

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 13 September 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

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

09:37:15 1 COMMISSIONER: The appearances are as they were yesterday  
09:37:19 2 afternoon.  
09:37:21 3  
09:37:21 4 MR WOODS: That's correct, Commissioner.  
09:37:22 5  
09:37:22 6 COMMISSIONER: And we are in open hearing still?  
09:37:24 7  
09:37:25 8 MR WOODS: Yes, we are, and my intention is that we'll stay  
09:37:28 9 in open hearing during this examination.  
09:37:38 10  
09:37:38 11 <OFFICER FOX, recalled:  
09:37:40 12  
09:37:41 13 Officer Fox, can you hear me?---Yes, I can.  
09:37:42 14  
09:37:42 15 When we started and finished yesterday we had just tendered  
09:37:48 16 your diaries, and just before we move on to some  
09:37:55 17 preliminary, some background, I just wanted to ask, if it's  
09:37:58 18 the case that in your diary or in an ICR that you say you  
09:38:02 19 passed on information to a particular person, I take it  
09:38:06 20 that was an accurate reflection of what you did, you  
09:38:10 21 actually passed on information when you said you did?---In  
09:38:17 22 preparing for giving evidence in this Commission I found  
09:38:20 23 anomalies with that.  
09:38:22 24  
09:38:23 25 Anomalies where you say that you did pass on information  
09:38:26 26 but in fact you didn't pass the information on?---Yes.  
09:38:29 27  
09:38:30 28 Have you got an explanation as to why you record that you  
09:38:33 29 passed something on that you didn't?---It relates to  
09:38:40 30 compiling the ICRs at a later date and sometimes I would  
09:38:47 31 say or think that I've cut and paste in the wrong area.  
09:38:53 32  
09:38:54 33 What we might do then in due course is ask you to provide a  
09:39:00 34 breakdown of where those occasions were. You're now aware  
09:39:03 35 of each of those occasions, I take it, from the ICRs you  
09:39:06 36 prepared?---I've noticed anomalies but I haven't recorded  
09:39:11 37 them as I went through.  
09:39:12 38  
09:39:13 39 You've noticed anomalies between what, your diaries and the  
09:39:17 40 ICRs?---Yes.  
09:39:18 41  
09:39:18 42 You haven't noted any of those anomalies as you've been  
09:39:22 43 reading them?---No.  
09:39:23 44  
09:39:26 45 There might be some homework for you on the weekend to do  
09:39:30 46 so but we'll talk about that a little bit later in the day.  
09:39:31 47 You've been a member of Victoria Police for 29 years, is

09:39:34 1 that right?---Yes.

09:39:35 2

09:39:36 3 And you began in uniform in Melbourne CBD in 1990?---Yes.

09:39:43 4

09:39:43 5 You became a Detective in 1996?---Yes.

09:39:47 6

09:39:48 7 And you're still a member of Victoria Police holding a

09:39:51 8 fairly senior rank, is that right?---Yes.

09:39:55 9

09:39:56 10 You were a member of the Source Development Unit between

09:40:00 11 2006 and 2010, is that correct?---That's correct.

09:40:04 12

09:40:06 13 So you commenced shortly after Ms Gobbo had been registered

09:40:11 14 in September 95, is that right?---Yes.

09:40:15 15

09:40:17 16 Your conclusion at the SDU was not too long after Ms Gobbo

09:40:22 17 was deregistered, you finished in 2010, she was

09:40:26 18 deregistered in 2009?---That's correct. The

09:40:31 19 de-registration occurred in January 09 and I left here late

09:40:35 20 in 2010.

09:40:37 21

09:40:38 22 The last ICR, I believe, for Ms Gobbo is your ICR, is that

09:40:42 23 right?---I believe so, yes.

09:40:44 24

09:40:47 25 Can I ask what the reasons were, as you understand them,

09:40:52 26 that you were selected to perform this role of human source

09:40:58 27 management with the SDU?---To get into the unit it required

09:41:08 28 high ethical background checks, experience in crime

09:41:12 29 investigation and experience with handling human sources.

09:41:18 30

09:41:18 31 And you'd handled about ten human sources by the time you

09:41:22 32 came to the SDU, that's right?---I can't give you a figure.

09:41:25 33

09:41:28 34 Did you know Officer White before you were asked to join

09:41:31 35 the SDU?---Not really, no.

09:41:35 36

09:41:36 37 Who was it that requested that you come to the SDU, if it's

09:41:39 38 a member of the SDU then there might need to be a pseudonym

09:41:43 39 and there will be a document there that's called Exhibit 81

09:41:49 40 with pseudonyms on it. But can you recall who it was who

09:41:54 41 approached you?---You went through a selection process, so

09:41:57 42 you weren't approached at all.

09:41:58 43

09:41:59 44 So you applied, is that right?---Yes, that's correct.

09:42:01 45

09:42:04 46 And the ICRs indicate that there were four periods of time

09:42:09 47 in which you were Ms Gobbo's handler and you might not

09:42:13 1 remember with great precision but for the transcript what I  
09:42:18 2 say is on 16 June 2007 you commenced as a handler according  
09:42:26 3 to the ICRs and you went through until, and that was ICR  
09:42:32 4 84, and you went through in this first period of time till  
09:42:35 5 7 December 2007, which was ICR 113. So there were 30 ICRs  
09:42:41 6 in that period. Does that generally accord with your  
09:42:44 7 recollection?---No, on my recollection I went till 27 July  
09:42:54 8 07, and Officer Peter Smith - - -  
09:42:57 9

09:42:57 10 For a single ICR or ICR in the middle of that period, is  
09:43:01 11 that right, Peter Smith took over?

09:43:05 12  
09:43:05 13 COMMISSIONER: Mr Fox, you're looking at a document, what  
09:43:08 14 are you looking at please?---I'm looking at the one page  
09:43:15 15 handler date that I tendered yesterday.

09:43:21 16  
17 Thank you.

18  
09:43:22 19 MR WOODS: As far as I can see there's an ICR 93 which was  
09:43:26 20 27th of the 7th 07, to the 8th of the 8th 07 when Mr Smith  
09:43:34 21 was the handler while Ms Gobbo was in Bali, would that  
09:43:38 22 accord with your recollection?---That's correct.

09:43:40 23  
09:43:40 24 There was 30 in that period of time, then the second period  
09:43:44 25 of time was 18 March 2008 until 18 June 2008. That was ICR  
09:43:51 26 10 to ICR 24 and that's the second lot of ICRs of 2958, is  
09:43:56 27 that correct?---That's correct.

09:43:57 28  
09:44:00 29 Then the third period of time was 1 September 2008 to 10  
09:44:06 30 October 2008 being ICRs 37 to 42, five of them, is that  
09:44:10 31 correct?---Yes.

09:44:12 32  
09:44:12 33 And then as we mentioned a moment ago, there was a single  
09:44:17 34 final ICR that you produced which was ICR 53 of 2958 which  
09:44:22 35 was covering the period of 9 January 2009 until 13 January  
09:44:27 36 2009, is that correct?---That's correct.

09:44:30 37  
09:44:34 38 There's a number of hand overs during that period that  
09:44:36 39 we've just gone through. Can I understand a little bit  
09:44:42 40 more about how the process of hand over would begin,  
09:44:47 41 specifically I want to ask you when you first came to  
09:44:50 42 handle Ms Gobbo we see that despite starting on 16 June  
09:44:53 43 2007 understandably you were engaged by coming to a meeting  
09:45:00 44 a little bit of time before that with Ms Gobbo as part of  
09:45:03 45 the hand over, do you recall that?---Yes.

09:45:05 46  
09:45:08 47 What was the situation as to getting to know who the source

09:45:12 1 was, what the particular issues were you wanted to obtain  
09:45:15 2 from a source, how to handle a particular source, what sort  
09:45:19 3 of background were you given when you first were going in  
09:45:23 4 to handle this particular source?---I'd speak to the  
09:45:26 5 previous handler and I read ICRs leading up to it.  
09:45:30 6  
09:45:31 7 Would you get an idea of what investigative measures you  
09:45:35 8 wanted to, or investigative information you wanted to  
09:45:38 9 obtain from the source prior to taking over the  
09:45:43 10 source?---Yes, I'd get instruction from the controller  
09:45:46 11 about management protocols.  
09:45:49 12  
09:45:51 13 If the operator could bring up p.904 of the 3838  
09:45:56 14 consolidated ICRs, please. I just want to show you a  
09:46:00 15 document, this is not your ICR, it's the one where  
09:46:07 16 Anderson, and you know the real name of that person?---Yes.  
09:46:10 17  
09:46:11 18 Anderson was about to hand over to you and it says that  
09:46:17 19 he's called Ms Gobbo, she spent the night vomiting, stated  
09:46:22 20 an internal reaction to stress. "Discussed hand over of  
09:46:26 21 handlers. 3838 considering not communicating with SDU  
09:46:30 22 further. Discuss feelings and emotions. 3838 is  
09:46:34 23 considering having a break from the SDU relationship.  
09:46:38 24 Advise 3838 that the choice rests with 3838. Discussed  
09:46:44 25 holiday to Bali." Was it explained to you at the time that  
09:46:48 26 you were - you can see down the bottom of that page it's  
09:46:52 27 recorded that you were taking over the handling of Ms Gobbo  
09:46:56 28 from then on, do you see that?---Yes.  
09:46:58 29  
09:46:59 30 MR CHETTLE: Can I confirm these aren't going out on the  
09:47:03 31 public screen?  
32  
33 MR WOODS: No, they're not.  
34  
09:47:04 35 MR CHETTLE: Able to be seen on the public screen?  
09:47:04 36  
09:47:05 37 COMMISSIONER: No.  
09:47:05 38  
09:47:06 39 MR WOODS: The situation is, unless I tell the operator  
09:47:08 40 that it's to be on a public screen, you can assume it's  
09:47:12 41 not. So was it explained to you that at the time of you  
09:47:20 42 taking over Ms Gobbo was considering firstly not  
09:47:23 43 communicating with the SDU any further or at least taking a  
09:47:26 44 break from the SDU relationship?---I was aware of a change  
09:47:35 45 she was not happy with and it was something for me to  
09:47:40 46 manage and build rapport with the source.  
09:47:43 47

09:47:44 1 Encourage her to stay with the SDU and continue providing  
09:47:47 2 information which was your job, I assume?---No.  
09:47:49 3  
09:47:50 4 Can you explain a bit more what you mean by that then,  
09:47:53 5 building rapport?---The source never liked change of  
09:48:06 6 handler, but it was a matter at the time I took over she  
09:48:09 7 was in what probably I'd call caretaker mode and part of my  
09:48:14 8 briefing was for, to her, to assist in her ending the  
09:48:22 9 relationship with Victoria Police.  
09:48:23 10  
09:48:24 11 That's 16 June 2007, that was your understanding. Is that  
09:48:27 12 a situation that persisted with Ms Gobbo until 13 January  
09:48:32 13 2009 when you had your last formal dealing with her, that  
09:48:37 14 she was in caretaker mode?---That's what I understood, yes.  
09:48:42 15  
09:48:42 16 During that period it was your intention not to receive  
09:48:45 17 information from Ms Gobbo that could be utilised by  
09:48:48 18 investigators?---No.  
09:48:50 19  
09:48:50 20 Could you explain a bit more - that's how I understood what  
09:48:54 21 you were just explaining to me?---No, she was in caretaker  
09:49:00 22 mode but information was to be assessed and risk assessed  
09:49:06 23 before being released.  
09:49:08 24  
09:49:08 25 What does "caretaker mode" mean then? It might be my  
09:49:12 26 misunderstanding of what you're saying. I assume caretaker  
09:49:15 27 mode meant you wouldn't be obtaining information from  
09:49:18 28 Ms Gobbo but I might be wrong there?---No, she wasn't  
09:49:23 29 tasked, however in the circle, the social circle that she  
09:49:29 30 kept, if she heard information in that situation then she  
09:49:37 31 would let us know.  
09:49:38 32  
09:49:41 33 So it's the case then that you, your intention after 16  
09:49:46 34 June 2007 was only to obtain information from Ms Gobbo that  
09:49:51 35 she obtained in social circles, is that right?---As I said,  
09:49:59 36 the information would be risk assessed on what she told us.  
09:50:04 37  
09:50:04 38 And if it came from a professional relationship, then the  
09:50:08 39 risk assessment would say you can't use that  
09:50:10 40 information?---It would be assessed like that, yes.  
09:50:12 41  
09:50:13 42 Is that what actually occurred to your knowledge in  
09:50:16 43 relation to information that was obtained after 16 June  
09:50:19 44 2007 that you obtained from Ms Gobbo? The information that  
09:50:25 45 was obtained in a professional relationship was risk  
09:50:28 46 assessed and it was decided not to use it?---Yeah, that's  
09:50:33 47 recorded in my ICR when that occurred.

09:50:35 1  
09:50:36 2 Did that occur on every occasion?---What's recorded on my  
09:50:40 3 ICRs is what happened on - I'm not sure specifically what  
09:50:46 4 you're saying.  
09:50:47 5  
09:50:47 6 I'm not asking for specifics, I'm just saying are you  
09:50:50 7 confident that's what happened on every occasion or might  
09:50:54 8 there be occasions that information obtained in a  
09:50:57 9 professional setting when you were dealing with Ms Gobbo  
09:51:00 10 might have been utilised or passed over, sorry, to the  
09:51:03 11 investigators?---So what do you mean a professional  
09:51:07 12 setting?  
09:51:07 13  
09:51:07 14 When she was representing an individual, for  
09:51:13 15 example?---Engaged and acting for a client?  
09:51:16 16  
09:51:16 17 Yes?---Yes, so the instruction was that information was not  
09:51:22 18 to be passed.  
09:51:23 19  
09:51:23 20 That was an instruction to you?---Yes.  
09:51:27 21  
09:51:28 22 But you're not - if I understand you correctly, you're  
09:51:33 23 perhaps not 100 per cent certain as to whether that was  
09:51:35 24 adhered to on every occasion but your recollection is that  
09:51:41 25 it was?---Correct.  
09:51:42 26  
09:51:47 27 We've heard about regular team meetings that happened  
09:51:51 28 within the Source Development Unit. Is it the case that  
09:51:55 29 once a week or once a fortnight you'd get together and talk  
09:51:59 30 about issues pertaining to all or a number of  
09:52:04 31 sources?---About once a fortnight, yes.  
09:52:06 32  
09:52:06 33 Was that every member of the team other than those who were  
09:52:09 34 on leave?---Yes.  
09:52:10 35  
09:52:11 36 You'd go through - just to get a feeling for it, how many,  
09:52:15 37 you don't have to be precise about this, are we talking  
09:52:18 38 about ten sources, are we talking about 50 sources, what  
09:52:23 39 was about the average number during your time at the Source  
09:52:27 40 Development Unit that were being handled?---About 20.  
09:52:32 41  
09:52:32 42 Would those meetings go through each of them or only the  
09:52:35 43 ones that required attention?---Generally all.  
09:52:43 44  
09:52:44 45 At your hand over was there a discussion or did you get  
09:52:49 46 your head around in some other way about what the  
09:52:52 47 motivations of the source might be?---I'm sorry, I don't

09:52:56 1 understand the question.  
09:52:57 2  
09:52:58 3 When you were about to take over a source, as we were  
09:53:00 4 talking about a moment ago, you said you read the ICRs,  
09:53:03 5 that's something - you read a number of ICRs to familiarise  
09:53:07 6 yourself with the source, that's correct?---Yes, and spoke  
09:53:11 7 to the handlers.  
09:53:12 8  
09:53:12 9 Spoke to the handlers. What are the precise things that  
09:53:16 10 you would talk about? The important things as we  
09:53:20 11 understand to do with a source are their motivations, the  
09:53:24 12 risks that they face, how the information they might be  
09:53:27 13 able to provide might be relevant to solving crime, are  
09:53:30 14 those the sorts of things you would talk about to the  
09:53:33 15 handler, the existing handler when you were about to  
09:53:37 16 takeover?---Yes, and also who, what, what people she  
09:53:47 17 associates with and who, what they're up to, what  
09:53:58 18 intelligence we have on them, that type of stuff.  
09:54:02 19  
09:54:02 20 We went through a number of ICRs that you were responsible  
09:54:06 21 for a moment ago. On my count you were responsible for 50  
09:54:11 22 ICRs and I think the second in number was Mr Smith at 41  
09:54:17 23 ICRs. Have you calculated them in that way or you're not  
09:54:21 24 sure?---Not sure.  
09:54:23 25  
09:54:24 26 But it wouldn't surprise you to know that you were the most  
09:54:28 27 significant receiver of information from Ms Gobbo simply by  
09:54:32 28 number of ICRs?---Yes, that does surprise me.  
09:54:39 29  
09:54:39 30 You received training prior to commencing at the SDU, was  
09:54:43 31 that training provided to you in part by Sandy  
09:54:49 32 White?---Yes.  
09:54:50 33  
09:54:50 34 And there were a couple of Canadian experts who also  
09:54:53 35 provided that training at that time, is that  
09:54:56 36 correct?---Yes.  
09:54:56 37  
09:54:56 38 There was a psychological assessment that you had to  
09:55:00 39 undertake?---Yes.  
09:55:02 40  
09:55:03 41 And they were long days, as I understand it, from early in  
09:55:07 42 the morning until ten o'clock at night. I won't talk about  
09:55:10 43 the particulars of what you were being trained, that was  
09:55:14 44 the case, this was an intensive course?---Yes.  
09:55:17 45  
09:55:17 46 Was it for a [REDACTED] or longer?---Yeah, a [REDACTED].  
09:55:23 47



09:55:25 1 Are you aware of who undertook particular studies to bring  
09:55:30 2 about the formation of the SDU, to go overseas or consider  
09:55:36 3 overseas documents to see how the SDU might best be set up  
09:55:39 4 when it was in 2005?---Yes, I am.  
09:55:43 5  
09:55:44 6 Were you one of those people?---No.  
09:55:46 7  
09:55:48 8 When you came into it later it was already established and  
09:55:51 9 the policies and procedures were in place?---Yes.  
09:55:53 10  
09:55:55 11 In the training that you received, were you ever trained  
09:55:59 12 about how to use material that might be obtained by the SDU  
09:56:03 13 that was subject to confidentiality or privilege?---In the  
09:56:09 14 source training?  
09:56:09 15  
09:56:10 16 In any of your training prior to joining the SDU were you  
09:56:15 17 trained on how to either identify or avoid or deal with  
09:56:21 18 information that might be obtained from a source that might  
09:56:25 19 be subject to confidentiality or privilege?---No, not in  
09:56:30 20 relation to a source.  
09:56:31 21  
09:56:34 22 Did you receive training on what to do if a source is  
09:56:37 23 compromised?---Yes.  
09:56:42 24  
09:56:45 25 I assume the compromise of a source would be, for example,  
09:56:49 26 someone identifying that they're, identifying to the source  
09:56:53 27 that they're a person who is assisting the police, that's  
09:56:57 28 one of the ways that a source can be compromised?---Yes.  
09:57:00 29  
09:57:04 30 When you commenced at the SDU on 28 June 2006 you were  
09:57:11 31 aware of Ms Gobbo's prior conviction at that time, is that  
09:57:16 32 correct?---No.  
09:57:18 33  
09:57:18 34 When did you become aware of this - this is November 1993.  
09:57:23 35 When did you become aware of that fact?---I can't recall.  
09:57:28 36  
09:57:28 37 But were you aware of it during your time at the  
09:57:31 38 SDU?---Yes.  
09:57:31 39  
09:57:35 40 You say that you should have been but weren't aware of  
09:57:39 41 Ms Gobbo's two previous registrations. I take it that  
09:57:44 42 would have been useful information for you as a handler of  
09:57:47 43 Ms Gobbo?---And for the Source Development Unit.  
09:57:51 44  
09:57:51 45 That was a failing, I take it, of information sharing from  
09:57:54 46 those outside the SDU, not within the SDU?---You'd have to  
09:58:01 47 ask Human Source Management Unit if it was a failing, but

09:58:06 1 probably, obviously they would have had their reasons why  
09:58:09 2 they didn't do it.  
09:58:10 3  
09:58:10 4 Or it might have been oversight, do you accept that?---No.  
09:58:16 5  
09:58:16 6 You don't accept that it might have been oversight, you  
09:58:20 7 think it would have been a considered decision of the Human  
09:58:24 8 Source Management Unit?---I would expect that they would  
09:58:26 9 have known when the Source Development Unit registered  
09:58:30 10 3838.  
09:58:30 11  
09:58:31 12 There were six handlers who rotated handling Ms Gobbo, is  
09:58:37 13 that correct?---Yes.  
09:58:38 14  
09:58:39 15 And in my reading of the materials, obviously me not being  
09:58:45 16 someone who is involved in human source management so I  
09:58:49 17 might be wrong, but it seems like it was an immensely  
09:58:52 18 challenging undertaking to manage a source such as  
09:58:57 19 Ms Gobbo, is that correct?---Yes.  
09:58:58 20  
09:58:59 21 Was one of the reasons for that the sheer amount of  
09:59:03 22 contacts that you would have with Ms Gobbo in a given  
09:59:06 23 day?---Yes.  
09:59:06 24  
09:59:07 25 She'd also call on New Year's Eve, Christmas Day, public  
09:59:13 26 holidays, weekends, that's correct?---Yes.  
09:59:16 27  
09:59:17 28 She'd call late at night?---Yes.  
09:59:21 29  
09:59:22 30 Some of the face-to-face meetings would go upwards of five  
09:59:25 31 hours?---Yes.  
09:59:28 32  
09:59:29 33 And the system of recording the information that was  
09:59:32 34 obtained from Ms Gobbo was, firstly, to record it in your  
09:59:35 35 diary, is that correct?---Yes.  
09:59:38 36  
09:59:39 37 And then take what was recorded in the diary and transfer  
09:59:43 38 that into an ICR?---Yes, and the face-to-face meetings we  
09:59:49 39 have a laptop that we directly inputted information in.  
09:59:55 40  
09:59:55 41 Yes, and you can hear that occurring when you listen to the  
09:59:59 42 audios of that. And it would be rare though for you to go  
10:00:02 43 back and listen to the audio afterwards because you were  
10:00:05 44 recording a great deal of the information in a live  
10:00:10 45 setting, is that right?---That's right. We would check the  
10:00:14 46 audio, that it worked.  
10:00:16 47

10:00:16 1 If you needed to go back and find out exactly what was said  
10:00:19 2 and it was audible, you might do that sometimes, is that  
10:00:22 3 right?---Yes.  
10:00:22 4  
10:00:25 5 Mr White was the person that you reported the information  
10:00:30 6 obtained from Ms Gobbo to?---Yes.  
10:00:34 7  
10:00:35 8 Was Officer Black on that sheet next to you another person  
10:00:40 9 you reported to or was it always Mr White?---No, both. But  
10:00:48 10 mainly Mr White.  
10:00:50 11  
10:00:53 12 At paragraph 71 to 75 of your first statement you talk  
10:00:57 13 about policies under which the SDU operated. When you  
10:01:03 14 joined the SDU were you required to familiarise yourself  
10:01:06 15 with those policies prior to handling a source?---Yes.  
10:01:11 16  
10:01:11 17 And did you consult the policies from time to time during  
10:01:14 18 your time at the SDU?---I can't recall.  
10:01:19 19  
10:01:20 20 Do you recall there being any consequences, I'm not  
10:01:24 21 necessarily talking about to you, but to anyone at the SDU  
10:01:27 22 for a failure to follow policies and procedures?---Yes, you  
10:01:36 23 would be asked to leave the unit and if there was  
10:01:41 24 disciplinary or ethical issues, you'd probably get  
10:01:45 25 interviewed.  
10:01:46 26  
10:01:47 27 I assume that would depend on the gravity of the breach of  
10:01:51 28 the policy though? If you were a bit late with an ICR you  
10:01:57 29 might not be asked to leave the unit, I take it?---Yes, so  
10:02:00 30 you'd be managed, performance improvement type management.  
10:02:05 31  
10:02:05 32 The first contact you had with Ms Gobbo was in the company  
10:02:09 33 of Officer Anderson who had been handling her for a while  
10:02:13 34 up until that stage, is that right?---That's correct.  
10:02:16 35  
10:02:17 36 That was a meeting that occurred on 5 June 2007, which is a  
10:02:21 37 Tuesday?---That's correct.  
10:02:21 38  
10:02:22 39 That meeting started at 6.30 pm and finished at 1.30 am,  
10:02:28 40 would that accord with your memory?---Yes. It was a late  
10:02:32 41 meeting.  
10:02:33 42  
10:02:34 43 The reason you attended that meeting was because the  
10:02:37 44 handling of Ms Gobbo was being passed over to you?---Yes,  
10:02:42 45 and to meet the source.  
10:02:43 46  
10:02:44 47 Can I understand - it seems to me that's an extraordinary

10:02:48 1 length of time to be meeting with a source, seven hours on  
10:02:53 2 a Tuesday night. Just comparing Ms Gobbo to other sources,  
10:02:56 3 is that the norm or is that an unusual situation, a meeting  
10:03:01 4 that goes for that long?---I wouldn't call it the norm, but  
10:03:06 5 it's - other sources have gone maybe that long, yes.

