

Royal Commission  
into the Management of Police Informants

FURTHER STATEMENT OF ANTHONY MICHAEL BIGGIN

1. My full name is Anthony Michael Biggin. I am a retired former member of Victoria Police, having attained the rank of Superintendent.
2. I have previously provided a statement to the Royal Commission limited to my involvement in matters raised in the statement of Paul Noel Dale dated 20 May 2019 (first statement).
3. I make this statement in response to the request from the Royal Commission into the Management of Police Informants dated 12 March 2019. I produce it to the Royal Commission in response to a Notice to Produce.
4. In preparing my statement, I have reviewed my official police diaries for the period from 2002 to 2010 and other relevant documents relating to my involvement in the Source Development Unit's handling of Ms Gobbo. I have also identified a number of relevant emails from 2007 onwards, however, due to technical limitations with searching these emails there may be other relevant emails that I have not been able to identify. I have prepared a table setting out what I believe to be relevant diary entries which may be relevant to the Royal Commission.<sup>1</sup>

Matters relating to my first statement

5. At paragraphs 14 and 15 of my first statement, I addressed the matters raised in paragraph 32 of Mr Dale's statement. Since preparing my first statement I have viewed the part of the Informer Management File for Terry Hodson relevant to that matter. Having now reviewed that file, in addition to the matters set out in paragraph 15 of my first statement, my recollection of that event is as follows.
6. Mr Hodson had purchased the ecstasy without authorisation. I received a report from Detective Inspector Paul Newman which attached memorandums from Detective Senior Sergeant Jim O'Brien and Detective Senior Constable David Miechel setting out a number of tactical considerations as to how to manage this situation.

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<sup>1</sup> VPL.0005.0154.0001

7. I was faced with the following options:
  - a) I could have Mr Hodson arrested, assuming it was possible to locate the ecstasy which he had reported purchasing. I did not consider this the most appropriate course of action because, until then, Mr Hodson had provided valuable assistance and had complied with our instructions. As noted in my first statement, charging him would have ended the informer relationship; or
  - b) I could authorise the purchase and [REDACTED] of the ecstasy. This presented an opportunity to intercept a known interstate drug trafficker who we were aware had expressed an interest in a relationship with Victorian traffickers. The benefits of this approach were that it would allow us to both continue the informer relationship with Mr Hodson and to use [REDACTED] distribution of the ecstasy and gather further intelligence about drug trafficking.
8. My ultimate decision to authorise the purchase was made with the intention of [REDACTED] and intercepting the tablets before they could be sold into the community. As with all major drug operations, there was a risk that the operation would not be successful. As such, my decision was not made lightly. Indeed, it was the only time as the officer in charge of the Major Drug Investigation Division (MDID) that I authorised the sale of illegal drugs. However, given the situation we were required to deal with, I felt a controlled sale was the most appropriate course.
9. Upon perusal of the informer management file, it would appear that the approved course of action did not proceed for a number of operational reasons, of which I have no independent recollection.
10. Ultimately, I directed (then) Acting Inspector Adrian White to conduct a review of the informer relationship with Hodson.

#### **Educational background and employment history (Q1)**

11. My educational background and employment history is set out in Annexure A to my first witness statement.
12. In summary:
  - a) I joined Victoria Police in August 1974;
  - b) in November 1999 I was promoted to Superintendent;
  - c) from January 2002 I was in charge of the newly formed Major Drug Investigation Division (MDID) as a part of the Crime Department;

- d) in August 2005 I transferred to the Covert Support Division of the Intelligence and Covert Support Command. (ICSC) Units under my command were the Special Projects Unit, State Surveillance Unit, Technical Surveillance Unit and Undercover Unit. From 1 July 2006 the Dedicated Source Unit (DSU), later named the Source Development Unit (SDU) reported to me;
- e) from 14 February 2010 I was appointed to manage the Surveillance Services Division, a new division within the Intelligence and Covert Support Command, consisting of the State Surveillance Unit and Technical Surveillance Unit; and
- f) from 9 May 2016 I took long service leave, officially retiring on 14 July 2018.

**My involvement or association with any investigation that had dealings with Ms Gobbo (Q2)**

Awareness of Ms Gobbo's role as a human source

13. I am now aware that Ms Gobbo was registered as a human source in September 2005. However, I had no involvement in, or knowledge of, her being registered. As at September 2005, I did not have functional control of the DSU, nor was I aware of the identities of the human sources that they were handling. While I had been responsible for the development of the DSU pilot program, as of September 2005 the DSU reported to the Superintendent of the State Intelligence Division (as described below).
14. I do not recall exactly when I was informed of Ms Gobbo's status as a human source, but I believe that I would have known from around October 2005. Based on my diary entries, I believe I was informed by <sup>Sandy White-O</sup> . My diary entry for 5 October 2005 records that I attended a meeting with Commanders Danye Maloney and Terry Purton, <sup>Sandy White-O</sup> and Detective Senior Sergeant Cruze "*re new job & source issues, TF Purana established under S/Sgt O'Brien*". My diary entry for 7 October 2005 records that I spoke to <sup>Sandy White-O</sup> : "*re HS issues*". I may have been informed that Ms Gobbo was a source during one of those meetings, but I do not specifically recall those conversations.
15. I recall thinking that this was unusual. I was aware that Ms Gobbo was a barrister, however, as far as I knew at the time, her practice was concentrated on bail applications. I did not think that she represented clients beyond their bail applications. I was also aware that she had a personal relationship with a large number of criminals. I was not provided with details about how Ms Gobbo's status as a barrister would be managed during her use as a human source, but I assumed this had been considered by those involved in approving her registration.

16. My diary entry for 16 February 2006 records, "*A/C Overland re HS – to be protected – re Op Posse a priority – discuss possible tactics to manage.*" I do not recall the specific content of that conversation. I was already aware of Ms Gobbo's status as a human source at this point and by then I understood that then Assistant Commissioner Overland was also aware of her role as a human source.
17. Although I had no involvement in Ms Gobbo's registration, I assume that, prior to her being registered SDU members would have performed intelligence checks across all Victoria Police systems. There would then have been an open, honest discussion between the relevant inspector and the handlers and controllers as to the value of the source, including an assessment of 'risk versus reward' in respect of that source. This would also involve an assessment of what it was hoped would be achieved by registering the source and what was the source's motive in assisting police.
18. At some stage during 2009, I first became aware that Ms Gobbo had previously been registered in 1999. Assistant Commissioner Jeffrey Pope informed me and other senior managers at a departmental meeting that he had registered Ms Gobbo as a source while he had been attached to the Asset Recovery Squad.
19. I was not aware that Ms Gobbo had been registered as a human source for the Russell Street District Support Group in 1995 and only recently became aware of this through media reports.
20. Ideally, I and those involved in registering Ms Gobbo in 2005 and handling her throughout her registration should have known about these previous registrations. However, due to the earlier registration systems being paper based, it might not have been possible for this to be known.

