had dealings with him and/or Mr Ashton in relation
16:16:46 21 to any investigations at the OPI - perhaps I withdraw that.
16:16:50 22 Had you had dealings with Mr Kapetanovski at the OPI?---In
16:16:55 23 mid-2006 ?
16:16:57 24
16:16:58 25 Yes?---I don't think so.
26
16:17:00 27 Okay. It seems that there's frustration and disagreement
16:17:09 28 expressed by the OPI concerning the proposed meeting with
16:17:11 29 Gobbo as the OPI intended to serve a subpoena on her and
16:17:14 30 bring her before the coercive hearing. "OPI believe any
16:17:21 31 prior meeting may jeopardise the element of surprise with
16:17:21 32 questions that the OPI wished to put at the hearing" and in
16:17:24 33 effect destroy that element that they might get out of an
16:17:27 34 OPI hearing. You would understand those expressions of
16:17:32 35 frustration I would suggest?---Yes.
36
16:17:35 37 There was a proposed list of questions to be put to Gobbo
16:17:40 38 at the meeting and there would be certain questions not put
16:17:49 39 and the OPI subsequently advised they didn't want any
16:17:52 40 questions regarding Waters or Campbell and the relationship
16:17:56 41 with ██████████ and Gobbo. The effect is that there's
16:18:22 42 frustration, they want to serve a subpoena and they're
16:18:25 43 concerned about the element of surprise being lost and so
16:18:29 44 they agree to a sort of compromise, do you see that?---I
16:18:33 45 understand that.
46
16:18:33 47 All right. Now, if we then go to 24 July 2006. There's a

16:18:41 1 meeting which occurs between Mr Attrill and Swindells and
16:18:47 2 Ms Gobbo and there are notes made of the conversation and
16:18:51 3 during the course of the conversation she expresses concern
16:18:54 4 about subpoenas and being called to the OPI. In the
16:19:00 5 discussion there's references by her to throwing privilege
16:19:05 6 out the door and there's oblique reference to earlier
16:19:11 7 discussions with the SDU and she says, "Actually, I talked
16:19:14 8 about privileged things with somebody else who I thought
16:19:17 9 wouldn't be telling anybody but clearly they have", so it
16:19:20 10 seems that Ms Gobbo, during the course of that meeting with
16:19:23 11 Attrill and Wilson, has been clearly frustrated and upset
16:19:33 12 about those matters?---I understand that.

13
16:19:40 14 At that stage it appears that there was still the
16:19:43 15 possibility of an OPI hearing, because the OPI was, as I've
16:19:47 16 suggested, keen to have such a hearing?---Yes.

17
16:19:50 18 Does that ring any bells with you?---No, it doesn't.

19
16:19:54 20 If we go to ICR p.366. There's a meeting, and you'll see,
16:20:07 21 between Gobbo and the handler. She indicates that she's
16:20:10 22 been visited by ESD. She's upset that Attrill knew about
16:20:16 23 \$20,000 that her client Ahmed spoke about. She believes
16:20:20 24 that the controller Mr White and the handler Mr Green have
16:20:26 25 spoken to this Inspector and therefore he is aware of her
16:20:29 26 role and they're going to report back to Commander Wilson
16:20:33 27 who Ms Gobbo knows because there's evidence she'd been at
16:20:38 28 some function at the AFL in a corporate box. Ideally for
16:20:49 29 them they want a statement from Ms Gobbo regarding Ahmed.
30 There was not guarantee that she wouldn't be called before
16:20:53 31 the OPI. She's adamant that she can't be cross-examined in
16:20:56 32 this type of forum because of her role and she's told the
16:20:59 33 handlers/controller that - she was told that White and
16:21:03 34 Green were trying to head off the OPI hearing for her. If
16:21:13 35 you go over the page you'll see that she's fairly
16:21:18 36 distraught about it, "Upset is not the word". She's in a
16:21:22 37 worse position because of trying to do the right thing and
16:21:25 38 she's very upset and she's crying uncontrollably, do you
16:21:30 39 see that?---I do see that.