10:03:13 6  
10:03:14 7 You talk in your statement about how information was  
10:03:18 8 recorded and we've talked a little bit about that already  
10:03:21 9 about diaries and ICRs. There appears to have been a move  
10:03:24 10 to electronic diaries in 2007. Was that an SDU, something  
10:03:30 11 that was peculiar to the SDU or was that Force wide at that  
10:03:34 12 stage?---I'm not sure Force wide, but it was implemented at  
10:03:41 13 SDU in a effort to kerb the backlog of ICRs.

10:03:47 14  
10:03:48 15 Which meant I assume from that date it was a bit simpler in  
10:03:52 16 that you'd be able to cut and paste rather than handwrite  
10:03:57 17 during the receipt of the information and then later have  
10:03:59 18 to type it into the ICRs?---Yes, like I've got some of my  
10:04:03 19 diaries here that, three of the pages in one month and then  
10:04:09 20 I had to, would be expected to type that out into an ICR.

10:04:13 21  
10:04:16 22 I see. From my understanding of reading your diaries, it  
10:04:19 23 seems to me that the information that was being provided to  
10:04:25 24 you by Ms Gobbo was far more significant than any other  
10:04:30 25 source that you were dealing with at the time?---Yes.

10:04:35 26  
10:04:35 27 The volume of it, sorry, I should say?---Yes.

10:04:38 28  
10:04:41 29 Did you ever ask Ms Gobbo for a list of her current  
10:04:46 30 clients?---I would probably take note of them if she spoke  
10:05:01 31 to me.

10:05:03 32  
10:05:03 33 So you'd know - - - ?---It became apparent during  
10:05:06 34 conversations who she was acting for formally.

10:05:11 35  
10:05:12 36 But from time to time it's very clear from looking at the  
10:05:15 37 documents that it wasn't always clear who she was acting  
10:05:20 38 for and who she was mixing with socially, from time to time  
10:05:23 39 that must have been the case?---Yes.

10:05:26 40  
10:05:27 41 Given some of the issues that have arisen that the  
10:05:31 42 Commission's dealing with, do you accept that it would have  
10:05:33 43 been a good idea to have a requirement on Ms Gobbo that she  
10:05:39 44 confirms on a regular basis who she is and is not acting  
10:05:44 45 for, that would have been a good measure to put in place to  
10:05:47 46 ensure the integrity of the information that was being  
10:05:50 47 provided?---Yes.

10:05:53 1  
10:05:55 2 At paragraph 21 of your first statement you say there was  
10:06:01 3 no information released outside the SDU without the  
10:06:06 4 controller's okay. The Commission has seen a large number  
10:06:09 5 of diaries from both the handlers and those receiving the  
10:06:16 6 information generally within the Purana Task Force which  
10:06:19 7 indicate immediate phone calls from the handlers to Purana  
10:06:25 8 Task Force. Do you accept that there are occasions when  
10:06:30 9 the controller wasn't consulted about the information being  
10:06:34 10 passed over because it needed to be passed over  
10:06:39 11 quickly?---No.  
10:06:40 12  
10:06:40 13 So on every single occasion you would go to Mr White and  
10:06:44 14 say, "This is what she's told us, I'm about to ring  
10:06:47 15 Mr O'Brien, Mr Ryan, Mr Coghlan, and can I get your okay  
10:06:51 16 for that", that happened on every occasion?---No, but  
10:06:58 17 whatever the current investigation of Purana was or point  
10:07:04 18 of liaison dissemination, instructions I got from the  
10:07:12 19 controller - we're in open hearing so I won't - - -  
10:07:17 20  
10:07:19 21 That's all right, you don't need to be specific?---But, for  
10:07:25 22 example, like this is the current property of Purana, this  
10:07:29 23 is the current task and when you get this information make  
10:07:33 24 sure you update the point of liaison at Purana.  
10:07:37 25  
10:07:37 26 Sorry, I cut across you there. Was it more a standing  
10:07:41 27 order where Purana are interested in information of this  
10:07:44 28 particular nature, so when you receive that from Ms Gobbo  
10:07:47 29 make sure you hand it over to Purana?---Yes. So standing  
10:07:52 30 order sounds a bit broad but, you know, like it would be  
10:07:55 31 this week, this is happening, therefore if there's  
10:07:59 32 information pass it to Purana. So I didn't need to ring  
10:08:02 33 the controller before doing that, it was like a weekly  
10:08:07 34 understanding or - but anything outside maybe, you know,  
10:08:12 35 the fortnightly ops or especially with 3838, you know, I  
10:08:19 36 spoke to the controller regularly, not daily, anything  
10:08:23 37 outside that would go to the controller first before  
10:08:27 38 released.  
10:08:28 39  
10:08:28 40 As to how Purana recorded and then dealt with the  
10:08:31 41 information, I assume that wasn't part of the SDU's remit,  
10:08:34 42 that was up to Purana how they went about that, is that  
10:08:37 43 correct?---Information was given in a variety of ways, IRs  
10:08:47 44 and phone calls.  
10:08:48 45  
10:08:49 46 As to how they - let's say it wasn't an IR, let's say it  
10:08:54 47 was a phone call that was made to one of the individuals at

10:08:57 1 Purana, what I'm asking is there wasn't an SDU policy that  
10:09:02 2 captured the Purana people about how they would record the  
10:09:07 3 information that was received from the SDU?---I would  
10:09:12 4 expect them to record it in their diary.  
10:09:15 5  
10:09:17 6 Mr Ryan, who was one of the receivers of information, gave  
10:09:20 7 evidence that there were times when he wasn't or didn't  
10:09:25 8 write things down in his diary, information that he  
10:09:30 9 received he didn't write in his diary. I assume you're not  
10:09:33 10 in a position to contradict that?---Definitely not.  
10:09:38 11  
10:09:38 12 You talked about a moment ago the use of information  
10:09:43 13 reports. The Purana witnesses who have given evidence to  
10:09:49 14 date have generally said that their experience was that  
10:09:54 15 there would be a phone call from the SDU in which the  
10:09:58 16 information was disclosed and that's consistent with their  
10:10:01 17 diaries, and that they are unsure about whether IRs were  
10:10:06 18 sent generally and if they were sent, who they were sent  
10:10:10 19 to. You'd accept that given the timing, being the phone  
10:10:15 20 call that would happen first, the IR was less important if  
10:10:19 21 Purana already had the information?---Obviously IRs with  
10:10:25 22 Sergeants at the Purana Task Force note seeing it and  
10:10:29 23 viewing it.  
10:10:29 24  
10:10:30 25 On occasion. Is it the case that when you look through the  
10:10:33 26 ICRs, if an IR has been disseminated containing all or some  
10:10:39 27 of the information that is recorded in the ICR, is the fact  
10:10:44 28 of the issue of the IR recorded in the ICR?---I sort of  
10:10:55 29 don't understand your question, but the fact that an IR - -  
10:11:00 30 -  
10:11:00 31  
10:11:00 32 Don't answer it then?---Sorry?  
33  
10:11:02 34 I'm just saying don't answer the question if you don't  
10:11:05 35 understand it. What I'm getting at is you can see in the  
10:11:09 36 ICRs from time to time the phrase "IR submitted" and then  
10:11:12 37 some identifying features for the IR are recorded there.  
10:11:17 38 Does the Commission understand the situation to be if there  
10:11:19 39 was an IR submitted then it is recorded in the ICRs?---Yes.  
10:11:25 40  
10:11:26 41 So if IRs aren't recorded in the ICRs as being submitted,  
10:11:31 42 then no IR would have been submitted?---That's my  
10:11:37 43 understanding.  
10:11:37 44  
10:11:40 45 Mr Kelly of Purana, formerly of Purana, gave evidence some  
10:11:46 46 time ago to the Commission that when information was  
10:11:49 47 provided to him by phone from the SDU, some handlers would

10:11:53 1 use Ms Gobbo's name, Nicola Gobbo, some would use her 3838  
10:12:00 2 handle and others wouldn't use any identifying feature at  
10:12:05 3 all but on each of those occasions he knew the information  
10:12:08 4 was from Nicola Gobbo. Just breaking that down, would you,  
10:12:13 5 when you made phone calls to members of the Purana Task  
10:12:17 6 Force, how would you handle the identity of the source?---I  
10:12:23 7 never mentioned her name.

10:12:25 8  
10:12:25 9 You would say, "There's information been received from a  
10:12:29 10 source and the information is as follows"?---Yes, but for  
10:12:35 11 point of liaison, Jim O'Brien, it would be obvious where  
10:12:40 12 the information would be coming from and I can't say, I  
10:12:45 13 probably did use the 3838 reference on occasion.

10:12:50 14  
10:12:50 15 I can say that certainly Mr O'Brien's diaries when  
10:12:53 16 information was provided to him, he records that it was  
10:12:57 17 from 3838 on almost all occasions. There's other occasions  
10:13:02 18 where he writes Nicola Gobbo but he seems to only use that  
10:13:06 19 phrase when he's dealing with her in her capacity as a  
10:13:10 20 lawyer. With Mr O'Brien you would, because he's the point  
10:13:14 21 of liaison it wouldn't be problematic for the SDU to say to  
10:13:19 22 him that the source was 3838?---No, and it would have been  
10:13:24 23 obvious to him where it was coming from anyway.

10:13:26 24  
10:13:26 25 I assume the same goes for Gavan Ryan?---Yes.

10:13:29 26  
10:13:34 27 That touches on the knowledge that people had as to the  
10:13:38 28 activities that Ms Gobbo was undertaking with the SDU.  
10:13:42 29 Commander Purton's evidence that he gave earlier to the  
10:13:46 30 Commission was that it was common knowledge within the  
10:13:48 31 Crime Department that Ms Gobbo was an active source during  
10:13:52 32 her period of registration. Does that evidence surprise  
10:13:55 33 you?---Yes.

10:13:56 34  
10:13:58 35 The Commission's been provided with a list that was kept by  
10:14:01 36 the SDU as to who the SDU knew knew about Ms Gobbo or  
10:14:05 37 suspected knew about Ms Gobbo and her role as a source.  
10:14:09 38 You're familiar with that document?---Yes, there's two.

10:14:14 39  
10:14:15 40 Sorry, say that again?---There's two documents.

10:14:18 41  
10:14:18 42 What's the difference between the two documents?---To be  
10:14:21 43 honest I'm not sure, they look very similar. I think one  
10:14:26 44 might be an Excel and one might be in Word.

10:14:29 45  
10:14:29 46 I'm not sure that we're aware of there being two. I might  
10:14:34 47 get some inquiries made about that. Certainly they might

10:14:37 1 just be different formats of the same document perhaps. I  
10:14:42 2 think they might be?---Yes.  
10:14:43 3  
10:14:44 4 Is that a list that you added to from time to time or did  
10:14:48 5 someone else keep that list?---Our analyst kept that list.  
10:14:54 6  
10:14:57 7 The Commission's heard, the last witness was Mr Smith who  
10:15:01 8 prepared two risk assessments in relation to Ms Gobbo. Do  
10:15:07 9 you know who Mr Smith is?---Yes.  
10:15:09 10  
10:15:12 11 Just talking about some of the risks that are posed by  
10:15:16 12 acting as a human source, it's the case that human sources  
10:15:22 13 face significant risks generally to their safety because of  
10:15:27 14 their activities of informing on criminals, that's correct  
10:15:31 15 as a general proposition?---Yes.  
10:15:32 16  
10:15:33 17 With that, I suppose, the more dangerous the criminals  
10:15:37 18 they're informing on the more danger the source is  
10:15:42 19 in?---It's a matter of assessing ability, propensity,  
10:15:46 20 access for them to carry out the threats or if the source  
10:15:52 21 is compromised.  
10:15:53 22  
10:15:54 23 That's why I use the word the more dangerous, dangerous in  
10:15:58 24 particular. The more dangerous the criminal the more  
10:16:01 25 danger the source is in, that seems to be consistent with  
10:16:05 26 what you've just said, do you agree with that?---Yeah, in  
10:16:08 27 terms of assessing the criminal, the propensity they have,  
10:16:17 28 the access they have to carry out the threats. Some people  
10:16:22 29 are dangerous but don't have any propensity or access to  
10:16:25 30 carry out the threat.  
10:16:26 31  
10:16:27 32 Just pausing there. With Ms Gobbo in particular a lot of  
10:16:30 33 the people that she was informing on did have the  
10:16:33 34 propensity and the access to carry out threats if they were  
10:16:36 35 to make them, you would accept that?---Yes.  
10:16:38 36  
10:16:40 37 Mr Ryan again gave evidence to the Commission earlier that  
10:16:45 38 his - he says, "I felt it was inevitable that she would be  
10:16:49 39 killed. Even if she was eased out, it's a problem for the  
10:16:52 40 rest of her life". He was talking about that from the  
10:16:55 41 inception of her registration with the SDU. Was that your  
10:16:59 42 feeling when you first had dealings with Ms Gobbo, that  
10:17:02 43 that's how it would end?---No.  
10:17:04 44  
10:17:07 45 And why are you confident to say that that's not how you  
10:17:11 46 thought it would end?---I think if you think that's how  
10:17:15 47 it's going to end, it may end up like that. I had a duty



10:17:22 1 of care to 3838 and I did my utmost best to ensure her  
10:17:29 2 safety at all times.  
10:17:30 3  
10:17:30 4 Did you give consideration to the risk that she might be  
10:17:33 5 killed from the moment you started dealing with her?  
10:17:37 6 Sorry, I'll rephrase that. When you first started dealing  
10:17:41 7 with her did you give consideration to the fact that  
10:17:43 8 Ms Gobbo might be killed?---Yes.  
10:17:44 9  
10:17:46 10 How did you deal - what was your conclusion?---I don't  
10:17:54 11 understand the question.  
10:17:55 12  
10:17:56 13 You would have I assume at that stage realised there was a  
10:18:00 14 very significant risk to Ms Gobbo, risk to her safety and  
10:18:03 15 life?---Yes.  
10:18:04 16  
10:18:05 17 And part of your role was to manage that?---Yes.  
10:18:10 18  
10:18:11 19 You're aware that even before your time managing Ms Gobbo  
10:18:15 20 she was receiving text messages that were identifying her  
10:18:18 21 as being a dog, you would have been aware of that when you  
10:18:22 22 took over?---Yes.  
10:18:23 23  
10:18:26 24 And also before your time, after the arrest of a particular  
10:18:30 25 individual, in fact it might be easiest for you to bring  
10:18:34 26 this up on the screen. This is p.280 of the ICRs. Not on  
10:18:42 27 the public screen. What's coming up here, Mr Fox, is an  
10:18:47 28 entry in the ICRs of 2 May 2006. And it's just that first,  
10:18:59 29 under 16:45 there it says, "After the arrest of a  
10:19:03 30 particular person Horty Mokbel came to the human source's  
10:19:08 31 office, grabbed her by the throat, accused her of being a  
10:19:11 32 police informer. When he calmed down he accused the human  
10:19:15 33 source of helping police. Human source not knowing where  
10:19:17 34 this came from". Do you see that?---Yes.  
10:19:22 35  
10:19:23 36 Is that a threat that you were aware of when you took over  
10:19:27 37 handling Ms Gobbo some time later?---Yes.  
10:19:29 38  
10:19:30 39 That would have been a significant cause for concern, I  
10:19:32 40 assume?---Yes.  
10:19:35 41  
10:19:36 42 And in fact what Mr Mokbel was doing there was accusing her  
10:19:40 43 of informing to the police, that's the exact words she  
10:19:45 44 used?---Yes, I think his understanding of an informer might  
10:19:49 45 be different to what the Commission has and how we define  
10:19:52 46 it at Victoria Police.  
10:19:53 47

10:19:53 1 The words police informer can only mean in a general sense  
10:19:57 2 that someone is providing information to the police, you  
10:20:00 3 agree with that?---It's my understanding that he thought  
10:20:07 4 that an informer extended to rolling, rolling associates of  
10:20:15 5 his within his cartel.

10:20:18 6  
10:20:19 7 Can I suggest that that's clearly not what those words  
10:20:23 8 mean. A police informer is someone who is providing  
10:20:26 9 information to the police. You understood Mr Mokbel to be  
10:20:29 10 meaning something more broadly, but the fact is you must  
10:20:33 11 have taken those words at face value?---Yes. Both. So I  
10:20:41 12 rely on my previous answer, but yes, we also took it at  
10:20:46 13 face value.

10:20:46 14  
10:20:47 15 In your time of handling Ms Gobbo there were significant  
10:20:50 16 threats that were continuing to be made against her by text  
10:20:54 17 message?---Yes.

10:20:55 18  
10:20:59 19 I should say, I won't take you through them, a number of  
10:21:02 20 those have been tendered to the Commission previously. But  
10:21:06 21 given that situation, the Mr Mokbel example I've just given  
10:21:12 22 you, the text messages that became increasingly threatening  
10:21:17 23 over time, some of which were received while you were her  
10:21:21 24 handler and that she passed on to you and are recorded in  
10:21:25 25 the ICRs. In retrospect it would have been better not to  
10:21:28 26 use Ms Gobbo as a human source at all just for her own  
10:21:32 27 personal safety, you agree with that?---No.

10:21:36 28  
10:21:36 29 So you stand by the use of Ms Gobbo as a source from the  
10:21:40 30 perspective of her personal safety being protected?---I  
10:21:48 31 don't understand that question.

10:21:49 32  
10:21:50 33 I've asked you whether or not, given the significant  
10:21:53 34 threats to Ms Gobbo and the identification of her as a dog  
10:21:56 35 in text messages she was receiving and threats to her life,  
10:22:00 36 whether in retrospect it would have been better not to be  
10:22:03 37 dealing with Ms Gobbo as a human source for that issue  
10:22:05 38 alone?---For her safety alone?

10:22:09 39  
10:22:10 40 For her safety?---Alone, yes.

10:22:14 41  
10:22:15 42 Yes?---Yes.

10:22:16 43  
10:22:17 44 The risk assessments, we might talk about some of the other  
10:22:21 45 factors in due course but the risk assessments that were  
10:22:24 46 conducted, you understand there to have been two done early  
10:22:28 47 on in her registration by Mr Smith?---Formal risk

10:22:34 1 assessments, yes.

10:22:36 2

10:22:36 3 Formal risk assessments. There's a distinction that's

10:22:39 4 drawn by a number of witnesses about formal risk

10:22:42 5 assessments and informal risk assessments. The fact is the

10:22:46 6 risk assessment is the document that one goes to when they

10:22:52 7 want to understand in a concise and clear, 8/10 page

10:22:57 8 document what are the risks that pertain to this particular

10:23:01 9 source. That's the purpose of the risk assessment, isn't

10:23:03 10 it?---Yes, and - well the purpose of the risk assessment is

10:23:09 11 also for the Local Source Registrar and Central Source

10:23:14 12 Registrar to assess the viability of registering the source

10:23:17 13 within Victoria Police. That's probably the primary reason

10:23:19 14 for those formal risk assessments.

10:23:23 15

10:23:23 16 Here the risk assessments were compiled after Ms Gobbo was

10:23:28 17 registered, do you understand that?---Yes, I do.

10:23:32 18

10:23:32 19 The first was - - - ?---(Indistinct).

10:23:35 20

10:23:35 21 The first was 15 November 2005, which was within about a

10:23:39 22 one of registration, the second was 20 April 2006, about

10:23:42 23 six months after registration, is that correct?---Yes.

10:23:46 24

10:23:48 25 The distinction that you're keen to draw between a formal

10:23:51 26 and informal risk assessment, am I right to understand that

10:23:55 27 the informal risk assessment are the words at various

10:23:59 28 passages to be found in the ICRs?---No.

10:24:03 29

10:24:04 30 Where are the informal risk assessments that the Commission

10:24:08 31 can be taken to?---I wouldn't call them informal. The

10:24:11 32 controller conducted a monthly risk assessment and

10:24:15 33 documented it in the source management log.