#### Establishment of the DSU

21. On 27 July 2003, while I was still part of the MDID, I was directed by AC Overland to initiate a project to '*Review and Develop Best Practice Human Source Management Policy*'.<sup>2</sup> The purpose of the project was to examine 'the way in which the Crime Department currently uses human source information and compare this with national and if necessary international best practice in human source management'.<sup>3</sup> The project commenced as a consequence of issues identified during a review of the former Drug

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<sup>2</sup> See *Review and Develop Best Practice Human Source Management Policy*: VPL.0100.0048.0789; see also Project Proposal: VPL.0100.0048.1064

<sup>3</sup> See Terms of Reference, page 9: VPL.0100.0048.0789

- Squad Review 2001, and the work of Task Force Ceja, which were reinforced by the burglary at Dublin Street (Operation Galop) and the inappropriate use of human sources.
22. I sat on the Steering Committee (alongside AC Overland and Commanders Purton and Moloney) and fulfilled the role of Project Manager responsible for oversight of the Project Team. I was primarily assisted in conducting the review by <sup>Sandy White-O</sup>.
  23. In September 2003, <sup>Sandy White-O</sup> and I prepared a project proposal,<sup>4</sup> which set out the background to the project and its objectives.
  24. In the course of conducting the review, <sup>Sandy White-O</sup> and I travelled to South Australia to investigate the South Australian Police's human source model and attend a human source management conference. We found the model to be a sound, robust example which emphasised management of the risk associated with human source management.
  25. In April 2004, we delivered a report summarising the findings of the review titled *Review and Develop Best Practice Human Source Management Policy*. This Review provided 20 recommendations, including that the application of a sterile corridor to the management of human sources and that Crime Department trial a six month pilot of a Dedicated Source Unit.
  26. I am aware that during this time the Intelligence and Covert Support Department also conducted a review of Victoria Police's human source management practices, the *Dedicated Source Handling Teams Project*, which also recommended the application of a sterile corridor.
  27. Following these reviews, the Human Source Dedicated Teams Coordination Committee was established, of which I was a member.
  28. On 10 June 2004, then AC Overland (who was the AC of the Crime Department at the time) proposed to the Human Source Dedicated Teams Coordination Committee that the pilot human source management program be commenced.<sup>5</sup> It was agreed that a steering committee would be established to oversee the pilot program, comprising myself, Commander Purton, Acting Commander Rod Wilson and Detective Inspector Doug Cowlshaw, ICSC.
  29. On 6 July 2004, a direction was given that a Dedicated Source Unit would be trialled for six months which would trial the recommendations of the Dedicated Source Handling

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<sup>4</sup> See Project Proposal: VPL.0100.0048.1064

<sup>5</sup> Human Source Dedicated Teams Coordination Committee Meeting Minutes: VPL.0100.0048.0668

Teams Final Report (Pilot).<sup>6</sup> The Dedicated Human Source Management Team Pilot Steering Committee was convened to establish and oversee the pilot. I was a member of the Steering Committee and was involved in establishing the Pilot. The Pilot commenced in November 2004 and ran until May 2005.

30. On 30 August 2004, in the course of establishing the Pilot, I prepared a report for Acting Commander Wilson regarding the level of training required for human source handling.<sup>7</sup>
31. During this time, <sup>Sandy White-O</sup> and DSS Glenn Owen travelled to Canada and the United States to examine their human source management models and undertake training.
32. I am also aware that Sergeant Paul Walsh and Inspector Geoff McLean had (separately) travelled to the United Kingdom to study human source management best practice. I do not recall being informed by either of them about any processes in place in the United Kingdom that specifically related to lawyers as human sources.
33. Victoria Police developed its human source management model based on the models in place in South Australia and internationally.
34. The Pilot was reviewed by the Corporate Management Review Division in April 2005, who supported the continuation of the DSU.<sup>8</sup> Following a transitional period, the DSU was implemented as an operational unit. While I had been responsible for overseeing the Pilot, once the DSU was implemented as an operational unit, it reported to Superintendent Ian Thomas and he held operational and functional control.
35. Before joining the SDU, members were required to go through an advance probity check to ensure that they were of the highest integrity.

#### Management of the DSU/SDU

36. In August 2005, I became the Superintendent in charge of the Covert Services Division. At that time, the DSU and the Human Source Management Unit (HSMU) were both part of the State Intelligence Division and reported to the Superintendent of the State Intelligence Division, which was Superintendent Ian Thomas (and others who acted in that role at various time, including Rod Wilson and Doug Cowlshaw). The management structure of the Intelligence & Covert Support Command was as set out in the chart below:

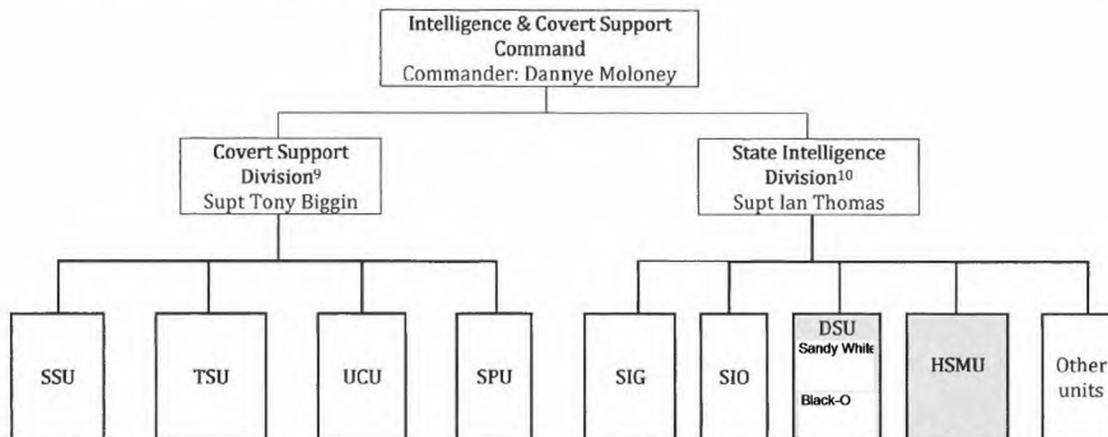
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<sup>6</sup> Findings of the Dedicated Source Unit Pilot: VPL.0100.0048.0668; Dedicated Source Handling Team Project minutes: VPL.0100.0048.1279

<sup>7</sup> VPL.0100.0048.0613

<sup>8</sup> VPL.0002.0001.0382 and VPL.0002.0001.0414

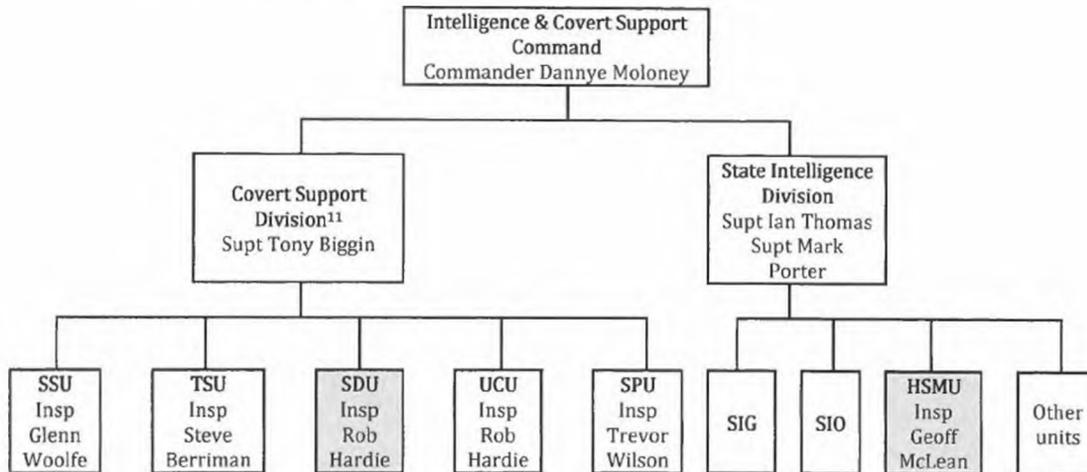
*Management structure relevant to SDU as at August 2005*



37. During my time overseeing the Pilot, I had formed the view that it was a conflict for the SDU and the HSMU to both report through to the one superintendent. This is because the HSMU sets human source policy and practice and is responsible for developing good practice, policy and policy adherence. The DSU handles sources directly, based on the policy decisions of the HSMU. The HSMU is superior to the DSU in the hierarchy. I had concerns about this structure because it required the superintendent who ultimately managed the DSU to also have responsibility for monitoring compliance with applicable policies. In my view it would have been preferable for a person who was independent of the DSU's management to be responsible for monitoring its compliance.
38. I also formed the view that it was necessary for the DSU to have an Inspector with direct responsibility for that Unit, which it did not have at the time.
39. Consequently, the DSU was moved to become part of the Covert Support Division (and became known as the SDU) while the HSMU stayed under the State Intelligence Division. From 1 July 2006, the management structure of the Intelligence & Covert Support Command was as set out in the chart below:

<sup>9</sup> As at August 2005, the Special Projects Unit, State Surveillance Unit, Technical Surveillance Unit and Undercover Unit reported to me as Superintendent of the Covert Support Division.