40
16:21:32 41 If we then go to - the next entry which I'd like to take
16:21:39 42 you to is Mr White's diary, VPL.0100.0096.0321. This is 24
16:21:52 43 July, same date. "Brief re 3838 and [REDACTED]/Attrill issue.
16:22:10 44 Mr White's updated TB", Tony Biggin. "Need to find out how
16:22:16 45 ESD document files". Wilson is called of ESD. There's
16:22:26 46 criticism of Attrill for disclosing to Ms Gobbo that he
16:22:33 47 knew she was assisting police. "Suggested Mr Overland

16:22:36 1 approach Graham Ashton of the OPI and request no further
16:22:46 2 action, NFA re 3838". Do you see that?---I do.
16:22:51 3
16:22:51 4 "Agreed need to meet with Superintendent Biggin" and he
16:22:58 5 calls Mr Biggin to update?---Yep.
6
16:23:01 7 And a meeting's arranged for 25 July, do you see that?---I
16:23:05 8 do, yep.
9
16:23:08 10 Then if we have a look at Mr Wilson's diary on 25 July. It
16:23:15 11 seems that he's briefed Assistant Commissioner Cornelius
16:23:20 12 with respect to the issue of Gobbo?---Yes.
13
16:23:22 14 Next step is on 25 July, same day, Mr White's diary.
16:23:26 15 Mr Wilson and Mr White meet with Biggin. If we can go to
16:23:31 16 Mr White's diary, VPL.0100.0096.0324. Meeting between
16:23:43 17 Superintendent Biggin, Rod Wilson, Smith regarding Gobbo.
16:23:45 18 "Luke Cornelius briefed. Agrees that Assistant
16:23:48 19 Commissioner Overland is to speak to Graham Ashton OPI
16:23:52 20 regarding issue. Advised not to pursue". So effectively
16:23:55 21 what's being suggested is that in effect you're to advise
16:24:01 22 Graham Ashton not to pursue the issue with respect to
16:24:03 23 Ms Gobbo before the OPI, right? "Tony Biggin to speak to
16:24:13 24 Simon Overland re same. Gauge if information that
16:24:16 25 Ms Gobbo's human source ID can be limited to only Graham
16:24:26 26 Ashton at OPI", and then the question is, "What will staff
16:24:29 27 think if the investigation or human source involvement in
16:24:35 28 the investigation is stopped". Do you see that?---I do.
29
16:24:38 30 "It was agreed will not pursue Ahmed, must therefore" -
16:24:48 31 "agreed not to pursue the Ahmed investigation because it
16:24:51 32 will further highlight Ms Gobbo's assistance to police and
16:24:55 33 Rod Wilson to supply a recording of the Attrill/Swindells
16:24:59 34 meeting with Ms Gobbo. Summary of notes handed over". Do
16:25:06 35 you see that?---I can.
36
16:25:10 37 Then the next entry is Mr Wilson's diary, RCMPI.0118, have
16:25:21 38 you got that there? We see an entry at 5 o'clock. It was
16:25:25 39 agreed at the meeting that ESD - same meeting effectively.
16:25:28 40 You'll see that it was agreed the ESD would withdraw Gobbo
16:25:32 41 from the interview. Noted the need to brief Overland to
16:25:35 42 deal with Ashton at the OPI to, to deal with Ashton at the
16:25:40 43 OPI on the issue. Do you see that?---I do but I want to
16:25:44 44 come back. "So ESD happy to withdraw her from IV."
45
16:25:50 46 Interview. Interview?---Not investigation?
47