10:24:18 34

10:24:19 35 The other type of risk assessment the Commission can be

10:24:22 36 confident was conducted is what's found in the source

10:24:26 37 management log?---Yes. And then the next level would be

10:24:31 38 the ICRs.

10:24:34 39

10:24:34 40 Is it the case that from your understanding you've left the

10:24:38 41 SDU obviously, but from your understanding in the period,

10:24:44 42 if another human source was being run at the moment in the

10:24:48 43 period of three and a half years there would be more than

10:24:50 44 two risk assessments done in relation to that individual at

10:24:54 45 the start of their term as a human source?---Yes, the

10:25:01 46 current policy says that.

10:25:02 47

10:25:03 1 Do you accept that it was a failing on behalf of the SDU  
10:25:06 2 not to conduct more regular and more in number risk  
10:25:10 3 assessments on Ms Gobbo?---No.  
10:25:13 4  
10:25:13 5 You don't accept that. On that point, you accept that  
10:25:24 6 there's got to be a comprehensive and detailed paper trail  
10:25:30 7 in relation to risks that pertain to a source, do you agree  
10:25:34 8 with that?---Yes.  
10:25:34 9  
10:25:37 10 And when you have considered, as I assume you have  
10:25:40 11 recently, the source management logs, is it your view that  
10:25:43 12 that is an adequate, let's take it from after April 2006,  
10:25:48 13 the source management log was an adequate risk assessment  
10:25:51 14 record of Ms Gobbo for the period up until January  
10:25:59 15 2009?---Yes.  
10:26:00 16  
10:26:01 17 And is the source management log one of the documents that  
10:26:05 18 you read when you took over the handling of Ms Gobbo on the  
10:26:09 19 first occasion?---Can't recall.  
10:26:12 20  
10:26:15 21 How did you get familiar with the risks that pertained to  
10:26:18 22 Ms Gobbo?---Spoke to the handler, definitely spoke to the  
10:26:24 23 controller and up until then remember I'd been present at  
10:26:28 24 operational meetings, whether they were fortnightly I can't  
10:26:32 25 remember, where her current risks, current issues were  
10:26:37 26 discussed at our office meeting.  
10:26:39 27  
10:26:40 28 You don't accept then that a more robust process would have  
10:26:43 29 been to provide or to have prepared regular risk  
10:26:48 30 assessments on a monthly or six monthly basis, you simply  
10:26:54 31 don't accept that?---It was being done according to policy  
10:26:57 32 at the time on the source management log.  
10:27:00 33  
10:27:00 34 I'm asking you to reflect. Do you accept that that was  
10:27:04 35 adequate in the circumstances of Ms Gobbo?---Yes.  
10:27:11 36  
10:27:13 37 In the risk assessments there is no indication that there's  
10:27:22 38 consideration given to potential breach of legal  
10:27:27 39 professional privilege or obligations of confidentiality.  
10:27:31 40 You accept that those, on reflection, that those should  
10:27:35 41 have been included in the risk assessment?---So I  
10:27:43 42 understood that that was included albeit quite such a very  
10:27:48 43 broad brush in that the source was not to commit crimes  
10:27:55 44 but, yes, it could have been more specifically put.  
10:28:00 45  
10:28:03 46 The risk assessment contains a passage, "If compromised the  
10:28:08 47 handling of this source would come under extreme scrutiny"

10:28:13 1 - I should say these aren't your words. "That scrutiny  
10:28:14 2 could cause embarrassment and criticism of the Force. This  
10:28:16 3 must be considered and balanced against the proposition of  
10:28:19 4 not utilising the source and the potential resultant harm  
10:28:23 5 to the public that may occur through the lack of  
10:28:26 6 intelligence again very large scale drug traffickers." So  
10:28:29 7 do you see that there are two competing propositions in  
10:28:31 8 that statement?---There's the risk to Victoria Police and  
10:28:37 9 the risk to public harm.

10:28:40 10  
10:28:40 11 Embarrassment and criticism of the Force on the one hand  
10:28:46 12 and public harm on the other hand. The embarrassment and  
10:28:50 13 criticism of the Force, it's the case that that would have  
10:28:53 14 arisen because of Ms Gobbo's profession?---No, I understand  
10:28:59 15 that to be in relation to public harm.

10:29:08 16  
10:29:08 17 Sorry, so you're saying if compromised the handling of this  
10:29:14 18 source would come under extreme scrutiny, this could cause  
10:29:19 19 embarrassment and criticism of the Force, that has nothing  
10:29:24 20 to do with Ms Gobbo's profession as a barrister?---I don't  
10:29:28 21 understand it like that but you'd have to ask Officer  
10:29:32 22 Smith.

10:29:32 23  
10:29:32 24 Did it occur to you during your period of time that there  
10:29:35 25 might be a problem with having a barrister acting as a  
10:29:38 26 human source?---I'm just trying to - no.

10:30:00 27  
10:30:01 28 Can I suggest to you it in fact did and you were, you were  
10:30:06 29 cautious on some occasions, and you've already given  
10:30:10 30 evidence about the caution that would be used in relation  
10:30:14 31 to the receipt of particular information from her because  
10:30:16 32 of her profession. Do you accept that you exercised  
10:30:23 33 caution for that reason at times?---Yes, so that's under  
10:30:26 34 the risk of information, yep.

10:30:27 35  
10:30:28 36 So you were alive to the fact that there might be a problem  
10:30:33 37 with particular information that might be provided by  
10:30:36 38 Ms Gobbo in a broad sense?---Yes.

10:30:39 39  
10:30:41 40 And the problem that you knew about was that it might  
10:30:44 41 compromise prosecutions because of the environment in which  
10:30:50 42 Ms Gobbo had received the information?---That's a broad  
10:30:59 43 brush question.

10:30:59 44  
10:30:59 45 Well that's why a moment ago you were talking about the  
10:31:02 46 importance of it coming from a social environment and not a  
10:31:05 47 professional environment, that's the case, isn't

10:31:07 1 it?---That's one aspect, yes.  
10:31:11 2  
10:31:12 3 That's why you in your own words earlier were saying that  
10:31:16 4 we avoided information that she obtained in a professional  
10:31:19 5 setting, is that correct?---Depends on the information.  
10:31:25 6  
10:31:26 7 Well, is it the case that you avoided getting information  
10:31:29 8 from known clients of Ms Gobbo or not?---If it related to  
10:31:35 9 present or future crime, yes, but if it related to  
10:31:46 10 committing serious crime in the future, not related to  
10:31:50 11 current court cases or obstructing justice or perverting  
10:31:53 12 the course of justice, then we would take that information,  
10:31:57 13 or information of police corruption.  
10:32:01 14  
10:32:01 15 Who would evaluate the evidence, the information that was  
10:32:05 16 received to determine whether or not it fitted under one of  
10:32:08 17 those categories?---The handler would in consultation with  
10:32:14 18 the controller. If not, the whole unit at an operational  
10:32:20 19 end.  
10:32:20 20  
10:32:20 21 Were the handlers or controllers or anyone in the unit  
10:32:24 22 legally qualified?---Not that I'm aware of.  
10:32:27 23  
10:32:27 24 Do you accept that it might have been, I'm just speaking  
10:32:30 25 more broadly now, it might have been a worthwhile thing to  
10:32:35 26 get legal advice about the use of a barrister as a human  
10:32:38 27 source prior to Ms Gobbo being registered as a source in  
10:32:41 28 September 2005?---That's a matter for management of  
10:32:51 29 Victoria Police.  
10:32:51 30  
10:32:51 31 I'm asking you. You say that the fault, if there is fault,  
10:32:57 32 might lie at their feet, but I'm asking you as a handler of  
10:33:00 33 Ms Gobbo whether you think it would have been a worthwhile  
10:33:04 34 thing to obtain legal advice about the use of a barrister  
10:33:07 35 as a human source prior to her registration?---I think at  
10:33:13 36 the time - - -  
10:33:15 37  
10:33:15 38 I'm after a simple yes or no?---You'll have to ask the  
10:33:20 39 question again.  
10:33:20 40  
10:33:21 41 Do you think it would have been a worthwhile thing to  
10:33:23 42 obtain legal advice as to whether or not a practising  
10:33:26 43 barrister should be used as a human source prior to her  
10:33:30 44 registration as a source?---I don't think I can answer that  
10:33:41 45 in yes or no. There's many prongs of that in terms of risk  
10:33:45 46 of information, yes. In terms of risk to safety and  
10:33:49 47 compromise, that was a live risk that Victoria Police and

10:33:57 1 the Source Management Unit took as maybe a no.  
10:34:01 2  
10:34:02 3 But risk to safety and compromise are issues that you're  
10:34:05 4 talking about that might occur as a result of the seeking  
10:34:08 5 of legal advice, aren't you, that that would then identify  
10:34:12 6 Ms Gobbo as someone who was assisting police, is that what  
10:34:15 7 you mean?---Yes.  
10:34:16 8  
10:34:16 9 What I'm asking you is prior to her registration, you  
10:34:19 10 weren't involved, and I concede that, you weren't involved  
10:34:22 11 in her registration but I'm asking you whether you think it  
10:34:26 12 would have been a good idea to obtain legal advice as to  
10:34:29 13 whether or not a barrister, without using her name, a  
10:34:32 14 barrister is an appropriate individual to be registered as  
10:34:35 15 a human source prior to her registration? What do you  
10:34:38 16 think, was that something that should have been done or it  
10:34:41 17 didn't matter that it wasn't done?---I would disagree  
10:34:49 18 appropriate person because of the profession, but maybe in  
10:34:52 19 terms of managing the information.  
10:34:55 20  
10:34:57 21 I'm sorry, I don't understand your answer. Is your answer,  
10:35:03 22 no, it didn't matter, that you don't think it was an  
10:35:05 23 appropriate thing to get legal advice prior to her  
10:35:07 24 registration?---I'm saying maybe in relation to managing  
10:35:12 25 information, yes.  
10:35:14 26  
10:35:15 27 As in once she was providing information, that should have  
10:35:21 28 had a legal eye cast over it to make sure there weren't the  
10:35:25 29 sorts of issues we've been talking about, is that  
10:35:27 30 right?---It's for Victoria Police to decide who to  
10:35:30 31 register.  
10:35:31 32  
10:35:31 33 You're a member of Victoria Police and were at the time.  
10:35:34 34 I'm asking for your reflections. If you're not able to  
10:35:37 35 answer it with a simple yes or no then I might have to move  
10:35:40 36 on?---I can't answer it with a simple yes or no.  
10:35:43 37  
10:35:44 38 All right. Paragraph 32 of your first statement you say in  
10:35:52 39 terms of legal professional privilege, "It was part of the  
10:35:55 40 risk assessment process around the origin of the  
10:35:59 41 information obtained from Gobbo, in consultation with the  
10:36:03 42 controller, a decision was arrived at as to whether the  
10:36:06 43 information could be disseminated. This was recorded on  
10:36:09 44 the SML and the ICR. There was no expectation or intention  
10:36:13 45 that Gobbo would provide LPP information. Already  
10:36:17 46 established management practices were in place by the time  
10:36:20 47 I began handling Gobbo where LPP was not sought or

10:36:25 1 disseminated". Now, since writing those words in your  
10:36:30 2 first statement, have you had an opportunity to reflect on  
10:36:33 3 those, is that still your position?---Yes.  
10:36:36 4  
10:36:39 5 So the consultation that would happen about legal  
10:36:42 6 professional privilege was with Mr White, is that  
10:36:47 7 correct?---Yes.  
10:36:49 8  
10:36:49 9 He wasn't legally qualified?---In what legal qualifying  
10:36:58 10 way?  
10:36:59 11  
10:37:00 12 Did have he a law degree?---No.  
10:37:02 13  
10:37:03 14 You've said a moment ago that you agree that on a piecemeal  
10:37:07 15 basis information that Ms Gobbo was providing should  
10:37:10 16 perhaps have been run by a lawyer as to whether or not it  
10:37:13 17 could be utilised. So what I'm inviting you to do is have  
10:37:17 18 a look at that paragraph there and accept, if it's the  
10:37:22 19 case, that in fact that wasn't perhaps as robust a system  
10:37:26 20 as it might have been, running it by Mr White?---That was  
10:37:37 21 my instruction at the time and that's what I did.  
10:37:40 22  
10:37:40 23 What I'm asking you to do now is reflect on whether or not  
10:37:44 24 that might have been a bit more robust. I should say as I  
10:37:48 25 understand it you've already accepted that because you've  
10:37:51 26 said that information that was provided should have been  
10:37:54 27 run past a lawyer to see whether or not it could be  
10:37:57 28 utilised. In fact running it by Sandy White was perhaps  
10:38:01 29 not enough, you'd accept that?---I accept that it may have  
10:38:05 30 been setting some boundaries in the management of  
10:38:07 31 information, yeah, but individual information as it came  
10:38:15 32 up, assessing all the risks, not just legal but safety,  
10:38:22 33 risk to Victoria Police, risk to the public, is all things  
10:38:26 34 that need to be better controlled.  
10:38:29 35  
10:38:29 36 My question was focused on legal professional privilege and  
10:38:32 37 the risk of receiving and utilising that information. So  
10:38:38 38 what I'm saying is that it would have been better not  
10:38:40 39 simply just to run it by the controller, but it would have  
10:38:43 40 been better to run it by a lawyer if there was any doubt  
10:38:46 41 about problems that arose because of its nature, its  
10:38:52 42 potential to be captured by privilege?---If there was  
10:38:56 43 doubt, yes.  
10:38:56 44  
10:38:59 45 But you didn't turn your mind to those things. You relied  
10:39:05 46 on Sandy White's analysis of those matters?---No, I would  
10:39:16 47 submit my opinion as well.



10:39:17 1  
10:39:17 2 You'd look at it and think, try and determine, you would  
10:39:21 3 make your own determination as to whether you thought it  
10:39:23 4 was privileged, then you'd say to Mr White, "I think this  
10:39:27 5 might be, I think this might not be", and then you'd have a  
10:39:30 6 discussion about it?---On occasion, yes.  
10:39:32 7  
10:39:34 8 The two of you, as you were having these discussions,  
10:39:37 9 neither of you are legally qualified, that's  
10:39:40 10 right?---That's correct.  
10:39:40 11  
10:39:41 12 Had you had training on legal professional privilege and  
10:39:45 13 obligations of confidentiality prior to having these  
10:39:48 14 discussions?---Somewhat, yes.  
10:39:53 15  
10:39:54 16 Where had you received that training?---That would be at  
10:39:56 17 Detective Training School.  
10:39:58 18  
10:39:58 19 You'd accept that that's not comprehensive training about  
10:40:01 20 what might and might not be legal professional privilege  
10:40:06 21 and confidential?---Depends on the term comprehensive. It  
10:40:15 22 fitted the needs of training detectives in Victoria Police.  
10:40:19 23  
10:40:27 24 If I could just have a moment. At paragraph 39 of your  
10:40:39 25 statement you were asked about - I'll just turn to it -  
10:40:45 26 this is your first statement?---Yes.  
10:40:48 27  
10:40:48 28 The question you were asked is, "Provide details of any  
10:40:51 29 conversations you had with Ms Gobbo relevant to and/or  
10:40:54 30 dealing with her legal professional privilege, LPP and  
10:40:59 31 confidentiality obligations or other duties in respect of  
10:41:02 32 her clients". Now you recall being asked that  
10:41:05 33 question?---Yes.  
10:41:05 34  
10:41:06 35 The first ICR that you cite there is ICR 39, 15 July 2007,  
10:41:16 36 do you see that?---Yes.  
10:41:18 37  
10:41:21 38 If p.1017 could be brought up on the screen, please,  
10:41:25 39 including Mr Fox's screen. There's an entry there, it  
10:41:36 40 says, "Returned call to 3838". I should say I've looked  
10:41:41 41 through this ICR and this is the only reference, it seems,  
10:41:47 42 to match your entry at paragraph 39. So it would be  
10:41:56 43 further down the page. Now, you'll see there, "Human  
10:42:00 44 source is depressed" - just to place this in time, this is  
10:42:04 45 just before Ms Gobbo's first appearance at the OPI. You  
10:42:08 46 recall those events?---Yes.  
10:42:11 47

10:42:13 1 So she's called. She's called by you, she's depressed this  
10:42:21 2 afternoon. She has read the OPI Act. "HS spoke again  
10:42:29 3 about using LPP as a defence to the questions. Reminding  
10:42:33 4 her the scope of this claim does not extend into criminal  
10:42:36 5 activity, so do not hide behind it". Firstly, is this your  
10:42:41 6 ICR?---Yes.

10:42:43 7  
10:42:45 8 This is what you, the first example you give of  
10:42:51 9 conversations with 3838 dealing with legal professional  
10:42:56 10 privilege and confidentiality in respect of her clients.  
10:42:59 11 What I want to suggest to you, that in fact what's  
10:43:02 12 happening here is Ms Gobbo is saying to you she might try  
10:43:05 13 and use LPP to avoid answering questions before  
10:43:10 14 Mr Fitzgerald, do you agree with that?---Yes.

10:43:14 15  
10:43:15 16 Can you see that that's not necessarily attaching to the  
10:43:18 17 question that was asked of you because the question that's  
10:43:21 18 asked of you is discussions you had with her about legal  
10:43:25 19 professional privilege and confidentiality obligations she  
10:43:29 20 had in respect of her clients. Do you see that?---Yes.

10:43:32 21  
10:43:34 22 The second thing you cite is at p.1014 of that same  
10:43:41 23 document. This is 14 July 2007. So your paragraph 39B you  
10:43:49 24 cite ICR 39, 14 July 2007, contact 2576. There's again,  
10:43:55 25 it's in the same context of the OPI. There's talk about  
10:43:58 26 alternate - it might be down further. There it is, the  
10:44:03 27 second entry. "Talk about alternate of human source not  
10:44:06 28 going. This will mean being charged with contempt, her  
10:44:09 29 asking for a letter of assistance, her identity being  
10:44:12 30 revealed to judges, which she acknowledges all are  
10:44:17 31 conflicts. As opposed to going to hearing, answering their  
10:44:21 32 questions and her identity remaining intact". A few dot  
10:44:26 33 points down, "Human source thinking about claiming legal  
10:44:30 34 professional privilege in the hearing. Remind human source  
10:44:32 35 that she needs to be very careful doing this as LPP is  
10:44:32 36 confined to client instructions, not criminal activities".  
10:44:37 37 Again what I'm suggesting to you is this is a discussion  
10:44:39 38 with Ms Gobbo not about, as the question was asking you,  
10:44:44 39 her duties of LPP and confidentiality in respect of her  
10:44:48 40 clients, but her attempting or suggesting that she might  
10:44:52 41 use that claim to avoid answering questions that might  
10:44:55 42 embarrass her before the OPI, do you agree with that? I'm  
10:44:58 43 not saying you were complicit in it, I'm saying that's what  
10:45:04 44 she was saying to you?---That's what she was saying to me  
10:45:08 45 and she didn't, she was telling me she didn't want to be  
10:45:13 46 put in a position where she would be talking about other  
10:45:21 47 clients where they may want to kill her. So her, as you

10:45:30 1 can see there, she's saying, "I'm just going to claim LPP".  
10:45:33 2  
10:45:34 3 What I'm suggesting to you it doesn't quite answer the  
10:45:37 4 question the Commission has asked of you. She has talked  
10:45:41 5 about LPP in a slightly different context to times when you  
10:45:44 6 had discussions with her about what her obligations of LPP  
10:45:51 7 were to her clients, do you accept that?---That's how I  
10:45:54 8 understood the question.  
10:45:55 9  
10:45:55 10 The third matter you cite is at p.896 of the ICRs. Here  
10:46:02 11 there is a discussion. I'll just wait for that to come up.  
10:46:12 12 This is another discussion - down the bottom, so "welfare  
10:46:23 13 general". "How can I represent him and charge him money  
10:46:25 14 for my services when I'm talking to police and I'm largely  
10:46:29 15 responsible for him being where he is? The questions re  
10:46:33 16 ethical issue is only re money. Surely it is, it's more  
10:46:38 17 than just about money. Talk about obligations to a  
10:46:41 18 barrister re client privilege. Instructions for a case as  
10:46:44 19 opposed to offender admitting to other crimes. Human  
10:46:49 20 source says there is no obligation to report other crimes  
10:46:53 21 told to her, a moral issue only. Human source has to  
10:46:56 22 distance herself from the moral issues, just be neutral,  
10:47:00 23 talk about moral issues with barristers, things HS told,  
10:47:05 24 druggies v paedophiles v person admitting murder. This  
10:47:07 25 still comes back to a moral issue for HS, no legal  
10:47:11 26 obligation for HS. HS could leak certain info to the  
10:47:15 27 police re certain issues if she was not", and down to the  
10:47:20 28 next page, "Talking to us, knowing that something would get  
10:47:25 29 done but would not get back to her. That is how she would  
10:47:29 30 deal with her moral issues". Can I suggest in that  
10:47:32 31 conversation what she was saying to you is that in her  
10:47:35 32 view, and I'm not saying you encouraged or otherwise this  
10:47:39 33 view, but in her view the moral impetus for talking to  
10:47:43 34 police would win out over any obligation of  
10:47:50 35 privilege?---No.  
10:47:51 36  
10:47:51 37 No. What was she saying to you there?---If you could just  
10:47:55 38 scroll up again, please. No, she's talking about the moral  
10:48:10 39 part of it is reporting other crimes, she's not talking  
10:48:14 40 about her barrister/client privilege, it's the moral issue  
10:48:18 41 about when clients of hers report future serious crime to  
10:48:24 42 her, we're talking to her about her obligations there.  
10:48:30 43 What date is this again?  
10:48:33 44  
10:48:34 45 COMMISSIONER: 15 June. 15 June 07?---Is that a meeting?  
10:48:39 46  
10:48:40 47 MR WOODS: Yes, it is. All right, so you say it doesn't

10:48:45 1 necessarily attach to the words above it, "Talk about  
10:48:49 2 obligations to a barrister re client privilege,  
10:48:51 3 instructions for a case as opposed to an offender admitting  
10:48:55 4 other crimes"?---Yes, it's about her moral issue when  
10:49:00 5 offender admitting other crimes, not about client  
10:49:04 6 privilege.  
10:49:04 7

10:49:05 8 Other members of your SDU team have given evidence that  
10:49:07 9 from the beginning Ms Gobbo was saying that she just, she  
10:49:12 10 was pretty sick of some of her clients who were, in her  
10:49:16 11 view, committing some serious crimes and that she was  
10:49:21 12 pretty fiercely single minded about getting Tony Mokbel in  
10:49:25 13 particular locked up. You're aware that that was one of  
10:49:28 14 her motivations at the beginning?---Yes.  
10:49:30 15