<sup>10</sup> As at August 2005, the Security Intelligence Group, State Intelligence Operations, DSU, HSMU, DNA, Crimestoppers, Interpose, the Sex Offenders Registry and other units reported to Superintendent Ian Thomas of the State Intelligence Division.

*Management structure relevant to SDU as at 1 July 2006*

40. There was still no Inspector allocated to the SDU, so Inspector Rob Hardie of the Under Cover Unit took over the role, while maintaining responsibility as Inspector of the Under Cover Unit as well. I remained of the view that there should have been a full time inspector in place overseeing the DSU, which was the usual hierarchical structure that existed at Victoria Police and was especially important given the high risk work undertaken by both the DSU and Under Cover Unit. I note that the NSW Police had a similar structure to Victoria, but had a Superintendent in charge of each unit.
41. At this time, I also held the Victoria Police portfolio for illicit drugs. As such I sat on state and national committees. I retained the state committees until late 2006 and continued on the national committee until at least 2011.
42. After Ms Gobbo's deregistration, the SDU was allocated a full time Inspector, John O'Connor. I believe this was in about 2010.
43. My management of the SDU was further complicated by the fact that it was not funded until around 2007 or 2008. This meant that a significant amount of my time was devoted to seeking funding for the SDU, rather than focussing on its operations.

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<sup>11</sup> From 1 July 2006, the DSU, Special Projects Unit, State Surveillance Unit, Technical Surveillance Unit and Undercover Unit reported to me as Superintendent of the Covert Support Division.

Arrest of [REDACTED]

44. In [REDACTED] 2006, at least two of the units which reported to me, the State Surveillance Unit and the Technical Surveillance Unit, were involved in the surveillance of [REDACTED] and his apprehension. These units were providing support services to investigators at the Purana Taskforce.
45. When [REDACTED] was arrested, I was present at the Purana Taskforce operations room monitoring the involvement of my units in the arrest process.
46. My diary records indicate that I was briefed by a member of the State Surveillance Unit once [REDACTED] had been arrested. I attended the crime scene to view the [REDACTED] [REDACTED] Later that evening I attended the Purana Taskforce offices and was briefed by Detective Inspector Gavan Ryan and Acting Detective Inspector Jim O'Brien.
47. I am aware that Ms Gobbo attended Purana Taskforce to see [REDACTED] on the night of the arrest. I did not have any interaction with her, however, I observed from a distance <sup>Sandy White</sup> and <sup>Peter Smith-O</sup> interacting with her. I assumed that <sup>Sandy White-O</sup> and <sup>Peter Smith-O</sup> were there to support the investigators in dealing with [REDACTED]. I assumed that Ms Gobbo was there in her capacity as a barrister.
48. At the time of [REDACTED] arrest, and while he remained in custody, I was not aware that Ms Gobbo had provided Victoria Police with any information about the crime in relation to which [REDACTED] was arrested.

49. [REDACTED]

Audits of Nicola Gobbo's human source records

50. In [REDACTED] 2006, Commander Moloney directed me to conduct an audit of the SDU's human source records relating to Ms Gobbo. I do not now recall specifically why I was asked to undertake this audit. I believed at the time that it was intended to be a high-level, administrative review as part of the process of formally establishing the SDU. I believe that I was also the only substantive Superintendent in the command at this time, with the other Superintendents performing that rank in an acting capacity only.
51. I am also aware that Commander Moloney directed Superintendent Lucinda Nolan to conduct an audit of DSU human source records more generally in June 2006.<sup>12</sup> Nolan's

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<sup>12</sup> VPL.2000.0002.0887.

audit notes that she did not conduct a review of Ms Gobbo's human source records due to my audit having already been undertaken. I was not aware of this at that time and believed that Superintendent Nolan should have also reviewed Ms Gobbo's human source records.

52. In accordance with Commander Moloney's direction, on 27 [REDACTED] 2006, I conducted an audit of the human source records relating to Ms Gobbo.<sup>13</sup> It was as a result of this audit that I first became aware of the nature of the information and intelligence that Ms Gobbo had provided while registered as a human source.
53. I prepared an Issue Cover Sheet recording the findings of the audit.<sup>14</sup> This was submitted to Commander Maloney and forwarded to the Informer Management Unit.
54. The Issue Cover Sheet indicates there had been 147 recorded contacts with Ms Gobbo since her registration on 16 September 2005 and that handlers had been submitting information/contact reports in relation to Ms Gobbo. As part of my audit, I believe I reviewed around 10% of those reports, which were randomly selected.
55. The Issue Cover Sheet records my observations regarding Ms Gobbo's file.

*It is clear within the file that the handlers & controllers have been mindful of the risk associated with this human source. These considerations are regularly considered in documentation perused & the risk assessment documentation has been updated as required.*

*It is clear the risk associated with the source continues to remain high, but the risk is being managed at an appropriate level by the right people with the necessary training & attributes.*

56. I observed further that:
- a) Ms Gobbo's motive in assisting police was unclear;
  - b) handling Ms Gobbo as a source was a full-time role, requiring that handlers be rotated to keep them fresh and maintain objectivity;
  - c) further deployment of Ms Gobbo should be carefully planned;
  - d) Ms Gobbo had a high profile within the media and the legal industry, creating a potential risk to her and to Victoria Police;
  - e) Ms Gobbo's lifestyle drew attention to her, causing an issue for the DSU;

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<sup>13</sup> SML 73 of 220: VPL.2000.0003.9265.

<sup>14</sup> VPL.2000.0002.0017

- f) it was clear that many police members knew of Ms Gobbo's identity, though the accurate number of members who knew (or might make an educated guess) was unknown. I observed, "*This knowledge is a risk & should be considered before any further deployment*";
- g) Ms Gobbo was known to have relationships with several police officers and former police officers who were known to the Ethical Standards Department (ESD) to have had inappropriate or corrupt relationships. I considered that these and other relationships created potential risk and stated that "*any involvement in these relationships need[ed] to be considered & managed*".
57. Notwithstanding these risks, the Issue Cover Sheet records that I considered that Ms Gobbo was a valuable asset to Victoria Police, continued to provide excellent information and had led to successful outcomes. I recommended that:
- a) Victoria Police continue the relationship with Ms Gobbo, but that the DSU should be the sole contact point;
- b) security levels regarding access needed to be checked to ensure that appropriate security protocols are in place; and
- c) information provided should be verified by a DSU analyst against information gleaned through traditional investigations, to ensure that in disseminating information, Ms Gobbo was not inadvertently identified as a human source.
58. As part of my audit, I identified and reviewed the following two risk assessments, which were prepared in relation to Ms Gobbo:
- a) Risk Assessment by <sup>Peter Smith-O</sup> dated 15 November 2005;<sup>15</sup>  
and
- b) Risk Assessment by <sup>Sandy White-O</sup> dated 20 April 2006.<sup>16</sup>
59. The information recorded in the risk assessments was consistent with the observations reported to me regarding Ms Gobbo by <sup>Sandy White-O</sup> and <sup>Black-O</sup> and <sup>Peter Smith-O</sup> and <sup>Green-O</sup>
60. In undertaking my audit, I do not recall, and the audit does not record, whether there was an 'Acknowledgement of Responsibilities' form on the file as there should have been

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<sup>15</sup> VPL.2000.0003.8288

<sup>16</sup> VPL.2000.0001.9432.

according to the policy in place at the time. I believe that if I had been aware at the time of conducting the audit that the Acknowledgement of Responsibilities was absent from Ms Gobbo's records, I would have identified this in the Issue Cover Sheet.