16:25:54 1 Well it might be interview or it might be investigation,
16:25:57 2 perhaps, one or the other. That's what the note reveals in
16:26:01 3 any event. Do you see that?---Right.
4
16:26:15 5 If we then have a look at 26 July 2006, Mr Biggin speaks to
16:26:19 6 you, Mr Biggin's diary, do you see that? At this stage you
16:26:30 7 are Deputy Commissioner?---Yes.
8
16:26:31 9 "3838 and OPI hearings brief same. To speak to Graham
16:26:41 10 Ashton re same. Not in public interest to be placed before
16:26:45 11 hearing"?---Right.
12
16:26:48 13 So we see what's occurring, there's a move to get you to
16:26:51 14 speak to Graham Ashton. Firstly, can you explain why it
16:26:57 15 would be the view of these investigators that you would be
16:27:00 16 the appropriate person to speak to Graham Ashton?---No, I
16:27:04 17 can't.
18
16:27:05 19 Is there any reason why it would be considered that you
16:27:08 20 were the appropriate person?---You would have to ask them.
16:27:14 21 They've approached me. So I'm not sure why they've chosen
16:27:21 22 to come to me. I have no recollection of this.
23
16:27:25 24 No, I follow. Can you think of any reason why it wouldn't
16:27:27 25 be appropriate for Luke Cornelius to speak to Graham Ashton
16:27:30 26 about this if that was the view of ESD, that they didn't
16:27:34 27 want to upset the situation with respect to Ms Gobbo?---I'd
16:27:38 28 have thought that was equally a plausible option for them
16:27:42 29 to pursue.
30
16:27:44 31 You say you don't have a recollection but can you see any
16:27:51 32 reason why it would be appropriate to curtail the
16:27:53 33 operations of the OPI?---I can understand the concern about
16:27:58 34 the potential to compromise Ms Gobbo.
35
16:28:03 36 Yes?---But I wouldn't have been concerned about her
16:28:09 37 appearing at an OPI hearing.
38
16:28:14 39 Well, you would expect that if she was called before an OPI
16:28:18 40 hearing she would answer questions truthfully?---I would
16:28:21 41 hope so.
42
16:28:22 43 If she was asked questions which revealed that she was a
16:28:26 44 human source, so be it, she'd have to answer it, would
16:28:30 45 she?---Yes. I would have thought it important to let the
16:28:32 46 OPI know that.
47

16:28:33 1 Yes?---But - - -
2
16:28:36 3 So do you believe it would be appropriate to let the OPI
16:28:39 4 know that she was a human source?---If they needed to call
16:28:41 5 her for one of their matters, yes.
6
16:28:45 7 If we then have a look at Mr White's diary of the same
16:28:55 8 date. We see that - there's contact with Superintendent
16:29:02 9 Tony Biggin, "Spoken to", that is Biggin one assumes,
16:29:08 10 "spoken to AC Overland. Is meeting with Graham Ashton re
16:29:13 11 issue tomorrow morning. Will request no further action re
16:29:17 12 3838 and investigation regarding VicPol primary, OPI not
16:29:26 13 interested". Do you recall any meeting with Mr Ashton?---I
16:29:39 14 would have met with Mr Ashton from time to time.
15
16:29:41 16 Yes?---But I don't have a specific recollection about a
16:29:44 17 meeting about this or around this time. I may have done.
18
16:29:48 19 Right. If there was a Deputy coming to you and saying, or
16:29:55 20 a deputation coming to you and saying, "We would like you
16:29:59 21 to speak to Mr Ashton and let him know about Ms Gobbo", is
16:30:05 22 that something that you'd be prepared to do?---Possibly.
23
16:30:26 24 Do you recall when you did tell Mr Ashton that Ms Gobbo was
16:30:28 25 a human source?---No, I don't. I think he only found out
16:30:34 26 later in 2007 to be honest. That's my recollection. When
16:30:39 27 he became part of the steering committees for either Petra
16:30:43 28 or Briars, I think that's when he found out.
29
16:30:45 30 Right?---So I don't remember having a conversation with him
16:30:48 31 about this at this time.
32
16:30:51 33 What about Mr Cornelius?---Well I'd have thought similarly,
16:30:57 34 he found out much later than this, which is why I was a
16:31:00 35 little unsure about who I'd spoken to in the meeting. I'd
16:31:04 36 have said prior to seeing that note that he didn't find out
16:31:07 37 until mid-2007.
38
16:31:09 39 Let's - - - ?---Sorry, no. maybe a little bit than that.
16:31:14 40 Maybe Mr Cornelius was a little bit earlier than. Because
16:31:16 41 I think I went and saw him in early 2007 - no, no, I think
16:31:21 42 it would have been later, sorry, I think it would have been
16:31:23 43 mid-2007.
44
16:31:24 45 The evidence is that there was a meeting between you, Luke
16:31:28 46 Cornelius and Graham Ashton the following morning?---About
16:31:30 47 this?