10:49:32 16 They've also given evidence generally consistent with the  
10:49:35 17 proposition that it wouldn't really matter to her about the  
10:49:38 18 relationship, the legal relationship with the client, her  
10:49:42 19 moral compass would win over those sorts of issues. Was  
10:49:47 20 that your observations of Ms Gobbo during your time  
10:49:51 21 managing her?---No. I would say because of that motivation  
10:50:04 22 she, all rules of law went out the window, no.  
10:50:09 23

10:50:09 24 I'm not saying all rules of law went out the window, I'm  
10:50:15 25 saying that would win out in the internal struggle she  
10:50:18 26 might have on privilege on the one hand, and assisting  
10:50:23 27 police solving crimes on the other hand. She was more  
10:50:27 28 interested in the latter more than the former?---Yes, she  
10:50:30 29 was certainly - her clients were admitting serious crimes,  
10:50:33 30 then yes, she'd tell us.  
10:50:35 31

10:50:37 32 At paragraph 40 of your statement you say, "The SDU were  
10:50:39 33 not interested in anything concerning client instructions  
10:50:42 34 in matters previously, currently or pending before the  
10:50:47 35 courts. If information was inadvertently received through  
10:50:53 36 general conversation it was not disseminated. This was  
10:50:55 37 documented on the ICR. This generally came about during  
10:50:58 38 discussions for fears of her safety. What intelligence was  
10:51:01 39 disseminated is clearly documented in my ICRs, information  
10:51:05 40 reports and official police diary". So they're your  
10:51:09 41 words?---Yes.  
10:51:09 42

10:51:10 43 I want to ask some questions about a particular example and  
10:51:13 44 if you could, if the operator could bring up p.639 of the  
10:51:20 45 ICRs. This first part was Officer Anderson and this is 15  
10:51:27 46 January 2007. It relates to Ms Zaharoula Mokbel. It has  
10:51:39 47 her husband's name there. It says, "3838 met with Horthy

10:51:44 1 tonight as planned". Then as you go down further it says,  
10:51:47 2 "3838 states that the brief against Horthy's wife is of a  
10:51:52 3 poor standard". It was clear, I assume, or you would  
10:51:56 4 accept that it was clear to that handler that Ms Gobbo was  
10:51:59 5 acting for Ms Mokbel at that stage?---No.  
10:52:05 6  
10:52:05 7 All right. You'd accept that it was ambiguous as to  
10:52:09 8 whether or not she was acting for Ms Mokbel at that  
10:52:12 9 stage?---I can't say from that whether she was acting for  
10:52:21 10 his wife.  
10:52:22 11  
10:52:22 12 Sorry, you might have to repeat that?---I can't say from  
10:52:26 13 that passage you've just shown me that it's clear that  
10:52:29 14 she's acting for his wife.  
10:52:31 15  
10:52:32 16 It's unclear?---Yes.  
10:52:34 17  
10:52:35 18 But the thing that makes it unclear, can I suggest, is the  
10:52:38 19 fact that she's got the brief of evidence which might  
10:52:41 20 indicate she could be acting for his wife, do you agree  
10:52:44 21 with that?---Could, yes.  
10:52:46 22  
10:52:47 23 But, on the other hand, it might be the case that she's not  
10:52:50 24 because she might have got the brief through the husband  
10:52:53 25 for some other reason?---I don't know.  
10:52:56 26  
10:52:57 27 Okay. I want you to go through to p.643, please. 19  
10:53:04 28 January 2007. Did I say 643? I think I did. You might  
10:53:27 29 have to - there we go. It was just there on the screen.  
10:53:32 30 You'll see just above the word "psyche" in the bottom part  
10:53:36 31 of that page it says, "Again discussed the poor standard of  
10:53:39 32 the brief against Zaharoula Mokbel". So you see at that  
10:53:43 33 stage she's still discussing the same brief that we were  
10:53:49 34 talking about a moment ago?---It appears, yes.  
10:53:54 35  
10:53:55 36 And p.656, please. You'll see Zaharoula Mokbel there,  
10:54:05 37 "Brief of evidence is of poor standard. Police can't prove  
38 the deception. Missing statements. Various points  
10:54:10 39 regarding the poor standard of brief discussed and  
10:54:12 40 information provided to Purana by DDI O'Brien for  
10:54:15 41 information". So you accept there that she is providing  
10:54:20 42 the handler with her views about the strength of the  
10:54:24 43 prosecution case and that it can't be proved because of  
10:54:27 44 missing statements and that that's passed on to Mr O'Brien,  
10:54:31 45 do you agree with that?---Yes, it talks about the poor  
10:54:38 46 standard of the brief.  
10:54:41 47

10:54:41 1 And she's talking about specific instances though, because  
10:54:45 2 as the handler is saying there, there are various points  
10:54:48 3 regarding the poor standard of the brief, do you agree  
10:54:51 4 that's recorded in the document?---Yes, various yes. And  
10:54:55 5 that's what's recorded in the document, yes.  
10:54:58 6

10:54:59 7 Do you have any reflection on the propriety of what  
10:55:06 8 Ms Gobbo was saying about that brief of evidence and that  
10:55:09 9 information being passed over to Mr O'Brien?---What do you  
10:55:18 10 mean by propriety?  
10:55:20 11

10:55:21 12 You have defended the procedures of the SDU and your own  
10:55:27 13 carrying out of those procedures. This is another officer.  
10:55:31 14 What we see there is Ms Gobbo now on a number of occasions  
10:55:36 15 says she's reading the brief of evidence. She is saying to  
10:55:40 16 Victoria Police that they can't prove the deception because  
10:55:45 17 there are missing statements and she points out various  
10:55:49 18 points of the poor standard of the brief and that  
10:55:51 19 information is passed on to Mr O'Brien. What I'm asking is  
10:55:54 20 whether or not in your view that was an appropriate  
10:55:57 21 conversation to have with her, firstly, and secondly,  
10:55:59 22 whether that information was appropriately passed on to  
10:56:01 23 Mr O'Brien?---I wouldn't have expected that to be passed on  
10:56:09 24 to Mr O'Brien.  
10:56:10 25

10:56:11 26 Page 666, please. Just down further. You'll see  
10:56:23 27 Ms Mokbel's name there. Alex Lewenberg has asked for  
10:56:26 28 Nicola Gobbo to prepare the 8A in response to her hand  
10:56:32 29 brief of evidence. Alex wants to represent her. "3838  
10:56:36 30 believes she has a conflict and cannot get involved." Now,  
10:56:41 31 you accept that that was something that was told to that  
10:56:44 32 handler on that occasion?---That's what's written on the  
10:56:47 33 ICR.  
10:56:47 34

10:56:48 35 And you understand that an 8A application is an application  
10:56:51 36 to apply to cross-examine prosecution witnesses at a  
10:56:55 37 committal?---Yes.  
10:56:56 38

10:56:59 39 And seeking disclosure?---Yes.  
10:57:01 40

10:57:04 41 The Commission has information available to it that in fact  
10:57:09 42 on 18 April of that year Ms Gobbo charged \$660 for acting  
10:57:15 43 for Ms Mokbel in that matter. I'm not suggesting that was  
10:57:18 44 known to you at the time but the reason I'm explaining that  
10:57:24 45 to you is you accepted a moment ago that it seemed unclear  
10:57:31 46 on the status of the entry in the ICR whether or not  
10:57:32 47 Ms Gobbo was acting for Ms Mokbel, you recall that?---Yes.

10:57:36 1  
10:57:36 2 The Commission has evidence to confirm that in fact she was  
10:57:40 3 acting for Ms Mokbel in that matter, do you accept  
10:57:45 4 that?---If that's what you tell me.  
10:57:46 5  
10:57:47 6 And so in fact here we see a failing to some degree of the  
10:57:55 7 procedures we were talking about a moment ago to make sure  
10:57:57 8 that Ms Gobbo wouldn't be talking about current clients of  
10:58:00 9 hers and that information wouldn't be passed over to the  
10:58:03 10 Purana Task Force. Do you accept that?---That it wouldn't  
10:58:08 11 be passed over, yes.  
10:58:09 12  
10:58:10 13 Okay?---It's not clear if it is. I would need to see the  
10:58:14 14 diary.  
10:58:14 15  
10:58:15 16 Hang on, a moment ago we were just talking about what was  
10:58:18 17 passed on to Mr O'Brien and you accepted that, you said  
10:58:21 18 that was surprising to you, if that was passed over to  
10:58:24 19 Mr O'Brien?---Yes, I'd like to see the handler's diary.  
10:58:29 20  
10:58:30 21 Okay. Can you go to p.674, please. This is 5 March 2007,  
10:58:40 22 it's ICR 69. Ms Mokbel is named there. "Mokbel,  
10:58:50 23 Zaharoula, date of birth", et cetera. "Human source wants  
10:58:53 24 advice about whether she should represent the same.  
10:58:56 25 Believes the brief is poorly prepared and has holes in it.  
26 Believes she could assist Roula in getting off charges if  
10:59:04 27 she represented her. Advised decision is hers and that she  
10:59:06 28 cannot assist police in undermining her client's defence."  
10:59:09 29 She obviously has agreed with what's been told to her about  
10:59:12 30 that. "Roula is not a client yet", she says at that stage.  
10:59:16 31 "Human source believes not assisting her would be in  
10:59:19 32 accordance with her original goal of getting the Mokbels  
10:59:22 33 out of her life." You see that?---I can see that, yes.  
10:59:27 34  
10:59:27 35 Moving on to - I must say I don't have a page reference for  
10:59:36 36 this, but it's p.1197 of ICR 95. This is 28 August 2007 in  
10:59:45 37 ICR 95. "Roula Mokbel. Grigor had a meeting with Roula  
10:59:52 38 Mokbel re ACC hearing. Grigor was feeling human source in  
10:59:58 39 what was discussed. She wants to know what the ACC might  
11:00:01 40 be about on Friday". A few dot points down, "She wants to  
11:00:05 41 have a chat to human source before the hearing. Will only  
11:00:08 42 talk to human source. This has been booked in for  
11:00:10 43 Wednesday. Roula wants to talk about things she cannot  
11:00:13 44 mention in the hearing or else she would get killed. Horthy  
11:00:17 45 has apparently told her to trust no one else except the  
11:00:21 46 human source. Human source intends ringing the ACC to  
11:00:25 47 confirm she is representing her. Human source does not see

11:00:29 1 this has a problem, but points out that someone in there  
11:00:32 2 might not want the human source to represent because she  
11:00:35 3 has been called to same hearings. If she cannot represent  
11:00:39 4 then she cannot talk to Roula on Wednesday about Friday's  
11:00:43 5 hearing. Human source thinks maybe it is in our" - I take  
11:00:50 6 it that means the SDU - "interests to find out what Roula  
11:00:52 7 wants to say to her". The handler has said, told her, "I  
11:00:57 8 do not see a problem but will check". Then that's verbally  
11:01:01 9 disseminated to Gavan Ryan of the Purana Task Force, do you  
11:01:04 10 see that entry?---I can see that entry, yes.  
11:01:06 11  
11:01:07 12 You accept that that's a fair reflection of the  
11:01:09 13 conversation that took place?---I'd have to check the  
11:01:14 14 diaries.  
11:01:15 15  
11:01:17 16 At p.1121, "Roula Mokbel. She has spoken to human source  
11:01:25 17 about money and funding re ACC hearing on Friday in the  
11:01:29 18 AM". A couple of dot points down, "Human source intends to  
11:01:34 19 ring the hearing officer tomorrow to indicate that she will  
11:01:37 20 be acting for Roula". A few dot points down, "If she is  
11:01:40 21 prevented from representing Roula she obviously cannot talk  
11:01:44 22 about the ACC hearing tomorrow and what Roula wants to  
11:01:47 23 leave out in her evidence". Again, that's verbally  
11:01:49 24 disseminated to Gavan Ryan of Purana, you agree with  
11:01:55 25 that?---That's what it says, yes.  
11:01:56 26  
11:01:57 27 And then p.1131, which is ICR 96. I understand this is one  
11:02:06 28 of your ICRs. Can you tell that by the formatting, do you  
11:02:12 29 want me to go up and show you that?---What's the date for  
11:02:16 30 that?  
11:02:17 31  
11:02:17 32 22 August 2007?---Yes, that would be one of mine.  
11:02:22 33  
11:02:23 34 "Roula Mokbel meeting. She wanted to discuss things she  
11:02:26 35 cannot talk about on Friday at the ACC hearing. It relates  
11:02:29 36 to money laundering in conjunction with Mansour and Rizzo".  
11:02:36 37 Do you see that?---No, sorry, where is it?  
11:02:37 38  
11:02:37 39 It should be right in the middle of the page in front of  
11:02:40 40 you?---Yes, yes, I see it.  
11:02:44 41  
11:02:45 42 Then under the bold text with the names underneath it,  
11:02:49 43 there's a page of what is clearly Ms Mokbel's instructions  
11:02:55 44 to Ms Gobbo. You see that?---Yes, she's talking about  
11:03:15 45 money laundering and crimes and issuing checks.  
11:03:21 46  
11:03:21 47 She's obviously told Ms Gobbo this money laundering is to



11:03:25 1 do with a 50K payment and this is the matter that she is to  
11:03:30 2 represent Ms Mokbel in. "Roula is very scared for her life  
11:03:36 3 and has no idea." Now that's another thing that Ms Mokbel  
11:03:40 4 has told to Ms Gobbo, you accept that?---Yes, she appears  
11:03:49 5 to have said that, yes.  
11:03:50 6  
11:03:51 7 She explained how the money has ended up with the person  
11:03:54 8 it's ended up with?---Yes.  
11:03:56 9  
11:03:58 10 One of the payments was for Horty Mokbel's bail apps.  
11:04:02 11 She's explained that to you?---Yes.  
11:04:06 12  
11:04:07 13 "And she's had long discussions with Roula Mokbel and  
11:04:11 14 explained how she needs to tell the truth in the ACC  
11:04:14 15 hearing. She should not cover anything up as she will get  
11:04:17 16 charged for perjury." That's something she's explained to  
11:04:20 17 Ms Mokbel?---Yes.  
11:04:22 18  
11:04:25 19 All right?---It's not clear if she is acting for her at  
11:04:30 20 this point, it's not clear there.  
11:04:32 21  
11:04:32 22 You didn't know at the time?---It's not clear in that, no.  
11:04:36 23  
11:04:36 24 Did you ask her - - - ?---She's still waiting from the  
11:04:42 25 previous entry for permission as I understand it.  
11:04:44 26  
11:04:45 27 Did you ask her on this occasion whether or not she was  
11:04:48 28 acting for her at this stage?---I understood she was at  
11:04:50 29 this stage.  
11:04:51 30  
11:04:51 31 Did you ask her?---She told me she was, she was still  
11:04:54 32 waiting for permission from the ACC.  
11:04:57 33  
11:04:57 34 She told you on this occasion she was waiting for  
11:05:00 35 permission from the ACC?---I'd have to look at the whole  
11:05:04 36 ICR and my diary.  
11:05:06 37  
11:05:06 38 I might get you to do that a bit later on. What I'm going  
11:05:10 39 to suggest to you is that the Commission also has material  
11:05:15 40 to demonstrate that on this occasion Ms Gobbo did appear  
11:05:20 41 for Ms Mokbel and charged her \$2000 for it. You're not  
11:05:26 42 able to persuade me that's not correct, I assume?---No, I  
11:05:30 43 can't.  
11:05:31 44  
11:05:32 45 So when you say the SDU were not interested in anything  
11:05:36 46 concerning client instructions in matters previously,  
11:05:39 47 currently or pending before the courts, you'd accept that

11:05:42 1 given what she was saying about what Ms Mokbel had told her  
11:05:45 2 on this occasion, that that's just not correct?---There is  
11:05:52 3 talk about of money laundering, there's talk there of  
11:05:56 4 bodgey cheques.  
11:05:58 5  
11:05:58 6 Talk of appearance before the ACC?---That's not mentioned  
11:06:04 7 there, payments. And not to mention these payments, she's  
11:06:09 8 talking about lying to the ACC so I understood that to be  
11:06:16 9 furtherance of crime.  
11:06:17 10  
11:06:17 11 In fact that's the very reason that ACC holds hearings,  
11:06:21 12 isn't it, about furtherance of crime, because they want to  
11:06:24 13 detect and prevent crime?---That's one of, yes.  
11:06:27 14  
11:06:29 15 She says, I should point out, in the second-last dot point  
11:06:33 16 that you've recorded there, she'll be there on Friday to  
11:06:36 17 support her. What do you say about those words?---That's  
11:06:42 18 what she said, that doesn't mean she's acting.  
11:06:47 19  
11:06:47 20 No, I understand that. But as we now know she in fact was  
11:06:53 21 acting. What I'm suggesting to you is no matter what your  
11:06:59 22 understanding of the situation was, in fact she did meet  
11:07:02 23 with Ms Mokbel, she did appear on Ms Mokbel's behalf and  
11:07:05 24 she did charge Ms Mokbel for the appearance. Each of those  
11:07:09 25 three things occurred?---Okay.  
11:07:11 26  
11:07:13 27 You say at paragraph 40 that, if "Information was  
11:07:16 28 inadvertently received through general conversation it was  
11:07:20 29 not disseminated". You'd accept what's on the screen in  
11:07:23 30 front of you now is not inadvertently received through  
11:07:27 31 general conversation with Ms Mokbel, wouldn't you?---3838  
11:07:32 32 you mean?  
11:07:33 33  
11:07:33 34 Sorry, with Nicola Gobbo. I think we're allowed to call  
11:07:38 35 her Nicola Gobbo now, Mr Fox?---I accept that that's the  
11:07:45 36 conversation I had with her, yes.  
11:07:46 37  
11:07:52 38 In fact given the circumstances that we went through a  
11:07:55 39 moment ago and you pointing out quite rightly perhaps that  
11:08:00 40 there was some ambiguity in the status of the relationship  
11:08:05 41 between Ms Gobbo and Ms Mokbel, and given her viewing of  
11:08:12 42 the briefs and the passing on of deficiencies in the brief  
11:08:16 43 to Gavan Ryan, you'd accept that that's something that  
11:08:20 44 shouldn't have happened when there was some ambiguity of  
11:08:23 45 the status of the legal relationship?---That's a long  
11:08:30 46 question.  
11:08:31 47

11:08:31 1 Let's just put the hypothetical. If Ms Gobbo said to you -  
11:08:35 2 what I'm trying to understand here a bit more is some of  
11:08:38 3 the issues that arise when you do use a barrister as a  
11:08:41 4 human source. Now the situation was that Ms Gobbo was  
11:08:47 5 acting for a number of individuals on a number of occasions  
11:08:50 6 where that wasn't abundantly clear to members of the SDU.  
11:08:53 7 Do you have experience of that happening during your time  
11:08:57 8 handling Ms Gobbo?---Yes.  
11:08:59 9

11:09:01 10 In circumstances where you now know that, for example, she  
11:09:05 11 did work on that earlier matter and charge some money for  
11:09:10 12 it, it was a very problematic situation using a barrister  
11:09:16 13 at all, wasn't it, because of this very ambiguity about  
11:09:20 14 whether or not she was acting for these individuals?---Yes,  
11:09:24 15 there was ambiguity but in relation to that passage you've  
11:09:29 16 just put me through, as I said I can see furtherance of  
11:09:34 17 crime there which I did not understand to be legal  
11:09:37 18 professional privilege.  
11:09:38 19

11:09:39 20 Okay, I see. All right. At paragraph 51 of your first  
11:09:49 21 statement you say, "We took our role as the holder of  
11:09:55 22 sensitive information seriously in order to protect the  
11:09:58 23 safety of the source, the SDU and Victoria Police. Nothing  
11:10:03 24 was disseminated to any person without being risk assessed,  
25 sanitised and then approved by the controller. LPP  
11:10:09 26 communications were of no interest to us". They're your  
11:10:13 27 words?---That's correct.  
11:10:14 28

11:10:15 29 At p.1214, ICR 100. Roula Mokbel, 13 September 2007 this  
11:10:28 30 is. You're the handler. "Roula Mokbel. Human source is  
11:10:34 31 frustrated in a panic re Roula's committal on Monday.  
11:10:38 32 According to the human source there is no barrister  
11:10:39 33 available to do the case. Stephen Shirrefs SC is tied up  
11:10:42 34 in Perth. Con Heliotis is not available. She has had a  
11:10:47 35 screaming match with Horty and Roula as they want her to do  
11:10:50 36 it and cannot understand why Shirrefs is not available.  
11:10:53 37 Human source believes that no one else can help". You then  
11:10:56 38 go down a few dot points. "Reiterated to human source that  
11:11:01 39 our position is that it is not appropriate for her to  
11:11:05 40 represent Roula on Monday. She knows this but does not  
11:11:05 41 have any other solution. Suggested why can't the defence  
11:11:09 42 make an application for adjournment re brief barrister  
11:11:13 43 being unavailable". The phone rings and she takes it,  
11:11:16 44 et cetera et cetera. "The human source is in a foul mood."  
11:11:19 45 I assume that's you who said to her it's not appropriate  
11:11:22 46 for her to represent Roula on Monday?---Yes.  
11:11:25 47

11:11:25 1 That's because she was providing information in relation to  
11:11:29 2 Roula?---Yes.

11:11:36 3  
11:11:36 4 And in fact because she was providing information in  
11:11:40 5 relation to Roula, putting legal professional privilege to  
11:11:43 6 one side, she clearly had a conflict of interest, didn't  
11:11:46 7 she?---Yeah, I'm not - - -

11:11:53 8  
11:11:53 9 Do you know what a conflict of interest is?---Yes. That  
11:11:56 10 could be one of the reasons, I'm not sure that's the only  
11:12:00 11 reason in that passage there.

11:12:01 12  
11:12:01 13 Putting her reasons to one side, you would have understood,  
11:12:04 14 and I take it the reason you've said this to her is because  
11:12:07 15 she couldn't possibly act for Roula because she had a  
11:12:11 16 conflict of interest, she was helping the police in  
11:12:17 17 relation to Roula?---It might be a conflict in terms of  
11:12:22 18 acting for someone else in relation to that matter on  
11:12:25 19 Monday, I'm not sure.