61. The Issue Cover Sheet records that I detected a minor breach of the relevant policy, CCI 3/05. The minor breach was that there was no written evidence that the local informer registrar had conducted the two quarterly inspections/reviews required as part of the role of maintaining the informer management file. This may, however, have been done but not documented. This was a breach by the Informer Management Unit, not by the DSU.
62. With the benefit of hindsight, I accept that the risks associated with Ms Gobbo's profession as a barrister were not at the front of my mind when undertaking this audit. To the best of my knowledge and recollection, the reasons for this are as follows.
  - a) First, at the time of undertaking the audit, I do not recall thinking that any of the information being provided by Ms Gobbo was information which was, or was likely to be, subject to legal professional privilege or otherwise confidential. If information of that nature had been provided by Ms Gobbo, I would have expected that this fact would have been recorded by the person making the report. I believe that if I had identified information provided by Ms Gobbo that appeared to be subject to legal professional privilege or obligations of confidentiality, I would have identified this as an issue in the Issues Cover Sheet. My understanding of legal professional privilege was that it applied to any communication between a lawyer and their client about charges which are on foot. In relation to confidentiality, I understood at that time that it was somewhat broader than privilege.
  - b) Secondly, my understanding at the time of conducting this audit was that, as a barrister, Ms Gobbo should not provide any information to Victoria Police in relation to any person who she was actively representing. I did not necessarily know who her clients were. I also understood that she socialised extensively with criminals.
  - c) Thirdly, as indicated above, I also believed at that time that Ms Gobbo's practice entirely or almost entirely involved appearing for clients at bail applications and that she did not act for clients beyond that point. In my mind this was significant because bail applications generally occurred at a very early stage of criminal proceedings when briefs of evidence had not yet been served. Also, I understood that limited instructions would be provided to Ms Gobbo by her clients about their

alleged offending for the purposes of their bail applications. This is because in my experience, bail applications focus on the strength of the prosecution case, rather than the defence case.

Other reviews of human sources including Ms Gobbo

63. As outlined above, on 1 July 2006, I assumed functional control of the SDU. This meant that the members of the SDU were formally reporting through their inspector to me.
64. From 1 July 2006, I was responsible for regularly reviewing each human source managed by the SDU and making recommendations to the controllers or the inspector as to whether further authorisation for their use as a human source should be given. I did this on a monthly basis by way of an informal conversation with the source controllers. Such conversations were very brief and I would review 12-16 sources during a conversation of approximately 30 minutes. Monthly reviews would generally be recorded in Source Management Logs (SMLs) by handlers.
65. I was aware that the SDU Inspector would conduct more regular reviews of all human sources.
66. I understood that the handlers and controllers would constantly assess the risks associated with Ms Gobbo's use as a human source, although I was not across all these details.
67. The HSMU also performed a critical role in overseeing the use of Ms Gobbo as a human source. I expected that there would have been regular communication between DSS Owen and <sup>Sandy White-O</sup> or <sup>Black-O</sup> about the SDU's dealings with Ms Gobbo. In addition the HSMU were provided with and could request access to ICRs and IRs in relation to Ms Gobbo. When we took up the use of Interpose, HSMU could access all file material relating to the SDU's dealings with Ms Gobbo.
68. The ultimate responsibility for continued authorisation of the use of a source sat with the Commander, Intelligence & Covert Support Command, with the Superintendent of the State Intelligence Division acting as the Central Source Registrar.

Receipt of information provided by Ms Gobbo

69. On occasions I received briefings in relation to information or intelligence that was provided by Ms Gobbo to her handlers. Usually I was verbally briefed in relation to such matters. Relevant matters I would be briefed about as the Superintendent included, for instance, where Ms Gobbo had provided information about serving Victoria Police members, some of which was to be communicated to the ESD.

70. I have been shown extracts of an SML<sup>17</sup> and Information Reports which record that information was disseminated to me as follows:
- a) on 25 May 2006, I was informed of intelligence regarding David Waters and Michael Leslie. I believe that I would have been told this because of Leslie's position at Victoria Police.
  - b) on 1 June 2006 I received information which referred to Tony O'Kearney, who worked in one of my units. I believe this is why I was told of this information. I referred this to ESD.
  - c) I don't recall receiving the information recorded on the SML on 14 August 2006 or 22 February 2007.
  - d) I have been shown an Information Report dated 31 May 2007,<sup>18</sup> which suggests that information regarding a former member of the Drug Squad was disseminated to me and an undated Information Report,<sup>19</sup> which suggests that information regarding Mick Gatto was disseminated to me on 13 December 2007. I have some recollection of being verbally briefed about these matters, but don't recall seeing the Information Reports. I believe that I would have forwarded the Information Reports to Superintendent Masters at ESD.
  - e) On 20 December 2007, <sup>Sandy White-O</sup> called me to update me regarding intelligence provided by Ms Gobbo in relation to John Higgs, Rob Karam and Karl Khoder. I made a note of this conversation in my diary. My diary entry for 20 December 2007 also records that I spoke to Inspector Steve Smith regarding information from Ms Gobbo. I don't recall this.
  - f) I have been shown an Information Report dated 9 January 2008,<sup>20</sup> which suggests that information regarding Murray Takle and Mohammed Oueida was disseminated to me and to Detective Senior Sergeant Ridley at the Drug Taskforce. I don't recall this.
  - g) I have been shown an Information Report dated 28 January 2008,<sup>21</sup> which suggests that information regarding John Khoury receiving advance notice that police intended to arrest Wayne and Matthew Finn was disseminated to me and

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<sup>17</sup> VPL.2000.0001.9447 at .9447, .9490 and .9531

<sup>18</sup> VPL.2000.0003.8319.

<sup>19</sup> VPL.2000.0003.8337.

<sup>20</sup> VPL.2000.0003.8345.

<sup>21</sup> VPL.2000.0003.8348.

to DI Gavan Ryan, Purana Taskforce. I believe this would have been forwarded by me to the ESD.

- h) I have been shown an Information Report dated 19 December 2008,<sup>22</sup> which suggests that information regarding an unidentified person known as "Branca" was disseminated to me. I don't recall this.

#### Considered deactivation of Ms Gobbo

71. From around November 2006, I recall having discussions with Ms Gobbo's handlers and controllers about whether to deactivate her as a human source. At the time, my view was that Victoria Police should ideally end its relationship with Ms Gobbo. I held the view that relationships with human sources should be limited and not continued over many years. Ms Gobbo had provided useful information, but I did not consider that she should continue to be tasked by the SDU. This was particularly the case given the risks to both Ms Gobbo and to Victoria Police, such as those identified in my audit on 26 April 2006. The handlers, controllers and I discussed the possible deactivation of Ms Gobbo on many occasions. I do not recall each discussion specifically.