1
16:31:30 2 Have you seen any notes or have seen the evidence about
16:31:32 3 this?---I've seen a reference to a meeting.
4
16:31:35 5 Where have you seen that?---I think it was drawn to my
16:31:38 6 attention.
7
16:31:39 8 Yeah?---The fact that there's an entry of us having met
16:31:43 9 that morning about a matter. But I don't - - -
10
16:31:46 11 Do you know what the matter was?---I don't remember what it
16:31:49 12 was. I think it was an operation of some kind, but I don't
16:31:51 13 - - -
16:31:51 14
16:31:52 15 Do you know what that operation was?---No, I don't know now
16:31:57 16 recall what that operation was about.
17
16:31:59 18 Operation Air, does that ring a bell?---No, it doesn't and
16:32:02 19 I've tried to think about it and I just don't recall what
16:32:03 20 it's about.
21
16:32:04 22 In any event, you don't dispute that you might well have
16:32:06 23 met with Mr Ashton and with Mr Cornelius the following
16:32:10 24 morning?---No, I don't dispute that.
25
16:32:14 26 For your benefit let's have a look at the entry in
16:32:18 27 Mr Ashton's diary. "Attended on 27 July 2006. Met with
16:32:25 28 Simon Overland and Luke Cornelius re Operation Air". And
16:32:31 29 there's some discussion it seems, it's not all together
16:32:37 30 clear, over a public hearing. Agreed to go and see Paul
16:32:40 31 Coghlan at the OPP regarding that issue. That might be a
16:32:44 32 separate issue?---That's helpful. I think I now may have
16:32:49 33 an idea what Operation Air was about.
34
16:32:51 35 Yes. I think it was a public hearing which was ultimately
16:32:58 36 carried out into various Armed Offenders Squad
16:33:00 37 members?---Yeah, that's what I was thinking of, yeah.
16:33:02 38
16:33:02 39 What, there's no mention of any discussion about Operation
16:33:06 40 Khadi or Ms Gobbo?---No.
41
16:33:08 42 Or pulling Ms Gobbo from an OPI inquiry?---No.
43
16:33:12 44 Or hearing?---And I don't remember having such a
16:33:16 45 discussion.
46
16:33:17 47 You say you don't recall but is it conceivable that you

16:33:20 1 might have, given the notes that we've seen up till
16:33:23 2 point?---Look, it's conceivable that I might have but I
16:33:26 3 just want to be very clear if I did, it would have been on
16:33:30 4 the basis of it's a matter for you, but you need to be
16:33:33 5 aware of this, and if you could conduct your investigation
16:33:37 6 in a way where you didn't need to call that person that
16:33:40 7 would be good, but it's a matter for you.
8
16:33:43 9 If there was a discussion about a human source would it be
16:33:45 10 the habit of a police officer such as, or a former police
16:33:49 11 officer at this stage, such as Mr Ashton to write down any,
16:33:51 12 make any reference to the human source?---I wouldn't have
16:33:55 13 thought so. Well, possibly. But again, there's always
16:34:02 14 issues of confidentiality around human sources, so maybe
16:34:04 15 not. He may not have done that. But as I say, I don't
16:34:08 16 remember talking with him about this.
17
16:34:10 18 Mr Ashton's made a note of the meeting. I take it - we
16:34:13 19 can't find a note of yours concerning in meeting. Would
16:34:17 20 there be any, would you have made a note anywhere?---There
16:34:20 21 might be but I don't recall whether I did or I didn't.
22
16:34:30 23 The evidence of Mr White comes in his statement and in his
16:34:35 24 note but in particular in his statement at paragraph 36.
16:34:41 25 He says that Mr Overland said he'd brief Graham Ashton at
16:34:44 26 the OPI concerning the source. Paragraph 136. Paragraph
16:34:50 27 151 of his statement, albeit it says 27 April, it's clearly
16:34:55 28 a mistake because he's likely referring to 27 July 2006.
16:35:00 29 "He was informed that Mr Overland had spoken to Ashton and
16:35:03 30 told him that Gobbo was a human source and requested she
16:35:06 31 not be called to a compulsory hearing because this could
16:35:09 32 compromise her. Was told that there may be a time in the
16:35:13 33 future where she may be called to a compulsory hearing in
16:35:16 34 relation to the suspected involvement of Paul Dale in the
16:35:20 35 kindle of the Hodsons, that Dale had stolen IR 44 and
16:35:25 36 leaked it to Williams who was suspected of ordering the
16:35:29 37 killings." That is a note of Mr White. Now it may - does
16:35:34 38 that assist you in your recollection at all? Sorry, that's
16:35:38 39 in his statement?---So I have a much clearer recollection
16:35:42 40 about the proposal to call her in front of the OPI in
16:35:47 41 relation to what's called IR 44.
42
16:35:49 43 Yes?---And I think that subsequently happened a year or so
16:35:52 44 later.
45
16:35:53 46 Right?---I honestly don't recall this issue.
47