11:12:26 20  
11:12:29 21 I suggest that given what has gone before in the ICRs and  
11:12:33 22 your wording in this ICR, it was abundantly clear to you  
11:12:37 23 that the reason that she couldn't act for Ms Mokbel is that  
11:12:41 24 she had a conflict of interest?---Yes, but it could be  
11:12:45 25 because she's acted for someone else relating to that  
11:12:50 26 matter previously. I'm not sure what passage - - -

11:12:56 27  
11:12:57 28 COMMISSIONER: Mr Fox, it could be, but she's already  
11:13:00 29 stated to you very clearly, as Mr Woods has taken you to  
11:13:03 30 earlier, that the problem was that she was informing to  
11:13:08 31 police about the very matter with which she was being  
11:13:11 32 charged. She stated that at the very beginning and indeed  
11:13:16 33 that picks up what the High Court said about the whole  
11:13:19 34 problem with this. That was the conflict and that was the  
11:13:22 35 conflict you knew about. Let's not talk about whether she  
11:13:25 36 might have been acting for someone else. She's mentioned  
11:13:28 37 that problem at the very beginning of these conversations  
11:13:30 38 that you've been taken to. Let's work on that one. Yes,  
11:13:34 39 Mr Woods.

11:13:35 40  
11:13:35 41 WITNESS: Yes.

11:13:35 42  
11:13:36 43 MR WOODS: Later in ICR 100, so it's the same document,  
11:13:41 44 p.1215 of the same document. Sorry, I'm not using the  
11:13:45 45 consolidated references, I need to fix that up over the  
11:13:50 46 break. "Return call to 3838. Horthy has been abusing her  
11:13:54 47 on the phone. They just don't understand why she can't do

11:13:57 1 it. He's very demanding and just thinks everything should  
11:14:01 2 happen his way". Then down to the bottom of that entry.  
11:14:04 3 She states that this has resolved her even more that she  
11:14:09 4 will have nothing to do with Milad's case, something above  
11:14:14 5 that, and you have encouraged that attitude with her, is  
11:14:16 6 that right?---I just want to point out at the top there it  
11:14:19 7 says because she's represented Karl Khoder before, which is  
11:14:23 8 the point I was trying to make before. That's why she  
11:14:29 9 can't do Roula.

11:14:30 10  
11:14:30 11 Yes. But what I'm saying is another reason why you knew  
11:14:33 12 she couldn't represent Roula Mokbel and why you're  
11:14:37 13 encouraging the attitude in relation to Milad Mokbel is  
11:14:40 14 because she was providing information to you about both of  
11:14:43 15 those individuals, that was another reason, wasn't  
11:14:47 16 it?---That is one but the reason there is Karl Khoder.

11:14:51 17  
11:14:52 18 Conflict of interest is something that didn't trouble you  
11:14:55 19 then, between her interests in assisting Victoria  
11:14:58 20 Police?---Yes, it did.

11:14:59 21  
11:14:59 22 And interests in assisting her clients?---Yes.

11:15:05 23  
11:15:06 24 She mentions that the Roula brief is lacking. "A statement  
11:15:10 25 from Darren Barclay from NAB. He would well and truly  
11:15:14 26 convict Roula for these deceptions. I will tell Jim  
11:15:19 27 Coghlan. Action: verbally disseminated above information  
11:15:24 28 to Jim Coghlan at Purana." That's the information you  
11:15:27 29 received and that's what you did?---I'd have to look at my  
11:15:32 30 diary for that.

11:15:33 31  
11:15:33 32 You've written it in an ICR. You wouldn't have made it up  
11:15:36 33 I take it?---It could be - as I discussed, I've identified  
11:15:43 34 anomalies in the ICRs to my diary. My diary is  
11:15:46 35 contemporaneous.

11:15:47 36  
11:15:48 37 Mr Fox, this was the formal document in which you recorded  
11:15:51 38 your dealings with Ms Gobbo and it was the formal document  
11:15:55 39 by which other handlers and people within the SDU would see  
11:16:00 40 the information that was obtained and see how the  
11:16:02 41 information was used. That's the whole point of the ICR,  
11:16:05 42 isn't it?---That's correct.

11:16:06 43  
11:16:08 44 And you would have taken great care in recording what  
11:16:12 45 occurred in the ICR, I suggest that to you?---Yes, to the  
11:16:18 46 best of my ability.  
11:16:19 47

11:16:19 1 And the best of your ability would have included not  
11:16:22 2 recklessly saying that Roula's brief is lacking a statement  
11:16:27 3 from someone from the NAB, you wouldn't have written that  
11:16:31 4 in simply by accident, would you?---No.  
11:16:33 5  
11:16:33 6 That was something that Ms Gobbo told you, wasn't it?---It  
11:16:40 7 would appear, yes.  
11:16:41 8  
11:16:41 9 And your intention was to pass it on to Jim Coghlan, wasn't  
11:16:45 10 it?---Not necessarily.  
11:16:48 11  
11:16:48 12 So you wrote the words, "I will tell Jim Coghlan" for what  
11:16:53 13 reason?---Sometimes to placate the source.  
11:16:58 14  
11:16:59 15 So she was looking at the ICR, was she?---No.  
11:17:03 16  
11:17:03 17 So why would you write in the ICR that you would tell Jim  
11:17:07 18 Coghlan to keep Nicola Gobbo happy?---Because the  
11:17:22 19 conversation, like often these conversations went round and  
11:17:28 20 round in circles.  
11:17:28 21  
11:17:29 22 I suggest to you that you are being dishonest in that  
11:17:32 23 answer. It is perfectly clear from this document that you  
11:17:36 24 intended to tell Jim Coghlan, firstly, and secondly, you  
11:17:41 25 did tell Jim Coghlan that information. What do you say  
11:17:44 26 about that?---I'd have to look at my diary.  
11:17:50 27  
11:17:50 28 So is it your position that if it's not written in your  
11:17:53 29 diary then you simply made it up to put it in the  
11:17:58 30 ICR?---No.  
11:17:58 31  
11:17:59 32 What's the explanation then?---That if it's not clear in my  
11:18:04 33 diary, it's not necessarily - it could be an error in the  
11:18:09 34 ICR. However it could also be that I have, yes.  
11:18:14 35  
11:18:15 36 It could also be that you have what, I'm sorry,  
11:18:18 37 accidentally written that you verbally disseminated it to  
11:18:25 38 Jim Coghlan?---No.  
11:18:26 39  
11:18:28 40 Do you have your diary in front of you?---What date is it?  
11:18:33 41  
11:18:36 42 13 September 2007 at 13:55?---That'll be in the electronic  
11:18:55 43 diary. Standby.  
11:18:59 44  
11:18:59 45 Yes. Just while you're looking for that, can I suggest to  
11:19:13 46 you if the situation was that you were simply recording  
11:19:16 47 what you'd told Ms Gobbo to placate her, you would have

11:19:23 1 recorded the words, "I told 3838 that I will tell Jim  
11:19:29 2 Coghlan" so that there be no ambiguity about the situation,  
11:19:32 3 do you accept that?---Possibly, yes.  
11:19:35 4  
11:19:39 5 Have you had a chance to get to your electronic diary  
11:19:43 6 yet?---I'm going through it. Sorry, the wrong month.  
11:20:02 7  
11:20:03 8 Have you got the page numbers in the top right-hand corner  
11:20:06 9 starting with the VPL or have you got a different  
11:20:09 10 document?---No, I'm not looking off Loricated.  
11:20:11 11  
11:20:12 12 It's VPL.2000.0001.3099. As that's coming up on the screen  
11:20:36 13 I just want to ask you, you talked about the move from  
11:20:41 14 handwritten diaries to electronic diaries as being a means  
11:20:44 15 of keeping up with the ICRs because it was slow and  
11:20:48 16 cumbersome to handwrite and it was quicker to type and then  
11:20:51 17 be able to cut and paste it across into the ICR, that was  
11:20:55 18 what you said?---That's correct.  
11:20:56 19  
11:20:58 20 From the time that electronic diaries came into existence  
11:21:03 21 we can expect that there's, just in a temporal sense in the  
11:21:10 22 matter of timing, there was not the same lag that there had  
11:21:15 23 been prior to that when handwritten diaries were being  
11:21:18 24 used, is that correct?---Yes, we tried our hardest to  
11:21:23 25 reduce that, yes.  
26  
27 Unfortunately we're not giving the operator the page number  
11:21:32 28 rather than the document ID, but in any event?---I've found  
11:21:33 29 my diary entry.  
11:21:34 30  
11:21:34 31 You'll see at the bottom of that main entry, it's the same  
11:21:37 32 entry above and it says, "I will tell Jim Coghlan"?---Yes.  
11:21:42 33  
11:21:42 34 That's what you wrote in your diary?---Yes.  
11:21:44 35  
11:21:44 36 Then when you're transposing that into the ICR you add to  
11:21:48 37 that and say that in fact you had verbally disseminated  
11:21:52 38 that to Jim Coghlan, do you accept that?---That's what's on  
11:21:55 39 the ICR, yeah.  
11:21:56 40  
11:21:56 41 You wrote that because that's what you'd done?---So on my  
11:22:01 42 diary, in the entry where I record dissemination there is  
11:22:06 43 no recording of the dissemination.  
11:22:08 44  
11:22:08 45 That's abundantly to anyone looking at the diary entry.  
11:22:13 46 What I'm saying to you is the reason you wrote those words  
11:22:16 47 on the ICR is that you told Jim Coghlan, as you said that

11:22:20 1 you would, the detail above?---That's not what is written  
11:22:27 2 in my diary. In fact I speak with Jim Coghlan before that  
11:22:32 3 entry is in my diary.  
11:22:33 4  
11:22:34 5 I'm not talking about a discussion with Jim Coghlan before  
11:22:37 6 that entry. What I'm saying is that the reason you wrote  
11:22:41 7 in the ICR that you verbally disseminated the above  
11:22:44 8 information to Jim Coghlan was because you did so, do you  
11:22:48 9 accept that or not?---I can't recall, but in my diary it  
11:22:51 10 says I didn't, however that is what is written in my ICR.  
11:22:57 11  
11:22:57 12 Why did you write did it in the ICR?---I can't explain.  
11:23:05 13  
11:23:06 14 All right?---I may have, I can't recall. However what I  
11:23:12 15 find when I've been preparing for giving evidence to the  
11:23:16 16 Commission is that sometimes it's not in my diary and I've  
11:23:22 17 found anomalies where the ICR is not as accurate.  
11:23:28 18  
11:23:29 19 So is what you're suggesting that you deliberately invented  
11:23:33 20 this and put it in the ICR?---No.  
11:23:38 21  
11:23:38 22 Do you have any other explanation as to why it's  
11:23:43 23 there?---It could be a cut and paste error.  
11:23:46 24  
11:23:47 25 The thing that's been cut and paste, can I suggest to you,  
11:23:50 26 is the information that's above in your diary, and what  
11:23:53 27 you've done is you've added to it in the ICR by saying by  
11:23:57 28 the time that you put it into the ICR you had told Jim  
11:24:01 29 Coghlan that exact thing. That's the only explanation for  
11:24:04 30 this document, isn't it?---If I had have told him I would  
11:24:11 31 have recorded it. I've recorded in the ICR but it's not  
11:24:16 32 apparent in my diary that's been disseminated to him.  
11:24:20 33  
11:24:20 34 We might have to leave that topic there.  
11:24:23 35  
11:24:23 36 COMMISSIONER: We might have the midmorning break now.  
11:24:27 37  
11:24:56 38 (Short adjournment.)  
11:24:56 39  
11:41:51 40 COMMISSIONER: Yes, Mr Fox, can you hear me? We can't hear  
11:41:55 41 you. You'll have to unmute it?---Sorry, yes, I can.  
11:41:58 42  
11:41:58 43 Yes, thank you.  
44  
11:42:01 45 MR WOODS: Mr Fox, we were talking about before the break -  
11:42:08 46 I just want to move on slightly from there. At p.1216,  
11:42:15 47 which I think is the next page from what we were looking at



11:42:19 1 before, there's down the bottom of the page "Roula Mokbel".  
11:42:29 2 Mr Priest, as he then was, a barrister, be briefed for the  
11:42:33 3 committal starting on Monday. There'll be no junior.  
11:42:37 4 "Horty is very pissed off that human source is not helping.  
11:42:41 5 She's had big fights on the phone today with him. She  
11:42:44 6 wishes to complain to us it's hurting her financially by  
11:42:48 7 not representing these people". Do you accept there that  
11:42:51 8 Ms Gobbo was complaining to you that she's not making as  
11:42:53 9 much money because she's not able to represent people  
11:42:57 10 sometimes that she's informing on, that's what she's saying  
11:43:00 11 there?---Yes.

12  
13  
11:43:01 14 "And she understands our stance on why she shouldn't re  
11:43:07 15 conflict issues and is adhering to this but it's costing  
11:43:11 16 her money." That confirms that on some occasions that you  
11:43:17 17 were saying to her quite clearly that she shouldn't act  
11:43:20 18 because she had conflicts of interest, do you agree with  
11:43:24 19 that?---That's right, sometimes with us and sometimes for  
11:43:27 20 people she'd acted for.

21  
22  
11:43:33 23 The date of that entry, sorry, I don't have a note of that  
11:43:37 24 - 13 September. Moving to the next page, 1219. A few  
11:43:42 25 pages over, sorry, the next date, 14 September. There is  
11:43:47 26 an entry, she had a conference with Phil Priest today. "He  
11:43:56 27 has worked out a defence strategy for Roula Mokbel on  
11:43:59 28 Monday. It relates to 336 of the Crimes Act, marital  
11:44:05 29 coercion of a spouse to commit a crime other than murder -  
11:44:09 30 treason. Human source reads out the section to me and  
11:44:13 31 general discussion on case law as to how it is applied.  
11:44:17 32 The defence will argue that Roula was under coercion of  
11:44:21 33 Horthy". That's information that she gave to you?---Yes.

34  
11:44:26 35 You record there that you didn't disseminate that  
11:44:29 36 information because there was a defence strategy that was  
11:44:32 37 referred to, you accept that?---Yes, and I've just looked  
11:44:36 38 at my diary in the break and I confirm that's what's said  
11:44:40 39 in my diary as well.

40  
11:44:42 41 I should say on other occasions that phrase is used as well  
11:44:46 42 and you list some of those in your second statement, don't  
11:44:49 43 you, where things specifically weren't disseminated because  
11:44:52 44 they were defence strategies?---That's right.

45  
11:44:55 46 All right. It was seen by you as appropriate not to  
11:45:01 47 disseminate because of the potential breach of

11:45:04 1 LPP?---That's correct.  
2  
11:45:08 3 Ms Gobbo's fee book for that period of time, again  
11:45:13 4 something that wouldn't have been known to you at the time,  
11:45:15 5 shows that she charged \$16,520 for "brief to advise and  
11:45:23 6 conferences with senior counsel" in relation to Ms Mokbel's  
11:45:27 7 matter. You're not in a position, I take it, to say  
11:45:32 8 otherwise?---I'm not. I find it hard that she could.  
9  
11:45:39 10 In those circumstances you'd accept that her claim to you  
11:45:45 11 that it was costing her money not representing individuals  
11:45:48 12 was simply untrue, at least in this regard?---So she  
11:45:53 13 received that money, did she?  
14  
11:45:55 15 She charged the client \$16,520 for representing Ms Mokbel  
11:46:02 16 in that matter?---Did she receive the money?  
17  
11:46:07 18 Frankly, I don't know the answer to that. I can find it  
11:46:10 19 out if it's important to you, but did you know that she was  
11:46:13 20 charging money for representing Ms Mokbel in those  
11:46:17 21 circumstances?---No.  
22  
11:46:21 23 You would accept, I take it, that Ms Gobbo was acting  
11:46:25 24 improperly in providing the information that she was to you  
11:46:28 25 in September 2007 in circumstances where she was charging  
11:46:32 26 Ms Mokbel for her legal services? I'm talking about  
11:46:41 27 Ms Mokbel here, not you - Ms Gobbo, sorry?---Yes, if she's  
11:46:52 28 formally engaged, yes, I've got no business to know what  
11:46:58 29 the defence strategy is.  
30  
11:46:59 31 You can see there one of the issues with engaging with a  
11:47:03 32 barrister as a human source, can't you, in that sometimes  
11:47:04 33 you simply wouldn't know what she was doing in relation to  
11:47:08 34 clients, as was the case here. Do you agree with that,  
11:47:11 35 that that's an issue that arose with Ms Gobbo?---Yeah, from  
11:47:14 36 reading my diary and ICRs it doesn't appear to me that she  
11:47:20 37 is appearing. In fact we're telling her not to and she's  
11:47:25 38 saying Phil Priest is doing it by himself, is that right?  
11:47:30 39  
11:47:30 40 So she was saying to you, that he would appear without a  
11:47:33 41 junior, that's correct. So that's what she was telling  
11:47:36 42 you?---Yes.  
43  
11:47:37 44 I should say the brief, the fee that is charged by her is  
11:47:41 45 "brief to advise and conferences with senior counsel",  
11:47:44 46 which is acting, perhaps not appearing with senior counsel  
11:47:49 47 in court. You understand the difference between those two

11:47:52 1 things?---Yeah, not really, no.  
2  
11:47:57 3 That might actually answer my next question, which is that  
11:48:00 4 it doesn't essentially matter to the analysis of conflict  
11:48:03 5 of interest when a person is - when a barrister is acting  
11:48:07 6 for an individual whether on the one hand they're standing  
11:48:10 7 up in court and representing them, on the other hand  
11:48:12 8 whether they're advising them in conferences. You'd accept  
11:48:17 9 that conflict is a conflict no matter which of those  
11:48:20 10 situations exists?---Whether it's in court or outside  
11:48:22 11 court?  
11:48:23 12  
11:48:23 13 Whether it's in court, standing in court and arguing a case  
11:48:28 14 on behalf of the person, or outside court, meeting with the  
11:48:32 15 person and providing them with legal advice in a  
11:48:34 16 professional commercial relationship?---Yes.  
17  
11:48:46 18 Is there any reason why you differentiated on this occasion  
11:48:52 19 for not passing on this information to the previous example  
11:48:58 20 that I took you to a little while ago where the further  
11:49:02 21 statement being required from the NAB was passed on? Do  
11:49:09 22 you understand the question?---I think I do. It's  
11:49:11 23 inconsistent with my behaviour and the example you just  
11:49:14 24 took me to then shows that where I perceived that I was  
11:49:18 25 getting any defence strategy or client information I did  
11:49:24 26 not disseminate it. So it's unusual to me that I would  
11:49:30 27 differentiate from my behaviour. My behaviour is clear  
11:49:33 28 over the two years that I handled the source.  
29  
11:49:40 30 Another example of that that might assist you recall some  
11:49:46 31 of those occasions is 20 September 2007 where there's -  
11:49:53 32 "Ms Gobbo's having meetings with the barrister Priest today  
11:49:59 33 regarding Roula Mokbel, talking strategies for her upcoming  
11:50:03 34 deception trial. Still going to run the spouse defence,  
11:50:07 35 s.336 of the Crimes Act. Priest wants her to tone down her  
11:50:11 36 looks" for a particular reason - that's Ms Mokbel. It  
11:50:21 37 might be telling Ms Gobbo to tone down her looks, I read it  
11:50:25 38 as Ms Mokbel toning down her looks, but in any event  
11:50:29 39 someone has to tone down their looks according to  
11:50:34 40 Mr Priest. There's general talk about tactics barristers  
11:50:37 41 use in cases in front of the courts, and then your entry  
11:50:41 42 underneath says, "Not disseminated as information relates  
11:50:42 43 to defence legal issues" and that's another occasion on  
11:50:44 44 which you took that course; is that right?---Yes. So going  
11:50:48 45 back to that first entry, it is inconsistent and maybe I  
11:50:54 46 told her that I would pass it on, but then after the call  
11:50:58 47 in, again, risk assessing information.

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Yes?---I decided I wouldn't or I couldn't or there's still a risk that she may have to represent or be present at the court on Monday and I did not disseminate it. It's not clear in my diary if I did. If it is in Jim Coghlan's, so be it.

Did you see a distinction in your mind between the discussion of defence tactics on one hand and deficiencies in a brief of evidence on the other hand? Is that something you would draw a distinction between?---No. If she'd engaged with a client and she's reading the brief, then that's the administration of justice taking it's course. We weren't interested in that and didn't seek it and didn't want it. We were interested in furtherance of crime that she became aware of through the company she kept.

When you say we you're talking collectively about the SDU and that was the practice of all of the members of the SDU while you were there; is that right?---Yes.

There was an audio played yesterday or the day before to Officer Smith where early on, and I should say before your time at the SDU in I think it was January 2005, Ms Gobbo was discussing with them Mr Mokbel and she says, and this is at a stage when she's acting for Mr Mokbel, she says, "Forget about privilege for a minute, let's say hypothetically his lawyers sat him down and said forget about the basic issues, if you plead you get a discount", et cetera. She goes through the ins and outs of the pressure she and senior counsel are putting on Mr Mokbel to plead. She says that he's been told. Officer Smith takes her back to the word "hypothetically". She questions what he means by that and he repeats "hypothetically". I won't press you on the content of the conversation because you weren't party to it but do you understand that when you came to the SDU, that Ms Mokbel had been actively informing - sorry, Ms Gobbo had been actively informing on Mr Mokbel during his legal proceedings in late 2005, early 2006?---I can't specifically recall but I would have had a briefing when I arrived in terms of current sources in the office and what information they were providing.