Sandy White-O Peter Smith-O

72. My diary entry for 17 November 2006 records that I met with and Detective Sergeant Anderson "*re 3838 exit strategy & ACC assistance*". I do not specifically recall this conversation, but I recall that at this time we were attempting to end our relationship with Ms Gobbo and transition her to another law enforcement agency. I have been shown an entry for 17 November 2006 in a Human Source Contact Report<sup>23</sup> which records:

#### *SDU Management Issues*

*Meeting with Sup BIGGIN,* <sup>Peter Smith-O</sup> *and D/Sgt Anderson*

- *All intelligence to be collected but retained by SDU – not disseminated unless risk assessment justify release of same*
- *3838 to be advised*
- *Option Psych to be investigated for benefit of the Welfare of 3838*

<sup>22</sup> VPL.2000.0003.8388.

<sup>23</sup> VPL.2000.0003.9094.

73. I have also been shown an entry for 18 November 2006 in a SML,<sup>24</sup> which records, among other things:
- Discuss deactivation of 3838. Duty of care will always be present therefore must maintain contact therefore de-registering not possible at this time. 3838 to be advised that intell will not be acted upon/passed on. 3838 to be advised that contact will be ongoing, urgent issues (re info) will be addressed as they arise.*
74. I have been shown an entry in a SML which records that on 21 November 2006, I met with Ms Gobbo's controllers.<sup>25</sup> The SML entry records a decision to report any intelligence from Ms Gobbo as part of an exit strategy regarding her management, that she had not been tasked for several months and that she would be encouraged to meet with a psychologist in the near future. I do not have a corresponding entry in my diary and cannot specifically recall this conversation, but I do not doubt that it occurred.
75. My diary records that on 5 December 2006, I attended a meeting with Inspector Hardie and <sup>Sandy White-O</sup> "re SDU Ops, 3838 – process of deactivation plus 3 X other HS". I cannot recall further details of this conversation.
76. My diary entry records that on 14 December 2006, <sup>Peter Smith-O</sup> and I had a discussion regarding the need for professional counselling for Ms Gobbo. I recall that at the time, her handlers reported that she was exhibiting signs that she was experiencing a substantial amount of stress. My diary records 'pay to value of \$1000'. This is also noted in a SML entry for the same date.<sup>26</sup>
77. With the passage of time, I do not have any independent recollection of whether or not Ms Gobbo saw a psychologist. I have been shown a document titled 'Response to question raised by Superintendent Gleeson regarding Human Source 3838 by Superintendent Biggin', which sets out my previous understanding of this matter.<sup>27</sup>
78. My diary entry for 2 January 2007 records that I attended a meeting with SDU handlers regarding Ms Gobbo and other human sources. I do not recall this discussion precisely. However, I recall that around this time our efforts to transition Ms Gobbo to other agencies were unsuccessful and the human source relationship was continuing. I was, however, still looking for opportunities to deactivate her. I did not consider that we could

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<sup>24</sup> VPL.2000.0003.2139 at .2144

<sup>25</sup> SML 120 of 220: VPL.2000.0003.9098.

<sup>26</sup> VPL.2000.0001.9447 at .9521.

<sup>27</sup> VPL.0005.0040.0009 (draft response).

simply stop engaging with Ms Gobbo because of the risk posed to her by the level of assistance she had already provided to police in relation to criminal activities.

79. My diary indicates that on 11 May 2007, I participated in an interview with the OPI regarding human source management. I cannot recall whether or not Ms Gobbo was discussed at this meeting.

Transition of Ms Gobbo from a human source to a witness – May 2007 to January 2009

80. I recall, on several occasions in around 2007, giving a verbal direction to SDU members that Ms Gobbo was to be told not to provide privileged or confidential information to her handlers or controllers. I do not recall precisely why I gave that direction. However, I believe that I would have given that direction because Inspector Rob Hardie raised with me that the SDU handlers had some concerns about the source of the intelligence Ms Gobbo was providing.

81. My diary records that on 25 May 2007, <sup>Sandy White-O</sup> and I met with DC Overland regarding "HS 3838 –tactics options – full update given". I cannot precisely recall this discussion, but I have been shown a SML entry for 25 May 2007, which records:<sup>28</sup>

*Meeting with Supt TB and DC OVERLAND. Briefing re HS knowledge of Paul DALE involvement in stolen IR's, Dublin St. burglary and HODSON murders. Update re HS psychological assessment and ongoing viability. Agreed HS viable re Op PETRA investigation and WATERS and co. Also agree OPI will not subpoena HS re same.*

82. No one from OPI was present at this meeting. I recall discussing with DC Overland my concerns that, if called to give evidence before the OPI, Ms Gobbo would lie about her involvement with Victoria Police as a source and that this would amount to an offence. DC Overland said that he would speak to Graham Ashton, who was at the OPI at the time. It was possible that Ms Gobbo could have been re-deployed as a human source for the OPI as someone who might assist in relation to the Paul Dale, who was being investigated by the OPI at that time.

83. My diary records that on 4 July 2007, I spoke with <sup>Sandy White-O</sup> about "HS 3838 issues". I have also been shown a SML entry,<sup>29</sup> which records that <sup>Sandy White-O</sup> spoke to me about his discussion with <sup>Green-O</sup> regarding a request from the Drug Taskforce for a telephone intercept on Ms Gobbo's telephone. In making this request, it was apparent that the

<sup>28</sup> VPL.2000.0001.9447 at .9521.

<sup>29</sup> VPL.2000.0001.9447 at .9562.

relevant members of the Drug Taskforce were not aware that Ms Gobbo was a human source. <sup>Sandy White-O</sup> discussed the situation and how to manage it with me.

84. My diary entries for 24 July 2007 indicate the following:
- a) I spoke to Superintendent Jack Blayney who informed me about a meeting that was to occur at Purana that afternoon;
  - b) I then spoke to <sup>Sandy White-O</sup> regarding this meeting and requested that he attend. I was advised by him that there was a proposal for Ms Gobbo to transition from a human source to a witness for the Petra Taskforce.
  - c) At 4.30pm, <sup>Sandy White-O</sup> and I attended the meeting with DDI Jim O'Brien, DDI Gavan Ryan, Detective Senior Sergeant Shane O'Connell and Superintendents Jack Blayney and Graham Brown. My diary entry records '*Witness/Witsec/future direction, verbal briefing to DC Overland, legal opinion from judge*'.
85. I have also been shown a SML entry dated 24 July 2007,<sup>30</sup> which I believe relates to this meeting.
86. I cannot precisely recall this discussion, but I do recall that I was against the proposal to transition Ms Gobbo from a source to a witness. I recall there was some suggestion that legal advice would be sought in relation to the matter but I do not know the details of this or whether such advice was obtained. This would have been a matter for investigators.
87. I was of the view that Ms Gobbo should not be used as a witness and that interactions with her should occur solely through the SDU, as her responsible handlers, rather than her also providing information to investigators. I recall that it was agreed that <sup>Sandy White-O</sup>, Superintendent Blayney and I were to speak to DC Overland regarding the proposal to transition Ms Gobbo from being a human source to being a witness.
88. I recall at some stage around this time that I also spoke to Commander Moloney about my concerns, but I have not found a record in my diary of this conversation.
89. My diary records that on 6 August 2007, I met with DC Overland, Superintendent Blayney DDI Ryan and <sup>Sandy White-O</sup> in relation to a management update for Ms Gobbo. I recall that DDI Ryan, <sup>Sandy White-O</sup> and I did not support the proposal to transition Ms Gobbo and conveyed this to DC Overland. I have no further recollection of the specifics of this discussion.

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<sup>30</sup> SML 186 of 220: VPL.2000.0003.9170.