16:35:59 1 No?---I don't recall the hearing, the joint investigation
16:36:03 2 agreement, I don't recall having a conversation with
16:36:07 3 Mr Ashton about this, but I want to be really clear, if I
16:36:11 4 did have a conversation with him it would have been on the
16:36:14 5 basis of she's a human source, if you can progress it in a
16:36:17 6 way where you don't have to call her, that would be good.
16:36:20 7 But it's a matter for you. I would not have sought to
16:36:23 8 direct the OPI in terms of how they conducted their
16:36:26 9 operations.
10
16:36:27 11 Ultimately you say it's a matter for the OPI?---Absolutely.
12
16:36:29 13 And you expect that Mr Ashton would discuss it with the
16:36:32 14 Director?---Make his own decisions.
15
16:36:35 16 And that stage Mr Brouwer, to form a determination as to
16:36:39 17 whether or not it was appropriate to call
16:36:41 18 Ms Gobbo?---Correct.
19
16:36:42 20 Can we just have a look at Mr White's note or his diary
16:36:46 21 entry at VPL.0100.0096 at 13:30?---Yes.
22
16:37:00 23 Crime Department meeting. Superintendent Biggin and AC
16:37:05 24 Overland re 3838 and OPI. "AC has met with Graham Ashton
16:37:15 25 at the OPI. OPI happy to drop off ██████/Shields issue. No
16:37:20 26 requirement to examine 3838 re same. Belief human source
16:37:27 27 and Paul Dale had relationship. Want to examine her in the
16:37:31 28 future re leaked IR 44. Believe that she may have been a
16:37:36 29 conduit between Mokbel, Williams and Dale re the IR leading
16:37:41 30 to the killing of the Hodsons. Human source believes Dale
16:37:51 31 involved in burglary at Oakleigh." Do you see that?---I
16:37:55 32 certainly have a recollection about those last matters,
16:37:58 33 that's very clearly my recollection.
34
16:38:00 35 Right. Can we go over the page? "Belief that Mokbel and
16:38:11 36 Williams ordered killings. Fitzgerald to conduct an
16:38:16 37 inquiry and it was agreed" - firstly, can I stop you there.
16:38:24 38 Would it have been something that you would have been aware
16:38:26 39 of other than in discussions with Mr Ashton, that
16:38:29 40 Mr Fitzgerald was going to be involved in the inquiry?---I
16:38:34 41 became aware that Mr Fitzgerald was going to conduct an
16:38:37 42 inquiry, but I think that was public information at some
16:38:40 43 point. I may have learned about it from Mr Ashton, but as
16:38:45 44 I say, it became a matter of public record.
45
16:38:47 46 It may well have been but ultimately can I suggest to you
16:38:50 47 that it seems likely from that note that following your