When you say "LPP was of no interest to us", why were matters that were potentially LPP recorded in the ICRs? It might be something to do with the nature of what the ICR is

11:54:15 1 that I don't yet understand. Why would you record things  
11:54:19 2 in there?--Well we recorded everything in our ICRs we  
11:54:25 3 spoke about. So that's to be open and transparent and  
11:54:31 4 accountable on what we spoke about.  
5  
11:54:33 6 All right. Even if things were of no interest it would  
11:54:36 7 have to be recorded there because it was a faithful  
11:54:41 8 recording of the entire conversation that took  
11:54:43 9 place?---Yes, often a phone call would go for an hour.  
10  
11:54:46 11 Yes?---And if I only recorded things of interest to me it  
11:54:52 12 might be two lines and then I'd be getting questions on my  
11:54:55 13 management on why are you speaking to the source for an  
11:54:59 14 hour and only recording two lines.  
15  
11:55:02 16 The Commission's obviously interested, as you can see from  
11:55:07 17 some of the questions I've asked, about legal professional  
11:55:10 18 privilege. It appears from one reading of the ICRs that a  
11:55:17 19 bigger threat or a more problematic area might well be the  
11:55:23 20 situation of conflict of interest that Ms Gobbo put herself  
11:55:26 21 in between the duties that she was, or the service or the  
11:55:33 22 information that she was providing to the police on one  
11:55:36 23 hand and, on the other hand, her duties to her clients, so  
11:55:40 24 you understand, I think you said a little while ago, that  
11:55:42 25 you understand what a conflict of interest is?---Yeah, I  
11:55:48 26 put it in my statement how I understood it, yep.  
11:55:52 27  
11:55:53 28 There's a document in front of you there with a list of  
11:55:55 29 names and pseudonyms on it, do you see that?---Yes.  
30  
11:55:58 31 The 35th entry on that list, I don't want you to read the  
11:56:05 32 name out but do you see that person's name?---Yes.  
33  
11:56:07 34 You understood when you started at the SDU that that was a  
11:56:11 35 person that Ms Gobbo had implicated in serious criminal  
11:56:18 36 activity?---Yes.  
37  
11:56:19 38 And that she'd done so in circumstances where she was  
11:56:22 39 acting for the person?---She'd previously acted for the  
11:56:27 40 person.  
41  
11:56:27 42 She told the handlers on the first three occasions that  
11:56:33 43 they met her that she was acting for that person on those  
11:56:38 44 three occasions. You're not a position to dispute  
11:56:43 45 that?---That's right, yes, it's recorded on the ICRs.  
46  
11:56:45 47 You're also aware, albeit slightly before your time, that

11:56:50 1 upon that person and his co-accused's arrest, Ms Gobbo  
11:56:56 2 immediately attended the police facility in order to assist  
11:56:59 3 that person, you agree with that?---I would have been  
11:57:02 4 briefed on that later, yes, when I arrived.

5  
11:57:04 6 You would accept from your understanding of a conflict of  
11:57:10 7 interest that Ms Gobbo put herself in a position of  
11:57:13 8 conflict when she arrived to advise that person that she  
11:57:17 9 had implicated in criminal activity, you'd accept  
11:57:26 10 that?---Yes.

11  
11:57:28 12 In your time, and we'll go through Mr Karam's matter in a  
11:57:34 13 bit more detail in a few moments, but in your time, your  
11:57:39 14 first meeting with Ms Gobbo, she handed over documents that  
11:57:42 15 ultimately implicated Mr Karam and some other individuals  
11:57:46 16 in some very serious criminal activity, you accept  
11:57:50 17 that?---Yes.

18  
11:57:51 19 And that was in the context of representing Mr Karam at  
11:57:55 20 that very time for an importation trial in the County Court  
11:57:58 21 of Victoria?---Yes.

22  
11:58:03 23 And do you accept that because of that any dealings that  
11:58:07 24 she had in relation to Mr Karam and any of his co-accused  
11:58:10 25 after that moment, she was doing so with a conflict of  
11:58:14 26 interest between, on the one hand, assisting the police and  
11:58:18 27 on the other hand purporting to assist those  
11:58:21 28 individuals?---A conflict in terms of talking to us and  
11:58:34 29 passing that document over?

30  
11:58:37 31 I might just be specific about it because sometimes it's  
11:58:40 32 easy for me, and I'm sure for everyone else, to conflate  
11:58:43 33 two different propositions. One is privilege, and I've  
11:58:46 34 heard what you've said about that, if it's an ongoing  
11:58:49 35 criminal activity then in your view legal professional  
11:58:52 36 privilege doesn't apply?---Yes.

37  
11:58:56 38 That's your understanding?---Yes.

39  
11:58:57 40 I'm putting that to one side and I'm talking about the  
11:59:01 41 situation of just the conflict of interest. So the  
11:59:03 42 situation where someone's lawyer, as on this occasion, is  
11:59:06 43 representing them in an ongoing trial and hands to the  
11:59:10 44 police some documents that implicate them in another and  
11:59:13 45 different crime. At the moment that the person does that  
11:59:17 46 they have a conflict of interest in continuing to represent  
11:59:19 47 that person, you agree that that must be the case?---Yes.

11:59:27 1 Now in 2019, yes.  
2  
11:59:31 3 But in fact you were alive to the issue of conflict of  
11:59:35 4 interest in your dealings with Ms Gobbo in 2006 because you  
11:59:40 5 actually identify it in a number of ICRs and say that she  
11:59:47 6 shouldn't be acting for various people, so you knew what a  
11:59:54 7 conflict of interest was back then, didn't you?---I did.  
11:59:56 8 Probably not as broad as in 2019 but I had some  
11:59:59 9 understanding.  
10  
12:00:00 11 Is it your view that in a situation where something like  
12:00:05 12 that's persisting in the background, let's just take for  
12:00:10 13 example, where Ms Gobbo is acting with the conflict that  
12:00:12 14 we've just agreed that she had, that it's proper for  
12:00:15 15 Victoria Police to stand idly by and allow that conflict to  
12:00:21 16 persist?---I didn't understand conflict back then as how  
12:00:27 17 you describe it now, so I would expect that she was still  
12:00:32 18 working in the best interests of her client but if they're  
12:00:38 19 talking about future crimes then she could tell us.  
20  
12:00:45 21 You believe that she could still be acting in her client's  
12:00:49 22 best interests while implicating that client in serious  
12:00:53 23 criminal activity, that's your position?---Yes.  
24  
12:00:58 25 So if she turned up to court, she had a gown and wig and  
12:01:02 26 she asked some questions, that was enough, in your view, to  
12:01:05 27 show that she was acting in her client's best  
12:01:10 28 interests?---No.  
29  
12:01:15 30 You understood that a conflict between assisting police and  
12:01:22 31 representing an individual about whom the person was  
12:01:28 32 giving, the source was giving information about, you  
12:01:30 33 understood that there's a conflict between those two  
12:01:33 34 propositions, don't you, and you knew that at the time,  
12:01:36 35 sorry?---Yes, in terms of legal professional privilege,  
12:01:41 36 yes.  
37  
12:01:41 38 I'm not talking about legal professional privilege. I'm  
12:01:44 39 saying between, on the one hand, providing information to  
12:01:47 40 the police that implicates the person, whether or not it's  
12:01:50 41 privileged, providing information to the police that  
12:01:54 42 implicates the client in criminal activity. You understand  
12:01:58 43 that in doing that Ms Gobbo is assisting the police and not  
12:02:01 44 assisting her client, that's fair, isn't it?---She's  
12:02:07 45 providing information on a crime, yes, that if it's  
12:02:12 46 intelligence, and if that intelligence is followed through  
12:02:14 47 and evidence is gathered, yeah, it won't assist her client.

1  
12:02:20 2 All right. In providing that information she's attempting  
12:02:23 3 to help the police, not her client, isn't she?---She's  
12:02:30 4 passing on - her client's talking about future crime.  
5  
12:02:39 6 Is she helping the police or is she helping her client by  
12:02:44 7 handing over to the police information that implicates her  
12:02:48 8 client?---Of course she's helping the police.  
9  
12:02:51 10 Is she helping her client at the same time by doing  
12:02:53 11 that?---Well, she's an officer of the court and I can't see  
12:02:58 12 how she can be condoned for that behaviour or that type of  
12:03:03 13 behaviour.  
14  
12:03:05 15 That's not what I'm talking, that's a separate issue. What  
12:03:08 16 I'm talking about is her continuing to act on behalf of  
12:03:11 17 that individual that she has now implicated. That is  
12:03:14 18 problematic, isn't it? If you don't accept it, you just  
12:03:19 19 say so?---In 2019, yes. I'm not sure I had that in-depth  
12:03:25 20 understanding back then.  
21  
12:03:26 22 In 2006 that's something that just didn't occur to  
12:03:30 23 you?---In 2007?  
12:03:31 24  
12:03:32 25 In 2007, sorry?---Not to that depth, no.  
26  
12:03:39 27 All right. I want to work through as efficiently as  
12:03:51 28 possible some ICRs in relation to the tomato tins matter.  
12:03:56 29 You understand what I'm talking about there?---Yes.  
30  
12:04:00 31 Hopefully this will be relatively painless. If the  
12:04:06 32 operator could bring up p.191 of the second lot of ICRs.  
12:04:17 33 Actually, no, that might not be right. I'm after 5th of  
12:04:25 34 the 6th 07, sorry, I'm after the first lot. I'm after ICR  
12:04:30 35 82. Actually, what we might do - there might be a simple  
12:04:53 36 way of doing this. I'll take you to some ICRs in a moment.  
12:04:58 37 You agree the date we were talking about a moment ago where  
12:05:01 38 Ms Gobbo took the documents that were handed to her by  
12:05:04 39 Mr Karam during his trial, photocopied them and then handed  
12:05:07 40 them to Officer Anderson in your presence that night, was 5  
12:05:12 41 June 2007?---Yes.  
42  
12:05:28 43 The hand-over occurred that evening and that was the first  
12:05:33 44 time that you'd met Ms Gobbo?---Yes.  
45  
12:05:40 46 Following that - so p.876 of the ICRs, which will be the  
12:05:47 47 first lot.



1  
12:05:50 2 COMMISSIONER: The VPL number is 2463, 877.  
12:06:01 3  
12:06:01 4 MR WOODS: 876 first.  
5  
12:06:03 6 COMMISSIONER: 86, 2462.  
12:06:05 7  
12:06:05 8 MR WOODS: That is the ICR which I assume Mr Anderson has  
12:06:09 9 completed and you can scroll down. She says, the bit we've  
12:06:14 10 just gone past, but that's okay, that she's spoken on the  
12:06:17 11 phone and she's got some documents to hand over that  
12:06:21 12 evening, you see that?---Yep.  
13  
12:06:23 14 Then later on that evening you meet. She initially  
12:06:30 15 complains about another female. As you move down you'll  
12:06:36 16 see that the hand over of the documents takes place a  
12:06:40 17 little bit further down there. I think the Commission's  
12:06:43 18 heard a recording of that hand over of the documents. At  
12:06:47 19 877 I think that is, next page, 19:21, "Documents copied",  
12:06:54 20 et cetera. She helps to interpret what the documents mean.  
12:07:00 21 Did she do that, did she speak Italian from your  
12:07:05 22 memory?---Vaguely. That recording is - it's recorded but I  
12:07:11 23 can't remember.  
24  
12:07:11 25 But she assisted with the translation of the  
12:07:15 26 documents?---She did, yeah. She did.  
27  
12:07:17 28 It was clear to you and to officer - well, I'll ask about  
12:07:23 29 you. It was clear to you that the context in which those  
12:07:26 30 documents were received was during a trial in which she was  
12:07:30 31 acting for Mr Karam? She said so, I suggest that to  
12:07:36 32 you?---Yes.  
33  
12:07:44 34 On 12th of the 6th 2007 Mr Green commences a role at the  
12:07:51 35 Drugs Task Force. Are you aware of him commencing that  
12:07:54 36 role?---Yes.  
37  
12:08:03 38 Prior to that he had been involved with the SDU, he'd been  
12:08:06 39 a member of the SDU, that's right?---Correct.  
40  
12:08:09 41 In fact had been involved in the meeting on the 5th of the  
12:08:12 42 6th 07 in which Anderson, Green, you and Smith prepared for  
12:08:19 43 the meeting that night with Ms Gobbo, you agree with  
12:08:21 44 that?---Yes.  
45  
12:08:29 46 From that date onwards was Mr Green physically located at  
12:08:34 47 the SDU or was he elsewhere?---From which date, the 5th or

12:08:41 1 the - - -  
12:08:42 2  
12:08:42 3 12th of the 6th 07. You don't have to be precise about it.  
12:08:47 4 Once he commenced at the Drug Task Force, as I understand  
12:08:49 5 it, it was a secondment there; is that right?---That's  
12:08:52 6 correct.  
7  
12:08:52 8 And what was the Drugs Task Force?---Crime Department Task  
12:08:58 9 Force specifically to investigate drugs.  
10  
12:09:01 11 Was it associated with Federal agencies as well?---It could  
12:09:06 12 be.  
13  
12:09:07 14 Righto. After that he wasn't stationed within the SDU any  
12:09:15 15 more, is that right, Mr Green I'm talking about?---That's  
12:09:18 16 correct.  
17  
12:09:21 18 On the 13th of the 6th 2007 there is a record in  
12:09:29 19 Mr Anderson's diary that he's spoken to you and he's  
12:09:35 20 provided some container details that are relevant to the  
12:09:39 21 bill of lading that Ms Gobbo handed over. You don't  
12:09:42 22 dispute his diary entry if that's what it provides?---No.  
23  
12:09:50 24 All right. In the following days between the 13th of the  
12:10:05 25 6th and the 15th of the 6th there was general conversation  
12:10:10 26 happening, you would accept, about this new information  
12:10:14 27 that Ms Gobbo had provided in relation to the bill of  
12:10:18 28 lading, do you accept that that is what occurred after that  
12:10:21 29 date?---A general conversation within the Source  
12:10:30 30 Development Unit?  
12:10:30 31  
12:10:30 32 With Mr Green and within the Source Development Unit. I  
12:10:33 33 can take you through each entry if that assists but you  
12:10:37 34 accept that once that document was handed over it was a  
12:10:39 35 cause of some significant interest within the SDU and with  
12:10:44 36 Mr Green as well from at that stage the DTF?---I agree.  
37  
12:10:52 38 ICR p.905 to 906, please, if that can be brought up. This  
12:11:04 39 is the 17th of June 2007. I should say just prior to that  
12:11:13 40 on the 15th of June 2007 there is a meeting between Officer  
12:11:21 41 Anderson, Officer White and Ms Gobbo where she says she  
12:11:26 42 could talk to Karam about the container without bringing  
12:11:32 43 suspicion and that she's tasked by those gentlemen,  
12:11:36 44 Anderson and White, to do so and to find out who's  
12:11:41 45 involved, do you accept that that occurred? You weren't a  
12:11:44 46 party to it but you understand that that's what  
12:11:46 47 occurred?---On the 15th of June?

12:11:48 1  
12:11:48 2 15th of June 2007?---I may be a party to that. Is that a  
12:11:52 3 meeting?  
12:11:53 4  
12:11:56 5 Your counsel has just told me that you were there.  
6  
12:12:00 7 COMMISSIONER: Yes.  
12:12:01 8  
12:12:02 9 MR WOODS: You'd accept if it's coming from Mr Chettle it's  
12:12:04 10 correct.  
11  
12:12:06 12 COMMISSIONER: It's 895 the ICR.  
13  
12:12:12 14 WITNESS: Yes, and that's recorded.  
12:12:13 15  
12:12:13 16 MR WOODS: At p.905 to 906 there's a discussion with - this  
12:12:22 17 is your ICR, you agree with that?---Yep.  
18  
12:12:29 19 There's a discussion about the container with you, do you  
12:12:36 20 see that?---I can't see it, no.  
21  
12:12:39 22 Sorry, scroll down. Down there. It's just over on to the  
12:12:42 23 next page as well. She's talking about - keep going down.  
12:12:50 24 Cocaine import coming in by air, et cetera. Then you've  
12:12:55 25 passed that particular bit of information there over to  
12:12:59 26 Officer Green of the DTF, you see that?---Yes.  
27  
12:13:04 28 Then - - - ?---"Update trial" it says.  
29  
12:13:08 30 Yes, sure. Then the next bit is the container and she's  
12:13:11 31 told you, "It will definitely be coming to Melbourne and  
12:13:14 32 taken here. Karam's meeting Higgs tonight at 7 pm to get  
33 something from him", et cetera. "Location to be confirmed  
12:13:22 34 later tonight." There's the entries about those two  
12:13:24 35 gentlemen. Then down, "Karam spoke about the various ways  
12:13:28 36 to get containers off the wharves". This is information,  
12:13:32 37 this is something that Karam is saying to Ms Gobbo, you  
12:13:34 38 accept that?---Yes, and it's not legal advice or it's not  
12:13:40 39 privileged.  
40  
12:13:41 41 I'm not suggesting it's legal advice, I'm putting that to  
12:13:44 42 one side for the moment. We're talking about a different  
12:13:46 43 issue?---Understood.  
44  
12:13:47 45 Then the only other way they get moved is for x-rays,  
12:13:54 46 "Custom check one in every 110. Just very unlucky if your  
12:14:00 47 container is the one that is checked. Action: verbally

12:14:03 1 passed on to Green at the DTF", do you see that?---Yes.  
2  
12:14:08 3 Otherwise she talks a little bit more about the trial she's  
12:14:11 4 representing Mr Karam in, do you see that?---Yes.  
5  
12:14:15 6 909 of the same document. Gobbo tells you, this is down -  
12:14:26 7 there you go - "15 million pills". The container has 15  
12:14:31 8 pills in it. "Karam referred to it as three times as big  
12:14:34 9 as the current trial" and there's further information that  
12:14:39 10 Karam imparts to Ms Gobbo that Ms Gobbo then passes on to  
12:14:44 11 you, you see that there?---Yes.  
12  
12:14:48 13 She's talking about Mr Higgs as well?---Yes.  
14  
12:14:53 15 Who is present at that meeting?---Yes.  
16  
12:15:01 17 Then scroll down a bit further. Keep going. "Karam was  
12:15:06 18 off to meet Higgs at midnight somewhere in Coburg.  
12:15:11 19 Container comes to Sydney first, then on to Melbourne."  
12:15:14 20 Then there's a discussion about a dinner. "Karam worried  
12:15:17 21 the container may already be off by Customs. Apparently  
12:15:21 22 Manella has been dealing with a fuckwit who picked the  
12:15:27 23 consignee out of the phone book. This fuckwit is the  
12:15:31 24 freight forwarder". Go down. Keep going down. Keep  
12:15:36 25 going. There's more information about Mr Karam and  
12:15:41 26 Mr Higgs, all about the importation, do you accept  
12:15:47 27 that?---Yes.  
28  
12:15:48 29 Keep going down. She's tasked by you to try and find out  
12:15:54 30 if the container has swapped ships, you see that  
12:15:58 31 there?---Yes.  
32  
12:15:58 33 And that's something that you asked her to do?---Yes.  
34  
12:16:02 35 And you've passed on the information to Officer Green at  
12:16:06 36 the Drug Task Force?---Yes, and I know that because I've  
12:16:11 37 checked my diaries already in relation to this.  
38  
12:16:17 39 That might save some time then. In fact in aid of that too  
12:16:22 40 there were then a number of meetings that occurred between  
12:16:25 41 Mr Green and some other individuals that you weren't  
12:16:28 42 involved in between 18 and 19 of June of that same year.  
12:16:35 43 The next thing I want to take you to is p.915 of the same  
12:16:39 44 document. This is 19 June 2007. The Karam trial you'll  
12:16:50 45 see there. So she's generally talking about the trial that  
12:16:53 46 she's representing him in, you see that?---Yes.  
47

12:16:56 1 All the accused are fighting at the moment, they want one  
12:16:58 2 of them to give evidence and say that he was told that the  
12:17:02 3 container had tobacco in it. There's some back and forth  
12:17:06 4 about whether or not that's a good idea. Then it moves on  
12:17:12 5 to the container, Karam and the container down further.  
12:17:14 6 His contact is someone in the transport industry, this is  
12:17:17 7 Karam's contact. "Human source suspects this will be  
12:17:22 8 either Fred D'Amico or the Di Pietro brothers. The  
12:17:26 9 container is on a ship that has either just left Singapore  
12:17:31 10 or still in Singapore". We go down. It's due to arrive in  
12:17:35 11 Melbourne, approximately 12 days. "Karam confident he can  
12:17:39 12 steal it in Melbourne, that is the plan when it gets here.  
12:17:42 13 Karam did not see Higgs last night. Meeting fell through."  
12:17:46 14 Go down. That information is disseminated to  
12:17:53 15 Mr Green?---Yes.

16  
12:18:10 17 Then I want to take you to p.920 of the same document.  
12:18:18 18 You'll see there that you've returned a call to Ms Gobbo  
12:18:25 19 and she's having dinner that night with Mr Karam. She's  
12:18:29 20 saying where. She's saying Mr Sergi and Mr Higgs are also  
12:18:38 21 expended, as is Baldy Rob, which might be Mr Karam, I'm not  
12:18:42 22 sure. "Human source expects more talk re container and its  
12:18:47 23 progress." She's explaining there, firstly, that that's  
12:18:51 24 her intention of that evening. Secondly, she talks about  
12:18:54 25 her understanding of Mr Karam's movements and, thirdly, she  
12:18:58 26 talks about the trial progress in which she's representing  
12:19:02 27 Mr Karam. You see that at the bottom of the page?---Yes.

28  
12:19:05 29 If you could scroll down. Keep going. Is that p.921?  
12:19:25 30 Human source is at home waiting to go without with Karam.  
12:19:28 31 This is on 21 June 2007 at 18:58. Tasking - you've told  
12:19:35 32 her there's no need to ask any more questions re the  
12:19:35 33 import. Container's been identified. So at this stage  
12:19:38 34 you're wanting to keep Ms Gobbo's identity safe, I assume,  
12:19:42 35 by saying don't ask them any more questions, is that  
12:19:45 36 right?---Yeah, so the tasking was stop asking questions  
12:19:49 37 because if you ask too many questions they'll only get  
12:19:53 38 suspicious.

39  
12:19:53 40 Yes, I see. Scroll down further. Sorry, "She will no  
12:20:03 41 doubt hear of any concerns by the crew if they are hot or  
12:20:07 42 container blown". She will obviously pass this on. That's  
12:20:11 43 something she said to you?---Yes.

44  
12:20:14 45 Page 923. There's - so this is after the dinner, it  
12:20:22 46 appears to be. There's rumours of the human source being  
12:20:24 47 an informer. "She's had a good long chat to Mr Higgs

12:20:28 1 during the dinner. Human source brought up the issue that  
12:20:32 2 she had been called on informer by Carl Williams. Higgs  
12:20:35 3 agreed that Carl had been spreading rumours about her.  
12:20:41 4 Human source pointed out about what Carl has done now and  
12:20:46 5 made statements against everyone for Purana. Who's the  
12:20:49 6 dog? Higgs agreed. Human source viewed this as a good  
12:20:49 7 free kick against Carl and muddying his name and also a  
12:20:53 8 good opportunity to keep rumours in check and protect her  
12:20:56 9 identity". So she was - I should say that the ICRs are  
12:21:02 10 replete with her concerns, quite understandable concerns,  
12:21:05 11 and the SDU's concerned she wouldn't be identified as a  
12:21:11 12 source, you agree with that?---Yes.