90. Around this time, I became aware that the Briars Taskforce was also considering using Ms Gobbo as a witness. I recall that Victoria Police were working jointly with the OPI on this investigation. My diary records that on 4 September 2007, I attended a meeting at the OPI with Superintendents Rob Wilson and Phil Masters, Inspectors Bob May and Steve Waddell, Senior Sergeants Pat Connor and Ron Iddles, Acting Senior Sergeant John Keyte and Sergeant Justin Rhoderick, during which we discussed future directions for the Briars Taskforce. At 11.35am that day, I spoke to <sup>Sandy White-O</sup> about, among other things, the Briars Taskforce and Ms Gobbo. I do not recall anything further about these discussions.
91. I recall being uncomfortable with the prospect of Ms Gobbo being used as a witness by the Briars Taskforce.
92. On 20 September 2007, my diary indicates that I spoke with <sup>Sandy White-O</sup> regarding Ms Gobbo and the Briars Taskforce and a proposed meeting with DC Overland regarding 'tactics'.
93. My diary indicates that on 21 September 2007, <sup>Sandy White-O</sup> and I met with DC Overland regarding '*HS 3838, Op Briars, tactics & options*'. I cannot precisely recall this discussion, but I believe that I conveyed to DC Overland my view that Ms Gobbo should not be used as witness for the Briars Taskforce and presented alternative options. I cannot now recall what these options were.
94. My diary entries for 20 and 21 September 2007 also refer to discussions regarding Ms Gobbo and '*OPI issues*'. To the best of my recollection, the OPI issues were that she told handlers that she thought she was going to be summonsed to attend a hearing. I recall that at a later date, (then) D/C Overland advised me that Graham Ashton had been briefed as to Ms Gobbo's status as a human source.
95. My diary also refers to the possibility of using Ms Gobbo as a witness in relation to the Briars Taskforce in an entry on 9 October 2007.
96. My diary records that I had discussions on 15 and 16 October, 9 November and 13 December 2007 regarding threats made against Ms Gobbo. I do not specifically recall what those threats were. My diary records that on 15 October 2007, I discussed with DI Ryan that the Purana Taskforce would pay for security alarms for Ms Gobbo.
97. My diary notes also record that on 16 and 23 October 2007, 20 December 2007, 23 January 2008, 29 April 2008 and 10 October 2008, I had discussions in relation to Operation Agamas. This was Victoria Police's operation name for the joint operation which the AFP referred to as Operation Inca. I do not have any independent recollection

of those discussions. As set out in paragraph 70.e) above, on 20 December 2007, information from Ms Gobbo was disseminated to me regarding Operation Agamas.

98. My diary records that on 9 November 2007, I spoke to Inspector Gavan Ryan about a risk assessment in relation to Ms Gobbo and about "*possible disclosure issues*". I do not recall exactly what those disclosure issues were, but I believe that they related to the disclosure of Ms Gobbo's history of assisting police that would have been required had Ms Gobbo become a witness. My diary further records that I spoke to Inspector Rob Hardie about Ms Gobbo and notes, "*message for DC Overland re [Ms Gobbo]*." I believe that this refers to DC Overland being informed about the risk assessment and threats in relation to Ms Gobbo, as this would have been relevant to determining whether to use Ms Gobbo as a witness.
99. On 23 January 2008, my diary records that I met with <sup>Sandy White-O</sup> and <sup>Peter Smith-O</sup> in relation to an update regarding Ms Gobbo. I do not recall the details of this meeting.
100. On 6 February 2008, I approved a request to change Ms Gobbo's registered human source number from 3838 to 2958.<sup>31</sup>
101. On 14 March 2008, my diary records a reference to Ms Gobbo. I believe this relates to a concern that [REDACTED] had disclosed to Detective Senior Constable John Niblett that Ms Gobbo was a human source.
102. On 17 April 2008, my diary records that I was informed by <sup>Sandy White-O</sup> that Ms Gobbo's vehicle had been burned and that I spoke to Commander Moloney about this.
103. On 5 May 2008, I had a discussion with Inspector Andrew Glow (Under Cover Unit/SDU Inspector) regarding the future management of Ms Gobbo. I recall that we were taking steps to try to better manage Ms Gobbo and attempting to introduce other handlers from within the SDU. Our intention was for her to act as an 'eyes and ears' informer only (i.e. not tasked) and that we would not disseminate any intelligence received from her. Ms Gobbo was to be told not to actively seek any intelligence and that we would not disseminate any information that she provided.
104. I have been shown a SML entry which records the details of this discussion.<sup>32</sup> This record includes the following:

*Current strategy that 2958 will not be tasked will continue.*

<sup>31</sup> VPL.2000.0001.9446; VPL.2000.0001.9235.

<sup>32</sup> VPL.2000.0003.9023.

*2958 will continue to provide intel by virtue of her close association with criminals such as GATTO and KARAM. Whilst the intel will be collected if volunteered, it will not be disseminated unless absolutely essential and then only if the actioning of the intel will not compromise 2958.*

105. On several occasions throughout the latter half of 2008, I was involved in further discussions as to whether or not Ms Gobbo should be used as a witness for the Petra Taskforce and for the Briars Taskforce. My diary records the dates on which these matters were discussed.
106. I continued to hold the view that Ms Gobbo should not be used as a witness and that interactions with her should occur solely through the SDU. Ultimately, the decision to use Ms Gobbo as a witness was an investigative decision and was outside of the SDU's control. I continued to believe that she should be deactivated as a human source.
107. My diary records that on 5 December 2008 I met with <sup>Sandy White-O</sup>, <sup>Black-O</sup> and <sup>Peter Smith-O</sup> <sup>Peter Smith</sup> regarding Ms Gobbo and the Petra Taskforce. I recall that this meeting occurred at a cafe outside of Melbourne and that DC Overland called into the meeting.
108. I have been shown an ICR management entry dated 5 December 2008<sup>33</sup> and an entry in the SML regarding this meeting.<sup>34</sup>
109. I recall that DC Overland proposed to us that Ms Gobbo would be used as a witness despite the concerns that we had raised with him. It was agreed that the Petra Taskforce would deploy her rather than the SDU in relation to any investigative steps.
110. On 30 December 2008, I spoke to Assistant Commissioner Moloney, who informed me that Ms Gobbo was to be a corroboratory witness for the Petra Taskforce and was to sign a statement that Thursday. I then spoke with <sup>Black-O</sup> regarding this development. My diary notes indicate that:
- a) Ms Gobbo was to seek legal guidance before signing her statement;
  - b) The full implications of signing the statement may not be clear to Ms Gobbo;
  - c) The SDU was to take no sides and Ms Gobbo was to make the decision as to whether or not to sign that statement on her own with no guidance from handlers.

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<sup>33</sup> ICRM 411 of 445: VPL.2000.0002.1199.

<sup>34</sup> SML 113 of 139: VPL.2000.0003.8947.