16:38:52 1 discussion with Mr Ashton the day before - indeed, on I
16:38:56 2 think the morning - you would have been told that
16:38:59 3 Fitzgerald was to conduct an inquiry about that?---That
16:39:04 4 might be right.
5
16:39:05 6 It's prospective, he's to conduct an inquiry?---That might
16:39:09 7 be right.
8
16:39:10 9 If that's the information that you're passing on, really it
16:39:12 10 could only have come from Mr Ashton in the meeting that
16:39:17 11 you'd had, surely?---Maybe. I'd want to check the timings
16:39:21 12 on that. I'm not sure when - - -
13
16:39:22 14 This meeting is at 13:30, 1.30, and if we go back the
16:39:28 15 previous page, we'll just make sure we know what day it is.
16:39:32 16 Keep going back. Keep going back. 27 July. So it's in
16:39:40 17 the afternoon of the morning that you'd had the meeting,
16:39:43 18 the same day of the morning?---My question is around when,
16:39:46 19 more when it was public knowledge that Mr Fitzgerald was
16:39:48 20 going to conduct that inquiry.
21
16:39:50 22 Right?---Because I think - - -
23
16:39:52 24 Would it be - would you say it would have been public
16:39:56 25 knowledge that the OPI would have been putting out that
16:39:59 26 Mr Fitzgerald was going to conduct an inquiry?---Yes, yes,
16:40:03 27 it was. It was publicly announced.
28
16:40:06 29 You say you can recall that that was public?---That was
16:40:08 30 public.
31
16:40:08 32 You say it was?---Yes, it was.
33
16:40:10 34 We know that Mr Fitzgerald had published a report in 2005
16:40:14 35 concerning the leak of the IR, it was tabled in parliament
16:40:16 36 in September?---Right.
37
16:40:17 38 Did you know or did you think it was public knowledge that
16:40:20 39 he was going to be engaged in a further inquiry?---I might
16:40:25 40 be confused, I'm sorry.
41
16:40:26 42 Can I suggest it does appear that that's information you
16:40:29 43 got from Ashton, having had a discussion with him?---I
16:40:33 44 accept that. I accept that.
45
16:40:33 46 And having suggested to him that it might be of interest,
16:40:37 47 certainly to Victoria Police, if Ms Gobbo at some stage was

16:40:40 1 called before the OPI in due course?---Absolutely.
2
16:40:42 3 To have her answer questions?---Absolutely.
4
16:40:44 5 "But at this stage we'd rather she didn't go before the OPI
16:40:48 6 in relation to Brown, Waters, Campbell and
16:40:58 7 Shields"?---That's an interpretation based on those
16:41:00 8 entries. As I say, all I can say is I don't recall having
16:41:03 9 a conversation with him about this matter.
10
16:41:04 11 All right. Do you accept that the Chief Commissioner of
16:41:08 12 Police was very interested in police corruption
16:41:10 13 issues?---Yes.
14
16:41:11 15 Do you think that this is an issue, if you were going to go
16:41:15 16 and speak to Graham Ashton at the OPI and ask him to hold
16:41:17 17 off, you would want to speak to Ms Nixon about
16:41:22 18 beforehand?---Not necessarily, no.
19
16:41:24 20 Not necessarily, all right. Thanks very much.
21
16:41:35 22 COMMISSIONER: Yes, all right. I understand Ms Nixon is
16:41:39 23 giving evidence tomorrow at 9.30, correct?
24
16:41:42 25 MR WINNEKE: Yes, Commissioner.
26
16:41:43 27 COMMISSIONER: And that she'll be at least the morning.
28
16:41:47 29 MR WINNEKE: Yes.
30
16:41:48 31 COMMISSIONER: There's a possibility that she might be
16:41:51 32 finished by lunchtime, is that correct?
33
16:41:53 34 MR WINNEKE: It's not clear but I anticipate that she's
16:41:56 35 likely to be around the morning, depending on what further
16:42:00 36 examination there is.
37
16:42:01 38 COMMISSIONER: At least the morning I'm told, yes.
16:42:03 39 Mr Overland, if you could be on hold, we'll liaise with
16:42:08 40 your lawyers as to when it's likely, so there's a
16:42:13 41 possibility you might be needed tomorrow afternoon but not
16:42:16 42 in the morning?---Thanks Commissioner.
43
16:42:18 44 Otherwise we'll continue as soon as we can, which will be
16:42:22 45 Thursday, with your evidence. Thank you. We'll adjourn
16:42:25 46 until 9.30 thanks.
16:42:50 47

16:42:51 1
16:42:52 2
16:42:53 3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

<(THE WITNESS WITHDREW)

ADJOURNED UNTIL WEDNESDAY 18 DECEMBER 2019