13  
12:21:13 14 Page 924, 21 June 2007 still. Later on that evening.  
12:21:18 15 "Karam and container. There are 13 million pills, not 15.  
12:21:31 16 This is as a result of last night's meet with Italians re  
12:21:37 17 the high powered meeting with the Italians last night.  
12:21:37 18 Higgs said that someone nearly got whacked because of money  
12:21:40 19 owed. Higgs said it does not matter if you get whacked for  
12:21:44 20 being a dog, but not for money. Talk about interesting  
12:21:47 21 morals he has. General talk about how cold Higgs can be".  
12:21:52 22 That information, as you'll see a little bit further down -  
12:21:58 23 keep going - "Movement of Higgs, Karam verbally  
12:22:07 24 disseminated to Mr Green of the Drug Task Force". And it's  
12:22:12 25 updated to him how many pills Ms Gobbo understands there to  
12:22:16 26 be in the container. Do you see that?---Yes.

27  
12:22:19 28 Page 935. This is ICR 85 on the 25th of the 6th 2007.  
12:22:29 29 Ms Gobbo updates you. Karam is going to the Melbourne  
12:22:36 30 Assessment Prison to see Manella about the container import  
12:22:40 31 this morning. So his movements are then passed on to  
12:22:44 32 Officer Green; is that right?---Yes.

33  
12:22:52 34 At p.944, which is 27 June 2007, ICR 85 still. Gobbo  
12:23:03 35 updates you about Karam and that information is again  
12:23:09 36 passed on. So she's saying she got an urgent call - he had  
12:23:15 37 an urgent call today. "It was to book in seeing John Higgs  
12:23:18 38 at about 6.30 to 7 pm. Karam calls Higgs uncle. Higgs'  
12:23:24 39 role is to see Joe Manella inside re this container" and  
12:23:29 40 you've passed that on to Mr Green; is that right?---Yes.  
12:23:32 41 Do you want me to look at my diary? I don't agree with  
12:23:36 42 what you're saying.

43  
12:23:38 44 I think this is a pretty mechanical exercise unfortunately,  
12:23:41 45 this one?---Yes.

46  
12:23:42 47 I'm sure if I make mistakes they'll be put to you by

12:23:45 1 Mr Chettle in due course?---Yes.  
2  
12:23:51 3 So on the 28th of the 6th 2007 at p.947 of the ICRs, it's  
12:23:57 4 still ICR 85.  
5  
12:24:01 6 COMMISSIONER: 86, yes.  
12:24:03 7  
12:24:03 8 MR WOODS: Is it?  
12:24:03 9  
12:24:04 10 COMMISSIONER: It goes on to 86 at 946.  
12:24:07 11  
12:24:07 12 MR WOODS: I see. There is at 16:15, yes, "Returned call  
12:24:12 13 to 3838. She cannot talk for long. Human source has  
12:24:17 14 ducked into her office to talk to me. Higgs and Karam have  
12:24:21 15 just met". They're going to be at some apartments in Queen  
12:24:24 16 Street. "Karam said it was to meet the Italian boys from  
12:24:27 17 Griffith. The Italian boys are booked in there for the  
12:24:32 18 week. Human source asked Rob if this had to do with the  
12:24:36 19 container. Told yes. Everything's still okay", et cetera.  
12:24:39 20 "Human source has to go, will ring me later". You've  
12:24:42 21 passed that information on to Mr Green; is that  
12:24:44 22 right?---Yes.  
23  
12:24:47 24 Just further down in 947. There's another entry there  
12:24:55 25 about, "Human source has the Post-it Note she wrote on  
12:25:02 26 about comment this afternoon. Karam said, 'I'm on edge  
12:25:05 27 waiting for confirmation that everything would be all right  
12:25:09 28 and it has been stolen'. Human source advised that she'd  
12:25:12 29 spoken to Dale Flynn re the Sonnett threats", and it goes  
12:25:16 30 on with some personal matters and then that's disseminated  
12:25:21 31 to Mr Green and then further down, "Dinner tonight will be  
12:25:27 32 at the Waterfront Restaurant at 8.30. She just got a text  
12:25:32 33 from Rob Karam. She will go home, then go to the  
12:25:35 34 waterfront". You've disseminated that Mr Green; is that  
12:25:39 35 right?---Yes.  
36  
12:25:39 37 The seizure date was the 28th of the 6th 07, are you aware  
12:25:46 38 of that date?---I can't right here now be specific with the  
12:25:49 39 date but I've tendered a document I've put together which  
12:25:55 40 will confirm the date.  
41  
12:25:56 42 You can take it from me at this stage that that is the  
12:25:58 43 correct date?---Understood.  
44  
12:26:00 45 At p.947, 28th of the 6th 2007, and it's ICR 85.  
46  
12:26:16 47 COMMISSIONER: 86 I think.

12:26:18 1  
12:26:18 2 MR WOODS: In fact, sorry, I think I've already taken you  
12:26:20 3 to that entry, that's all right. On the 29th of the 6th  
12:26:30 4 2007, which is at p.949 and it's ICR 86. "Container info."  
12:26:40 5 "Karam reported to Higgs the status of the container from  
12:26:43 6 across the table in the presence of the human source."  
12:26:45 7 Gobbo tells you that that demonstrates they have trust, the  
12:26:48 8 trust they have in her and she then imparts to you a fair  
12:26:55 9 bit of information about this particular container that  
12:26:58 10 Karam and/or Higgs have told her; is that right?---Yes.  
11  
12:27:07 12 At the bottom of that entry, which I think is the same for  
12:27:09 13 each of these entries, you've disseminated that information  
12:27:13 14 back to Mr Green of the Drug Task Force?---Yeah. I can't  
12:27:20 15 be specific on what I've disseminated but, yes, I've  
12:27:26 16 disseminated information from that bank of information.  
17  
12:27:30 18 She then says, just as an aside, that if the police are  
12:27:35 19 successful with the job she wants you to remind Sandy White  
12:27:39 20 to get her some Lionel Richie tickets, you agree with  
12:27:42 21 that?---Yes.  
22  
12:27:44 23 Lionel Richie seems to be a recurring theme. Did she ask  
12:27:47 24 you for Lionel Richie tickets on a number of  
12:27:52 25 occasions?---Not necessarily a particular artist but - - -  
26  
12:27:57 27 Well, as you go through there's an awful lot of references  
12:28:01 28 to Ms Gobbo asking for concert tickets. That's your memory  
12:28:05 29 of your interactions with her, is that right?---Yes, not  
12:28:08 30 specific to an artist but concert tickets, yes.  
31  
12:28:11 32 I think, just pausing on our little back and forth for a  
12:28:16 33 moment, I think she asked about Cher and the Rolling Stones  
12:28:20 34 to Officer Green. She asked about Cher again to Officer  
12:28:26 35 Green later. See asked about Robbie Williams and Celine  
12:28:27 36 Dion in Vegas, Officer Green. Robbie Williams, Officer  
12:28:31 37 Green. Andre Bocelli to you. Robbie Williams to Green.  
12:28:37 38 Robbie Williams again to Green. Lionel Richie, Lionel  
12:28:40 39 Richie, Lionel Richie recurring a number - she's obviously  
12:28:42 40 a big Lionel Richie fan. Phantom of the Opera, Celine  
12:28:48 41 Dion. That accords with your recollection that - was she  
12:28:53 42 joking when she said she wanted concert tickets to you or  
12:28:56 43 was that a serious request as you understood it to  
12:28:58 44 be?---Sometimes. Sometimes it was a recurring joke, other  
12:29:00 45 times it was serious.  
46  
12:29:01 47 I'm not saying Lionel Richie himself is a joke, I'm just



12:29:04 1 asking about the request of the tickets. In fact on a  
12:29:10 2 couple of occasions she was given tickets too, wasn't she,  
12:29:14 3 as I understand the ICRs?---Yes.  
4  
12:29:17 5 Do you know which artists they were?---I think she went to  
12:29:22 6 an Andre Bocelli concert.  
7  
12:29:27 8 That was a reward that one would assume went through the  
12:29:30 9 usual reward process?---That's correct.  
10  
12:29:32 11 I think I might have missed out Christina Aguilera and Pink  
12:29:37 12 actually. Where were we? What page is that that's on the  
12:29:48 13 screen at the moment? 952. 29th of the 6th 07, ICR 86,  
12:29:58 14 p.952. She is informed - might need to scroll down a bit.  
12:30:06 15 Told her about the container seizure. There we go, at the  
12:30:09 16 top of that page. You've told her about the seizure of the  
12:30:12 17 container and reminded her Flynn doesn't know. She's then  
12:30:16 18 tasked by you to explain that it's been searched and the  
12:30:20 19 pills have been found, consistent with what Karam talked  
12:30:23 20 about. She's very excited about this news. Do you  
12:30:26 21 remember her excitement about that?---Not - no.  
22  
12:30:34 23 "Told it's important that we get updates this morning and  
12:30:37 24 throughout the day if Higgs or Karam get suspicious at all  
12:30:40 25 about anything on the docks. We're particularly interested  
12:30:44 26 at the moment in that 11.31 pm Rob Karam got last night  
12:30:49 27 from his contact on the docks. Understood by the source  
12:30:53 28 she will ring as soon as she hears anything". That's what  
12:30:58 29 she told you?---Yes.  
30  
12:31:04 31 Then I don't necessarily need to take you to the next  
12:31:09 32 entries but throughout the 29th of June 2007 it's clear  
12:31:15 33 that she updates you four times during the day about  
12:31:20 34 Mr Karam's movements and that you pass that information on  
12:31:24 35 to Mr Green. That would be consistent with what your role  
12:31:28 36 was and your focus was at the time?---Yes.  
37  
12:31:57 38 We're almost there with this story, Mr Fox, thankfully. On  
12:32:09 39 the 29th of the 6th 2007, the same date, ICR 86, p.956,  
12:32:21 40 there is an update from Green. The container has been  
12:32:29 41 finally put back on the docks by the AFP. The pills have  
12:32:33 42 been substituted. "Require all updates ASAP re Agamas  
12:32:37 43 targets and any suspicion that the container may be off."  
12:32:41 44 That's okay. So that's something that Officer Green, a  
12:32:45 45 conversation you've had with Officer Green; is that  
12:32:47 46 right?---Yes.  
47

12:32:51 1 Then on 30 June 2007, again ICR 86 at p.957, there is -  
12:33:01 2 here we go, human source has been getting texts from Rob  
12:33:07 3 Karam. He uses some code as she understands it, some code  
12:33:14 4 she's learned from the trial that she's representing him  
12:33:17 5 about the container. "The code on that day was that he was  
12:33:23 6 at home with the kids. Her assumption then is, from the  
12:33:25 7 texting, everything is still okay with the container", do  
12:33:28 8 you see that?---Yes.  
9  
12:33:32 10 Then that's verbally disseminated to Green as well as  
12:33:37 11 you'll see at the bottom of it, do you see that?---Yes.  
12  
12:33:43 13 Then on the 1st of the 7th 2007, which is ICR 87 - we don't  
12:33:47 14 need to go through each of these - but there are three  
12:33:50 15 updates on that day from you. Well, firstly, Ms Gobbo to  
12:33:56 16 you and then you to Officer Green about the movements of -  
12:34:04 17 firstly, about the container and then, secondly, the  
12:34:07 18 movements of Mr Karam and you expect that was something  
12:34:12 19 that was occurring at that time?---Yes.  
20  
12:34:17 21 The 2nd of the 7th 2007. This is ICR 87, p.965 to 969.  
12:34:26 22 Gobbo updates you about the container and Karam's movements  
12:34:34 23 another three times during that day and that's information  
12:34:36 24 that's disseminated to Mr Green, you accept that?---Yes.  
25  
12:34:42 26 Then at p.967 you'll see an entry about Mr Karam a bit  
12:34:53 27 further down I think. There we go. So it's over the two  
12:34:57 28 pages. "Rob Karam, he was off to see Higgs at Crystal  
12:35:01 29 Trees nightclub", presumably for an update. "There is an  
12:35:04 30 indication that something may happen tonight but Rob not  
12:35:08 31 sure, i.e. container might get removed. Rob has said that  
12:35:13 32 if she gets a happy text then everything okay with  
12:35:16 33 container. A sad text means there is trouble. Any text  
12:35:21 34 human source will ring me", and you've verbally  
12:35:26 35 disseminated that information to Officer Green?---Yes.  
36  
12:35:34 37 The code that she's explained to you is something you've  
12:35:39 38 also explained to Officer Green; is that right?---Yes.  
39  
12:35:44 40 Then on the 3rd of the 7th 07, this is the final matter I  
12:35:48 41 want to take to you, which is ICR 87 at p.970, there are  
12:35:56 42 three updates on that day - I don't necessarily need to  
12:36:00 43 take you to them unless you'd like me to where again  
12:36:03 44 Ms Gobbo is providing you with updates about, firstly, the  
12:36:07 45 container and Mr Karam's movements and you pass that  
12:36:10 46 information on to Officer Green, would you accept  
12:36:13 47 that?---Yes.

1  
12:36:17 2 Thank you for that. I don't think I need to dwell on that  
12:36:20 3 story any further. You were asked in providing your  
12:36:28 4 statement as to whether or not you had any indications of  
12:36:33 5 criminal conduct that Ms Gobbo herself might be involved in  
12:36:38 6 or any other adverse motivations that she might have. You  
12:36:44 7 say at paragraph 44, "In regards to indications of criminal  
12:36:49 8 conduct, the source sometimes feared being knowingly  
12:36:53 9 involved in importations of drugs when she was told  
12:36:55 10 information from certain acquaintances". You say that that  
12:36:59 11 was often just showing off and that motivated her, you  
12:37:02 12 believed, to give the information to show that she wasn't  
12:37:06 13 complicit. "The circumstances surrounding the four tonne  
12:37:10 14 MDMA import in June/July 07 is an example of this. I had  
12:37:15 15 no suspicions that 3838 was involved in any criminal  
12:37:17 16 conduct whilst she was with the SDU". That's still your  
12:37:21 17 understanding?---Yes.

18  
12:37:24 19 Mr Ryan's evidence was that he had some suspicions about  
12:37:28 20 Ms Gobbo in a period prior to you having these dealings  
12:37:31 21 with her, which was prior to her registration with the SDU.  
12:37:36 22 Were you aware of anyone else's - to the extent that he put  
12:37:40 23 her under surveillance for a period of time. Are you aware  
12:37:44 24 of any - were there any discussions with you about  
12:37:48 25 suspicions of criminal conduct that Ms Gobbo herself was  
12:37:50 26 engaged in?---No, and if I suspected anything I would have  
12:37:58 27 reported it to my controller.

28  
12:38:01 29 You're not aware as you sit here now of any such  
12:38:05 30 occasions?---Am I suspicious of her conducting criminal  
12:38:12 31 activity.

32  
12:38:13 33 You are?---No, is that the question?

34  
12:38:15 35 Sorry, that's my question. Yes, that's right?---No.

36  
12:38:18 37 So you weren't suspicious of that and you're still not  
12:38:21 38 suspicious of that?---No.

39  
12:38:23 40 Yeah, okay. The document that's got the pseudonyms on it  
12:38:32 41 near you, I think it might be the - I'll just check this -  
12:38:41 42 the 33rd person on that list. Do you see that name?---Yes.

43  
12:38:47 44 [REDACTED]  
12:38:52 45 [REDACTED]  
12:38:56 46 [REDACTED]  
47

12:39:07 1 And you're aware because it was explained to you - - -  
12:39:13 2  
12:39:14 3 MR HOLT: Excuse me, Commissioner. I think if those sort  
12:39:22 4 of details, which is why we've been dealing with that  
12:39:23 5 matter in private, I'd ask that that be taken from the  
12:39:27 6 stream and if it needs to be explored it can be dealt with.  
7  
12:39:33 8 COMMISSIONER: All right. Take it from the streaming and  
12:39:36 9 from the transcript from 6376 line 2 and line 3.  
12:39:43 10  
12:39:44 11 MR HOLT: Thank you, Commissioner.  
12:39:46 12  
12:39:47 13 MR WOODS: Commissioner, I should say that's probably  
12:39:49 14 right, with respect.  
15  
12:39:50 16 COMMISSIONER: Yes.  
12:39:50 17  
12:39:52 18 MR WOODS: In relation to the other things I want to ask  
12:39:55 19 this witness that are relevant to that, I don't think we  
12:39:59 20 need to go into closed session because the witness now  
12:40:02 21 knows what I'm talking about.  
22  
12:40:04 23 COMMISSIONER: Right.  
12:40:04 24  
12:40:13 25 MR WOODS: The issue that we just spoke about, you're aware  
12:40:19 26 of Ms Gobbo's involvement in assisting that person to give  
12:40:26 27 evidence, that person to give information and ultimately  
12:40:33 28 give evidence against Mr Orman? Look, it might be easier  
12:40:37 29 to go into closed session I think for this one,  
12:40:40 30 Commissioner. I thought there was a way around it but  
12:40:45 31 perhaps there isn't. There are jitters from everyone.  
32  
12:40:49 33 COMMISSIONER: Yes. Under s.24 of the Inquiries Act access  
12:40:53 34 to the Inquiry during the future evidence of Officer Fox, a  
12:40:59 35 pseudonym, is limited to: legal representatives and staff  
12:41:02 36 assisting the Royal Commission, the following parties with  
12:41:04 37 leave to appear in the private hearing and their legal  
12:41:08 38 representatives, namely the State of Victoria, Victoria  
12:41:12 39 Police, including media unit representatives, DPP and OPP,  
12:41:16 40 CDPP, Nicola Gobbo, SDU handlers, AFP, the legal  
12:41:22 41 representatives of the following parties with leave to  
12:41:24 42 appear, namely Faruk Orman, Person ■■■, John Higgs, Pasquale  
12:41:28 43 Barbaro, Paul Dale, media representatives accredited by the  
12:41:33 44 Royal Commission are allowed to be present in the hearing  
12:41:35 45 room. The hearing is to be recorded but not streamed or  
12:41:37 46 broadcast. Subject to any further there's to be no  
12:41:40 47 publication of any materials, statements, information or

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evidence given, made or referred to before the Commission which could identify or tend to identify the persons referred to as Witness A, Witness B, Witness X, Person [REDACTED], any member of the Source Development Unit or their whereabouts. A copy of this order is to be posted on the door of the hearing room.

(IN CAMERA HEARING FOLLOWS)

1           UPON RESUMING IN OPEN HEARING:  
2  
14:19:37 3           COMMISSIONER: All right then, we're now in open hearing.  
14:19:40 4  
14:19:41 5           MR WOODS: This doesn't need to come up on the public  
14:19:43 6           screen though, just the screens here. So what I've just  
14:19:47 7           taken you to is an entry on 25 June 2007, ICR 85 where  
14:19:56 8           what's occurred is Ms Gobbo shortly after your time of  
14:20:04 9           handling her, on a Saturday has gone into a colleague's  
14:20:08 10          chambers, so far that's correct?---That's what is written,  
14:20:15 11          yes.  
14:20:15 12  
14:20:15 13          Is that something you asked her to do?---No.  
14:20:17 14  
14:20:20 15          When she told you that she had gone into a colleague's  
14:20:23 16          chambers on a Saturday, what did you say to her?---I have  
14:20:31 17          written that. Even to this day I cannot recall and I - all  
14:20:45 18          I can say is the way she must have told me at the time did  
14:20:49 19          not raise my antenna that that, that she had been in those  
14:20:55 20          offices unlawfully.  
14:20:56 21  
14:20:57 22          Firstly, you knew this occurred on a Saturday because you  
14:21:00 23          noted that, you accept that?---Yes.  
14:21:02 24  
14:21:03 25          You accept that this was another barrister's chambers and  
14:21:07 26          not her chambers?---Yes.  
14:21:09 27  
14:21:12 28          You accept that she doesn't indicate anywhere to you  
14:21:15 29          whether or not she had consent to be in those  
14:21:19 30          chambers?---No.  
14:21:20 31  
14:21:20 32          And in fact the phrase that's used, that she was looking  
14:21:23 33          around other counsel chambers yesterday, I suggest that  
14:21:27 34          indicates to you she did not have consent to be in those  
14:21:31 35          chambers?---How it's written, yes, but I can't recall - I  
14:21:37 36          can't recall how she exactly portrayed it to me.  
14:21:40 37  
14:21:41 38          The Commission knows that in fact there was no such consent  
14:21:46 39          that was provided by that other barrister to enter those  
14:21:50 40          chambers. Was that something that you just neglected to  
14:21:52 41          ask on the occasion?---As I said, I can't recall the entry  
14:21:58 42          but certainly if anything at all had given me rise or  
14:22:05 43          suspicion that she had entered an area unlawfully, I would  
14:22:12 44          have notified my controller immediately.  
14:22:14 45  
14:22:15 46          Not just entered unlawfully, you would accept it would have  
14:22:20 47          been committing burglary? It may have been - - - ?---Not

14:22:25 1 necessarily.

14:22:26 2

14:22:26 3 It may have been committing a burglary? It may have

14:22:31 4 been?---I can't answer yes to that, there's so many

14:22:37 5 elements to the charge of burglary.

14:22:39 6

14:22:40 7 Let's just very briefly think about them. Firstly is

14:22:42 8 entering a building or a part of a building, you accept

14:22:45 9 that's one of the elements?---Yes.

14:22:47 10

14:22:47 11 And that the person doesn't have consent to enter that part

14:22:51 12 of the building?---Yes.

14:22:52 13

14:22:52 14 And the person intended to take something from that part of

14:22:55 15 the building?---No, it doesn't say that there.

14:23:01 16

14:23:02 17 All right?---Nothing - it doesn't say anything was taken

14:23:07 18 from the building.

14:23:08 19

14:23:08 20 All right. So your evidence is that you had no concern at

14:23:15 21 the time that this occurred that there was anything

14:23:18 22 untoward happening, that just wasn't on your radar?---I

14:23:24 23 can't recall the incident at all when I read that in my

14:23:29 24 preparation for evidence.

14:23:31 25

14:23:31 26 Yes?---Yes, that's what's written, however that would have

14:23:36 27 been the way she portrayed it to me, however all I can

14:23:41 28 think of is it was portrayed to me in a way that didn't

14:23:46 29 raise my antenna that she was committing any unlawful act,

14:23:51 30 i.e., like a solicitor's office or chambers I understand

14:23:55 31 many solicitors can work out of.

14:23:58 32

14:23:58 33 You knew she wasn't a solicitor though, you knew she was a

14:24:02 34 barrister?---A barrister, yes, so - - -

14:24:04 35

14:24:04 36 Inasmuch as she was a barrister she was a self-employed

14:24:09 37 person?---Who's that, Sharon?

14:24:12 38

14:24:12 39 Ms Gobbo?---Yes.

14:24:14 40

14:24:14 41 And that the people in her chambers were also self-employed

14:24:19 42 barristers, you knew that?---No.