111. The next morning, I briefed Acting Commander Porter regarding Ms Gobbo and the Petra Taskforce. I cannot recall the details of that conversation, but I believe that I informed him that Ms Gobbo was going to provide a statement to the Petra Taskforce.
112. I then had a discussion with <sup>Black-O</sup> and I asked him to prepare a paper for Acting Commander Porter regarding the consequences of using Ms Gobbo as a witness, with a view to forwarding the paper to the Petra Taskforce Steering Committee. This was an unusual approach, given that the decision to turn Ms Gobbo into a witness had been sanctioned by Executive Command, but our concerns were such that I felt it was appropriate to have them formally recorded.
113. Later that day, <sup>Black-O</sup> provided me with a briefing note that he had prepared regarding the implications of Ms Gobbo making a statement to the Petra Taskforce. The briefing note set out a strategic analysis detailing the strengths, weaknesses, opportunities and threats relating to Ms Gobbo making a statement and becoming a prosecution witness.<sup>35</sup>
114. I then prepared an Issue Cover Sheet attaching <sup>Black-O</sup>'s briefing note. The Issue Cover Sheet and briefing note were provided to Acting Commander Porter for forwarding to AC Moloney who was a member of the Petra Taskforce Steering Committee.
115. On 5 January 2009, I met with Inspector Steve Smith of the Petra Taskforce regarding Ms Gobbo. My diary records that upon Ms Gobbo signing the statement, responsibility for her management would pass to the Petra Taskforce. This reflected my view that as soon as Ms Gobbo became a witness, it would no longer be appropriate for her to be a human source, and that the Petra Taskforce should be responsible for managing her as a witness.
116. On 7 January 2009, I was advised by <sup>Richards-O</sup> that Ms Gobbo had signed a statement for the Petra Taskforce and that she was to be transitioned out of the SDU as soon as possible to ensure there was no conflict between the SDU and court processes. It was my view that Ms Gobbo should now be de-activated as a human source.
117. On 8 January 2009, I briefed Acting Commander Porter in relation to the possibility that the Petra Taskforce would request that the SDU continue to manage Ms Gobbo even though she was no longer a human source, but a witness for the Petra Taskforce. My diary note indicates that Acting Commander Porter agreed that it was a conflict of interest for the SDU to continue to manage Ms Gobbo.

118. I then sent an email to <sup>Black-O</sup> ; copying <sup>Richards-O</sup> Inspector Trevor Wilson and Inspector Glow, setting out the points that I had made to Acting Commander Porter as to why the SDU should decline any such request from the Petra Taskforce.<sup>36</sup>
119. I then had a further conversation with Inspector Steve Smith regarding Ms Gobbo's management, in which I informed him that the Petra Taskforce was to be responsible for Ms Gobbo's management.
120. On about 13 January 2009, Ms Gobbo was deactivated as a human source.
121. On 27 February 2009, I met with AC Moloney regarding Ms Gobbo. I recall that AC Moloney directed us that the SDU was to resume management of Ms Gobbo and that the attempt to transition her into the witness security program had been unsuccessful.
122. On 2 March 2009, <sup>Sandy White-O</sup> , <sup>Black-O</sup> and I met with Inspector Steve Smith and Senior DSS O'Connell of the Petra Taskforce regarding Ms Gobbo. We then met with AC Moloney and Inspector Peter Wilkins, with DC Overland an apology. I have been shown a SML entry regarding this meeting which contains notes of this meeting.<sup>37</sup> It was agreed that rather than have SDU handlers manage Ms Gobbo, others who had an appropriate level of training in source handling would be selected to act as her handlers.
123. I recall that <sup>Graham Evans-O</sup> and Detective Sergeant Lloyd were selected to take on the role as her handlers. This was the end of the relationship between Ms Gobbo and the SDU.

#### Briars Taskforce

124. During this time, I recall that the Briars Taskforce was continuing to consider the use of Ms Gobbo as a witness.
125. I have been shown a document<sup>38</sup> which indicates that around 24 April 2009, I authorised the release of a summary of intelligence provided by Ms Gobbo regarding David Waters for perusal by Detective Inspector Waddell. I cannot recall anything further regarding this document, but I believe it related to Taskforce Briars' investigation of Mr Waters and that it would have been critical to the progress of this investigation for DI Waddell to view these records.
126. On 2 June 2009, I met with Acting Commander Rod Journing regarding the Briars Taskforce and a request from DI Waddell. My diary records DI Waddell wanted access to

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<sup>36</sup> VPL.2000.0002.0109.

<sup>37</sup> VPL.2000.0003.8969.

<sup>38</sup> VPL.2000.0002.0899.

SDU recordings of conversations with Ms Gobbo. This was a very unusual request as an investigator had never previously been allowed access to SDU recordings, nor would they specifically have known of their existence.

127. On 3 June 2009, I received an email from <sup>Black-O</sup> raising his concerns as to Taskforce Briars' proposal to use Ms Gobbo as witness.<sup>39</sup> The email indicated that <sup>Black-O</sup> wished to meet with me upon my return from leave about Briars' proposed use of Ms Gobbo and their attitude towards SDU methodology.
128. On 15 June 2009, I met with Superintendent Porter, Inspector Glow, <sup>Sandy White-O</sup> <sup>Black-O</sup>, and <sup>Peter Smith-O</sup>. My diary records as follows:
- request by TF Briars re HS 3838 statement – to have tapes transcribed at TF Briars expense & decision, our view no value as a witness*
129. This reflects my view that Ms Gobbo had no value as witness to the Briars investigation (or any investigation).
130. On 16 June 2009, <sup>Sandy White-O</sup> and I met with DI Waddell regarding Ms Gobbo. I recall that we informed DI Waddell that we did not believe it was a good idea for them to use Ms Gobbo as a witness. My diary does not record whether or not DI Waddell was granted access to the SDU tapes, but I believe that he was. I have been shown a SML entry for 16 June 2009<sup>40</sup> in relation to this meeting.
131. On 29 June 2009, I met with DSS O'Connell. I recall that DSS O'Connell informed me that the relationship with Ms Gobbo was difficult. He was given strategies to assist with managing her.
132. On 30 June 2009, I spoke to <sup>Sandy White-O</sup> regarding payment of a reward to Ms Gobbo. I recall that there was a proposal to pay Ms Gobbo a reward for the assistance she had provided. It was usual practice that [REDACTED] the SDU would recommend to the Rewards Committee whether or not to pay the source a reward. The reward would generally be paid before the source was de-registered. There were concerns as to how the payment would be made to Ms Gobbo, given she had already been de-registered.
133. On 7 July 2009, I had a discussion with <sup>Sandy White-O</sup> regarding Ms Gobbo. <sup>Sandy White-O</sup> informed me that Superintendent Wilson had raised the difficulties in managing Ms

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<sup>39</sup> VPL.2000.0001.4676 at .4692

<sup>40</sup> VPL.2000.0001.9236 at .9305.

Gobbo and had suggested that the SDU take over Ms Gobbo's management. <sup>Sandy White-O</sup> and I agreed that this should not occur.

134. Later that day, I had a discussion with DI Waddell, who informed me that he was continuing to experience difficulties managing Ms Gobbo.
135. On 20 November 2009 <sup>Richards-O</sup> informed me that Ms Gobbo was possibly going to go to the media regarding issues concerning her role as a witness. I then briefed AC Pope (ICSC) and AC Moloney on this issue.
136. On 21 November 2009, I spoke with <sup>Richards-O</sup> regarding Ms Gobbo and a possible media report in the Herald Sun.
137. On 23 November 2009, my diary indicates that I had a discussion with Inspector Steve Smith regarding "*X 3838 issues*". I cannot recall this discussion.

#### End of my involvement with the SDU

138. On 14 February 2010, I was appointed to manage the newly formed Surveillance Service Division, within the Intelligence & Covert Support Command. After this time, I played no further role in in the SDU and had little further contact with the SDU, save for the following matters.
139. I am aware that in April 2010, Ms Gobbo initiated a civil action against Victoria Police in relation to her use as witness. I had no involvement in this legal action.
140. On 3 May 2010, I had a discussion with Superintendent Doug Fryer regarding the management of Ms Gobbo, which was continuing to prove difficult. Following this discussion, I spoke to Inspector Steve Smith, then AC Pope and then again to Superintendent Fryer. I recall that Superintendent Fryer had again raised the possibility of management of Ms Gobbo returning to the SDU. I continued to be opposed to this course of action and management of Ms Gobbo remained with the investigators.

#### Reviews

141. I was aware of a review conducted by Superintendent Gleeson in 2012. Superintendent Gleeson spoke to me about some issues during the course of the review and I prepared a document titled "Response to question raised by Superintendent Gleeson regarding Human Source 3838 by Superintendent Biggin", which I provided to Superintendent Gleeson.<sup>41</sup>

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<sup>41</sup> VPL.0005.0040.0009 (draft response).

142. I was not told of the outcome of the review nor have I seen the report.
143. Sometime following this, I attended a meeting at St Kilda Road at 8am one Monday morning at which I was told the SDU would be closed. I cannot recall when this occurred. The SDU was closed at 10am that day. I had been given no indication prior to that time that the SDU would be closed.
144. I recall that I asked why the SDU was being disbanded and was informed that it was because of corruption issues. No further detail was provided.

#### **Use of Ms Gobbo as a human source (questions 3-8)**

##### **Question 3**

145. In response to Question 3, I do not have anything further to add to what I have said in response to Question 2 above.

##### **Question 4**

146. I believe that each of the members of Victoria Police referred to in my answer to question 2 above were aware that Ms Gobbo was providing information or assistance to Victoria Police. This includes members of the Purana and Petra Taskforces, SDU and HSMU and the Executive Management Team of Crime Command and Intelligence and Covert Support Command, including Executive Command of Victoria Police. As identified above, I am aware that members of the OPI, including Graham Ashton, were informed of Ms Gobbo's role. Representatives of the ACC may also have known of Ms Gobbo's role because of our attempts to transition her to that agency.
147. I do not know whether any people within other policing or law enforcement agencies were aware that Ms Gobbo was providing information or assistance to Victoria Police.

##### **Question 5**

148. As described above, the Commander, Intelligence & Covert Support Command, was responsible for authorising (and continuing the authorisation of) human sources, with the Superintendent of the State Intelligence Division acting as the Central Source Registrar. I was also responsible for reviewing each SDU human source on a regular basis and making recommendations as to whether further authorisation should be given.
149. The Commander, Intelligence & Cover Support Command was (then) Commander Moloney.

150. I believe that Acting Superintendent Rod Wilson was the Central Source Registrar in September 2005 when Ms Gobbo was registered. I believe that the following members then performed the role of Central Source Registrar:
- a) Acting Superintendent Doug Cowlshaw;
  - b) Superintendent Ian Thomas (until his retirement in January 2006);
  - c) from approximately April 2006, Superintendent Mark Porter; and
  - d) from a time after Ms Gobbo was deregistered, (then) Superintendent Neil Paterson.

Others may also have acted in this role.

151. Each of the members who acted as the Central Source Registrar reported to Commander Moloney up until his promotion in September 2008. Subsequently the CSRs would have reported to the Acting Commander ICSC (a number of people filled the role of Acting Commander ICSC).

**Personal contact with Ms Gobbo (Q6)**

152. As set out in my first statement, I have never met nor ever had any conversation or direct dealing with Ms Gobbo.

**Information and assistance provided to Victoria Police (Q7 and Q8)**

153. All information provided by Ms Gobbo would have been recorded by the source handlers and controllers assigned to her.
154. I am not currently in possession of any information provided by Ms Gobbo and, as a retired member, do not have independent access to Victoria Police records. I have been shown some records by my legal representatives, as described in this statement.
155. I am aware that Ms Gobbo provided intelligence regularly between 2005 and 2009. That information and intelligence was provided to those members of the SDU who were handling her.
156. Victoria Police policy required that a contact report be submitted in relation to each contact with a human source and that a diary entry be made. If the information was to be disseminated, then a sanitized information report would be forwarded to the Informer Management Unit, who would be responsible for disseminating the report. Controllers and handlers also provided verbal briefings directly to investigators from time to time, where information was urgently required to be disseminated. Whether or not the identity

of the human source was disclosed in those circumstances would depend on whether the investigator was already aware of the identity of the source.

157. Where assistance or intelligence provided by Ms Gobbo was disseminated to investigators, I do not generally know how the information was used by investigators. I believe that often nothing was done with the intelligence provided.
158. I am not aware of the name of any person charged as a result of the intelligence or assistance provided by Ms Gobbo.

**Concerns raised as to the use of a legal practitioner – and Ms Gobbo – as a human source (Q9 & Q10)**

159. I recall members, from time to time, raising concerns with me regarding the use of Ms Gobbo as a human source. These were discussed with me as part of the risk assessment process. I do not recall precisely which members raised concerns with me, but I believe it was more than one member and at various times between 2006 and 2009. A number of these matters are referred to in my response to Question 2 above.
160. The sorts of concerns that were raised were for Ms Gobbo's welfare, concerns about her value as a witness and whether information provided by her was valuable to the investigation process.
161. I recall that on occasions, Inspector Hardie or the controllers raised concerns with me that they thought Ms Gobbo may be providing privileged information. I cannot recall when these discussions occurred, but I recall that I directed the SDU to inform her that she was not to provide any information that was subject to legal professional privilege and such intelligence would not be disseminated. I directed the SDU not to disseminate any information that may be subject to legal professional privilege. I believe I gave this direction verbally on more than one occasion. I have not found any written record of having given the direction.
162. I believe that Ms Gobbo's handlers recorded the concerns they raised with me about these issues in SDU records, including those referred to in my answer to Question 2 above.
163. I did not turn my mind to the possibility of seeking legal advice in relation to the use of Ms Gobbo as a human source. However, as referred to above, I do recall that at around the time that Victoria Police was contemplating using Ms Gobbo as a witness there were discussions within Victoria Police about seeking the views of a lawyer about Ms Gobbo's potential use as a prosecution witness.

**Awareness about disclosure in relation to Ms Gobbo (Q11)**

164. I do not recall any discussion within Victoria Police about the obligation of disclosure in relation to material concerning the use of Ms Gobbo as a human source. A consideration of disclosure obligations and the evidentiary value of material would usually be undertaken by the investigators and their management rather than the SDU.
165. In reviewing my emails, I have identified two occasions (on 3 and 4 September 2008) on which I was briefed in relation to a PII claim which Victoria Police had made in relation to Ms Gobbo as a human source. I did not have any involvement in making this PII claim. This was a matter for investigators.

**Other human sources with obligations of confidentiality or privilege (Q12)**

166. I am not aware of any other human source who has provided information or assistance to Victoria Police and was subject to legal obligations of confidentiality or privilege.

**Training (Q13)**

167. My training has included:
- a) Detective Training School in 1979;
  - b) Sub-Officers Course (now Sergeants course) in 1983;
  - c) Advanced Detective Training School in 1985, where evidence was discussed generally.
168. I have located the notes from Detective Training School in 1979 concerning "The Role of the Barrister in Criminal Cases". The subject of legal professional privilege is addressed from page 11 of those notes. This training was of very limited assistance to me in dealing with the issues associated with Ms Gobbo's use as a human source.
169. These courses and my initial police training included training in respect of an accused person's right to silence.
170. I am aware from my training and my on-the-job experience that an accused person has right to a legal practitioner.
171. As noted above, I have had some formal training in relation to legal professional privilege. I believe I have also had some limited formal training through Victoria Police courses and programs touching on obligations of disclosure to accused persons, prosecution agencies and the courts, public interest immunity and professional and ethical decision making. All Victoria Police courses and programs consider ethics.

**Other information (Q14)**

172. I have nothing further to add in response to question 14.

Dated: 25 July 2019

A handwritten signature in blue ink, appearing to be 'AM Biggin', written over a dotted line.

Anthony Michael Biggin