14:24:20 43

14:24:21 44 All right. I'll clarify something I said a moment ago,

14:24:27 45 where I said her intention was to take something. I

14:24:31 46 correct that by saying the intention was to steal something

14:24:35 47 from those chambers. When you read this entry, did you - I

14:24:42 1 take it that when you read this entry more recently it did  
14:24:48 2 cause you concern at that stage?---Yes. In terms of why,  
14:24:55 3 why I've missed it. She did not tell me that she was going  
14:25:01 4 to steal something, she had stolen something. If she had  
14:25:05 5 have I would have raised it immediately with my controller,  
14:25:08 6 we probably would have had a face-to-face meeting and she  
14:25:11 7 would have been reprimanded, if not charged.  
14:25:15 8  
14:25:15 9 Can I suggest that if it caused you concern in 2019, it  
14:25:20 10 should also have caused you concern when it occurred in  
14:25:25 11 2007?---Yes, but it didn't, so I come back to that it was  
14:25:35 12 being portrayed to me in a way where it did not raise my  
14:25:40 13 antennas where an offence could have or may have been  
14:25:44 14 committed.  
14:25:44 15  
14:25:47 16 We were talking a little while ago or this morning about  
14:25:53 17 the risks to Victoria Police should the source become  
14:26:00 18 exposed or the use of Ms Gobbo become more widely known, a  
14:26:07 19 reputational risk, if I can paraphrase it that way. Do you  
14:26:11 20 recall the questions I was asking about that?---The  
14:26:14 21 reference to the Victoria Police, yes.  
14:26:15 22  
14:26:15 23 Yes. We were talking about it in the context of the risk  
14:26:18 24 assessment and some of the phrases used in the risk  
14:26:21 25 assessment?---Yes.  
14:26:22 26  
14:26:23 27 I'm not sure if you accepted what I was putting to you  
14:26:29 28 there, but I just want to bring you back to some  
14:26:32 29 propositions about that. You accept, I take it, put the  
14:26:37 30 risk assessment to one side, the wording in that risk  
14:26:40 31 assessment. One of the risks should the use of Gobbo  
14:26:43 32 become known was that there was a reputational risk to  
14:26:47 33 Victoria Police that they were using a legal professional  
14:26:51 34 as a human source. That was one of the concerns that  
14:26:54 35 exercised your mind during your period of handling  
14:27:01 36 Ms Gobbo? I'm not saying a reputational risk was fairly  
14:27:06 37 based or wasn't fairly based, I'm asking whether or not you  
14:27:10 38 were concerned at that stage whether there was such a  
14:27:12 39 reputational risk based on her status as a barrister?---The  
14:27:19 40 best way to answer that is somewhat.  
14:27:22 41  
14:27:24 42 You're aware what the High Court has said about the  
14:27:27 43 arrangement - firstly, have you read any of the High  
14:27:31 44 Court's decision in relation to this matter?---Yes.  
14:27:36 45  
14:27:38 46 And the court said because of these arrangements that we've  
14:27:41 47 been talking about, "Victoria Police were guilty of



14:27:43 1 reprehensible conduct in knowingly encouraging Ms Gobbo to  
14:27:48 2 do as she did and were involved in sanctioning atrocious  
14:27:52 3 breaches of the sworn duty of every police officer to  
14:27:54 4 discharge all duties imposed upon them faithfully and  
14:27:58 5 according to law without favour or affection, malice or  
14:28:01 6 ill-will". I take it you've read those words?---Yes.  
14:28:04 7  
14:28:05 8 And I can only assume that would be quite an upsetting  
14:28:11 9 proposition for you to read given your involvement in these  
14:28:14 10 matters back at the time?---Yes.  
14:28:16 11  
14:28:16 12 Given the senior rank that you hold in Victoria Police at  
14:28:20 13 the moment, what's your reflection on what the High Court  
14:28:24 14 says about the use of Nicola Gobbo between 2005 and 2009,  
14:28:29 15 do you accept the High Court's description of the use of  
14:28:34 16 Ms Gobbo that I've just read to you?---Yes, that's what  
14:28:41 17 they said.  
14:28:42 18  
14:28:42 19 That's what they said. Do you accept that they were  
14:28:45 20 correct?---I think the High Court has made decisions based  
14:28:53 21 on what the Supreme Court and the appeal court has, have  
14:28:59 22 made a judgment on, and I don't think that the Supreme  
14:29:06 23 Court has been given all the facts.  
14:29:08 24  
14:29:08 25 Have you read the Supreme Court decision?---Yes.  
14:29:11 26  
14:29:11 27 Cover to cover?---Yes.  
14:29:15 28  
14:29:16 29 Have you read the Court of Appeal's decision?---Yes.  
14:29:18 30  
14:29:19 31 What are the facts that they were missing?---I can't - they  
14:29:27 32 rely heavy on the Comrie report for one and - - -  
14:29:33 33  
14:29:33 34 What aspects of the Comrie report do you take issue with  
14:29:37 35 specifically?---I'd need to read it again and point them  
14:29:41 36 out specifically to you.  
14:29:42 37  
14:29:42 38 You're giving evidence before a Royal Commission about  
14:29:45 39 these issues on which you were intimately involved and you  
14:29:51 40 have obviously a considered view in relation to each of  
14:29:54 41 these reports and judicial decisions that were made. Is it  
14:29:59 42 the case that you haven't taken an opportunity to formulate  
14:30:02 43 your views about why Mr Comrie got it wrong?---I have  
14:30:07 44 formulated my views.  
14:30:09 45  
14:30:09 46 What are those views?---That Mr Comrie did not have, in the  
14:30:21 47 main interview did not have all the facts before him. He

14:30:25 1 didn't speak to us. He makes judgments on the way the  
14:30:31 2 source file was managed and collated and he's looking at  
14:30:36 3 information that wasn't, information that was later  
14:30:42 4 collated and not by us.  
14:30:44 5  
14:30:45 6 Your position is that Comrie just got it wrong?---Not on  
14:30:54 7 all of it, but most of it, yes.  
14:30:56 8  
14:30:57 9 What about IBAC's report in relation to these matters. Did  
14:31:01 10 IBAC get it wrong as well?---IBAC made judgments as well  
14:31:11 11 that I don't think they looked at all the material, the  
14:31:17 12 material that is - - -  
14:31:18 13  
14:31:19 14 They heard evidence from you?---That's right, yes, and I  
14:31:22 15 answered those questions that they asked me.  
14:31:25 16  
14:31:25 17 And they also heard from each of your colleagues at the  
14:31:29 18 SDU, do you accept that?---Yes.  
14:31:33 19  
14:31:33 20 You don't accept that IBAC made the correct decision in  
14:31:36 21 relation to these arrangements, that's what you're  
14:31:40 22 explaining, is that right?---No, I'm explaining that they  
14:31:44 23 didn't have full, full information.  
14:31:49 24  
14:31:49 25 Then we move on to the next consideration of these issues,  
14:31:52 26 which was Justice Ginnane who I understand you were also  
14:31:58 27 critical of. You understand that the facts that His Honour  
14:32:01 28 made those findings in relation to were largely agreed,  
14:32:05 29 agreed facts before him?---I'm not disputing Mr Ginnane's  
14:32:14 30 findings, I'm saying there's more evidence that could have  
14:32:21 31 been obtained and relying on the Comrie report without  
14:32:28 32 looking at it in more depth.  
14:32:33 33  
14:32:41 34 You're a senior member of Victoria Police. Do I understand  
14:32:46 35 your position is that insofar as the SDU - restricting the  
14:32:53 36 question to the SDU - the SDU simply just got it right in  
14:32:57 37 relation to Ms Gobbo and didn't do anything wrong, is that  
14:33:00 38 your opinion?---No.  
14:33:04 39  
14:33:06 40 Do you accept that Victoria Police were guilty of  
14:33:09 41 reprehensible conduct in relation to their use of  
14:33:16 42 Ms Gobbo?---I think those words are very strong.  
14:33:19 43  
14:33:19 44 They are?---Yep.  
14:33:24 45  
14:33:24 46 I'm looking for a simple yes or no, it's an important thing  
14:33:28 47 for the Commission to understand what a senior police

14:33:31 1 officer who was involved in these arrangements in 2005 to  
14:33:34 2 2009 thinks about the correctness of what the High Court  
14:33:40 3 has explained. It's an important thing for this Commission  
14:33:44 4 to understand. Is it your position that Victoria Police  
14:33:48 5 were guilty of reprehensible conduct, or not?---No.  
14:33:56 6

14:33:56 7 So you disagree with what the High Court said about  
14:34:00 8 this?---I disagree with the strength of the language.  
14:34:04 9

14:34:04 10 So it might have been a little bit reprehensible but not  
14:34:10 11 very reprehensible?---No.  
14:34:12 12

14:34:15 13 Given your senior position, if a junior officer who was  
14:34:20 14 involved in human source management came to you tomorrow  
14:34:25 15 and said, "I have a practising legal professional who I  
14:34:31 16 want to register as a source, can I do it?" What would  
14:34:38 17 your answer be?---That there's Victoria Police policy to  
14:34:43 18 follow and I'd assess the situation and the reasons why the  
14:34:47 19 solicitor or barrister was proposed to be registered. I  
14:34:51 20 then complete the forms as required and send them to the  
14:34:55 21 human source management committee which would then decide  
14:34:58 22 on whether that person will be registered or not, as per  
14:35:01 23 the policy.  
14:35:02 24

14:35:03 25 In other words you'd leave it someone in the police to deal  
14:35:07 26 with that?---No, I'd complete the forms and make  
14:35:10 27 recommendations.  
14:35:10 28

14:35:11 29 What would your recommendations be?---Depends so much on  
14:35:17 30 the circumstances of why it was considered that the person  
14:35:23 31 would need to be registered as a human source.  
14:35:26 32

14:35:26 33 Can I suggest that given each of the decisions that you and  
14:35:29 34 I have just been through and each of the entries we've been  
14:35:33 35 through in the ICRs this morning, the appropriate answer to  
14:35:37 36 that person, whether or not you fill out the form, would be  
14:35:41 37 not in a million years are we going to be using a legal  
14:35:46 38 practitioner as a human source. Why would that not be your  
14:35:50 39 answer?---Because the current policy in Victoria Police  
14:35:57 40 allows it in extreme circumstances. The circumstances I  
14:36:03 41 agree would have to be extreme but they're not discounted.  
14:36:07 42

14:36:07 43 If you weren't certain as to whether or not legal advice  
14:36:10 44 would be obtained, would you insist that legal advice is  
14:36:13 45 obtained?---I would - as I said the policy says it needs to  
14:36:23 46 be referred to an Ethics Committee and they do seek advice  
14:36:27 47 I believe from the legal director's office.

14:36:30 1  
14:36:30 2 You'd accept I suppose that's something that should have  
14:36:33 3 happened in September 2005 in relation to Ms Gobbo?---In  
14:36:40 4 terms of managing information?  
14:36:42 5  
14:36:43 6 In terms of registering her as a human source?---I maintain  
14:36:48 7 the registering of her as a human source is a Victoria  
14:36:52 8 Police decision. Assistance and guidance in managing  
14:36:57 9 information, managing her, could come from legal advice,  
14:37:02 10 yes.  
14:37:04 11  
14:37:04 12 And should have come from legal advice before she was  
14:37:06 13 registered, do you accept that?---Well managing the  
14:37:11 14 information.  
14:37:11 15  
14:37:11 16 No, about - well about receiving any information from a  
14:37:16 17 source, registered or otherwise, who is a legal  
14:37:20 18 practitioner. Do you accept that that is a matter that  
14:37:22 19 should trigger a request for legal advice?---In 2019?  
14:37:28 20  
14:37:28 21 Well all right, let's start with 2019?---Yes.  
14:37:32 22  
14:37:32 23 And in 2005, that's something that should have been done  
14:37:38 24 then as well, do you accept that?---In hindsight it would  
14:37:43 25 have been good, yes.  
14:37:45 26  
14:37:48 27 There's hopefully not too much more I need to take you  
14:37:51 28 through. One of the things that interests me, I should  
14:37:56 29 say, is in your electronic diary it appears that Ms Gobbo  
14:38:00 30 had a nickname for you of Jill, is that correct?---Can't  
14:38:07 31 recall.  
14:38:07 32  
14:38:07 33 You don't recall her having a nickname for you of  
14:38:12 34 Jill?---No, I remember a nickname of Kermit.  
14:38:16 35  
14:38:16 36 She called you Kermit?---I think she called all of us  
14:38:20 37 Kermit.  
14:38:20 38  
14:38:20 39 Not just Mr Green perhaps. In relation to her birthday,  
14:38:30 40 before I get there, was a particularly important thing to  
14:38:38 41 Ms Gobbo anniversaries, as a general proposition you'd  
14:38:42 42 accept that, that's something you knew about?---Her  
14:38:45 43 anniversaries, yes.  
14:38:47 44  
14:38:47 45 Anniversaries of all sorts of things she would focus  
14:38:51 46 on?---Yes.  
14:38:51 47

14:38:53 1 I see this one is not quite an anniversary, but on 16  
14:38:57 2 November 2007 you and another officer, who I don't think  
14:39:00 3 has a pseudonym so I won't say their name, went to the  
14:39:04 4 Wilson car park in Little Bourke Street and put a gift of  
14:39:08 5 perfume under Ms Gobbo's car. Do you recall doing  
14:39:12 6 that?---Yes.  
14:39:13 7  
14:39:13 8 And that was a birthday present for her?---Yes.  
14:39:19 9  
14:39:20 10 Can I ask why on earth were you giving Ms Gobbo a birthday  
14:39:24 11 present? Was that a usual thing for human sources or was  
14:39:28 12 it just this particular source?---It was important to her.  
14:39:35 13 She'd been with the unit for a long time now, she hadn't  
14:39:38 14 been rewarded and it was, I think it was called a  
14:39:44 15 motivational token gift.  
14:39:48 16  
14:39:48 17 Okay. And do you recall that working in that way, I assume  
14:39:56 18 she would have been happy the human source managers had  
14:39:59 19 given her a gift for her birthday, is that your  
14:40:02 20 recollection?---Yes, part of building rapport, trust with  
14:40:05 21 the source.  
14:40:05 22  
14:40:06 23 I want to go through fairly briefly the events of the OPI  
14:40:13 24 but I don't intend do it by bringing everything up on the  
14:40:19 25 screen unless you'd be assisted by it. I'm happy to do  
14:40:23 26 that if that's the case. We might start with the first  
14:40:28 27 entry which is 1003. The situation was in your period of  
14:40:34 28 handling Ms Gobbo she received a summons to attend the OPI,  
14:40:39 29 that's correct?---Yes.  
14:40:41 30  
14:40:42 31 And you've recorded here on the 11th of the 7th 2007, she  
14:40:49 32 had received a phone call from the officer at the OPI, he  
14:40:53 33 was going to serve her with confidential documents, she  
14:40:57 34 thought it would be in relation to Paul Dale, in fact it  
14:40:59 35 turned out she was correct about that, you remember  
14:41:02 36 that?---Yes.  
14:41:02 37  
14:41:02 38 You reassured her not to panic. Page 1005. She receives  
14:41:12 39 the summons and there's a long discussion about whether or  
14:41:18 40 not she wanted to go and she essentially vacillated between  
14:41:23 41 not turning up, not giving them information and you  
14:41:26 42 encouraged her to go and to tell the truth to the OPI,  
14:41:29 43 that's right?---Yes.  
14:41:30 44  
14:41:31 45 The concern, this is p.1006, she was concerned about her  
14:41:36 46 identity as an informer coming out during the OPI inquiry  
14:41:40 47 and that was the thing that was exercising her mind, do you

14:41:44 1 agree with that?---Yes.

14:41:45 2

14:41:47 3 There's a few more entries that relate to that and p.1009,

14:41:53 4 the issue is that she's scared for her life. If she goes,

14:42:01 5 she's at risk of perjuring herself if they ask her what

14:42:07 6 police she deals with. She can't mention this, that's

14:42:11 7 because of the SDU, do you agree with that?---Yes.

14:42:13 8

14:42:17 9 "Human source told that her concerns had been passed on to

14:42:21 10 our managers." Is that Sandy White or is that above?---Say

14:42:24 11 that bit again, where is that bit?

14:42:26 12

14:42:26 13 It will just come up on the screen. I think it's at

14:42:36 14 p.1009. It will come up in a second. "Human source told

14:42:40 15 that her concerns had been passed on to our managers."

14:42:43 16 Does that that mean the HSMU or does that mean Sandy White

14:42:49 17 or are you able to tell us what that means?---It means to

14:42:52 18 Sandy White and to the officer-in-charge of the Source

14:42:59 19 Development Unit.

14:42:59 20

14:42:59 21 You say, "We can't guarantee protection from the OPI, nor

14:43:03 22 would we", she understands this, the page

14:43:06 23 underneath?---Yes.

14:43:07 24

14:43:10 25 There's a reference - if we keep going down, there we go.

14:43:19 26 "OPI. Human source told that the issue is currently at

14:43:23 27 Deputy Commissioner level, Simon Overland." Is it you who

14:43:28 28 had the conversation with Simon Overland about this?---No.

14:43:30 29

14:43:31 30 Was it Mr White?---Can't recall.

14:43:34 31

14:43:34 32 But it was passed on to you that Mr Overland was aware of

14:43:38 33 Ms Gobbo's concerns?---Certainly, yes.

14:43:41 34

14:43:44 35 Page 1012. "OPI. Told human source I have no further

14:43:59 36 update for her re this. When a decision is made by

14:44:03 37 management then she will be told." Do you know what the

14:44:06 38 decision by management that was proposed to occur

14:44:11 39 was?---Sorry, where is that bit?

14:44:13 40

14:44:13 41 Top of the page?---Sorry. The question again was, sorry?

14:44:24 42

14:44:24 43 Do you know what the decision that you were waiting for

14:44:29 44 management to make was? What was management

14:44:32 45 considering?---Whether they would, as I understood,

14:44:36 46 approach the OPI or whether she would just be told to

14:44:43 47 comply with the summons and tell the truth.

14:44:45 1  
14:44:47 2 I won't take you through these chapter and verse, on Sunday  
14:44:51 3 15 July 2007 you told Ms Gobbo to wait and see what  
14:44:56 4 Overland might come up with. So at that stage you knew  
14:45:00 5 that it was Mr Overland who was working on a possible  
14:45:03 6 solution for Ms Gobbo, is that right?---One of the senior  
14:45:08 7 management, yes.  
14:45:09 8  
14:45:09 9 And on Tuesday the 17th of the 7th, you went through the  
14:45:13 10 OPI options with her and she had some options that meant  
14:45:18 11 that, some of them were that she would claim privilege or  
14:45:21 12 not attend and you said to her the best option was to  
14:45:24 13 attend and Fitzgerald was going to be told that she had  
14:45:28 14 assisted in the past and that was what the decision from  
14:45:32 15 management that came down to you was, that he'd be told  
14:45:35 16 that much?---That's what I understood, yes.  
14:45:39 17  
14:45:40 18 Insofar as he was going to be told that she had assisted in  
14:45:44 19 the past, you accept if that was to occur the Examiner  
14:45:48 20 would in fact not be told the whole truth?---I don't  
14:45:53 21 understand that.  
14:45:54 22  
14:45:54 23 She wasn't just assisting in the past, she was continuing  
14:45:57 24 to assist as at 17 July 2007. Do you agree with that?---I  
14:46:04 25 think, well as I understood it from being a handler, that  
14:46:09 26 was assisting in the past and currently assisting.  
14:46:12 27  
14:46:13 28 That's not what the words say, it's assisted in the  
14:46:17 29 past?---I think I mean by that, that he would be told the  
14:46:26 30 history that she has been a human source with - there's a  
14:46:32 31 history with Victoria Police with her being a human source.  
14:46:35 32 That's what I meant by that.  
14:46:37 33  
14:46:37 34 But not that she was currently assisting police?---No. I  
14:46:44 35 understood that it would be she's currently assisting.  
14:46:48 36  
14:46:48 37 Why is it written in the past tense?---Probably because of  
14:46:54 38 my grammar.  
14:46:55 39  
14:46:56 40 And you accept that all of those issues we went through  
14:46:59 41 before about Mr Karam and the tomato tins, that was  
14:47:03 42 happening just shortly before this entry?---Yes.  
14:47:06 43  
14:47:07 44 So she was busily assisting police at this stage, you  
14:47:10 45 accept that?---Yes, yes.  
14:47:11 46  
14:47:14 47 Page 1031 on the 18th of the 7th 2007. "It was explained

14:47:19 1 to her if she feels threatened because of a question asked,  
2 i.e. by answering she feels she may have to reveal her  
14:47:26 3 identity as a source then she can call a time out, Gavan  
14:47:29 4 Ryan will be there to deal with it." Who arranged Mr Ryan  
14:47:35 5 to attend?---Don't know.  
14:47:36 6  
14:47:36 7 You're aware that that was the arrangement that was decided  
14:47:40 8 on though?---Yes, I have been made aware that Gavan would  
14:47:48 9 be there.  
14:47:48 10  
14:47:49 11 At page 1035 there's the first hearing and you explain to  
14:47:54 12 Ms Gobbo that Fitzgerald knows not to go too far. Who told  
14:48:00 13 you that?---My controller.  
14:48:03 14  
14:48:04 15 Do you now how he became aware that Fitzgerald knew not to  
14:48:12 16 go too far with Ms Gobbo?---I can only presume that's come  
14:48:19 17 from senior management.  
14:48:20 18  
14:48:20 19 In the same entry, "Advised that Sandy White will be  
14:48:24 20 speaking to Gavan Ryan and Mr Overland re this issue".  
14:48:27 21 That was something that Sandy White told you?---Yes.  
14:48:30 22  
14:48:32 23 And then at p.1043, ICR 91, 22/7/07. You see there, "Told  
14:48:45 24 human source that I'd spoken to Gavan Ryan yesterday and he  
14:48:48 25 mentioned his shock when the human source was asked  
14:48:52 26 questions about all the police she knew. Also passed on  
14:48:56 27 feedback that her answers were long which is why the  
14:48:59 28 hearing carried over to the next day". Gavan Ryan spoke to  
14:49:02 29 you about that?---Yes.  
14:49:06 30  
14:49:06 31 And he told you that he was shocked at Ms Gobbo's answers  
14:49:10 32 the day before to the OPI about all the police she knew,  
14:49:13 33 that's what he said?---Yes.  
14:49:15 34  
14:49:16 35 Then there was a period in which Peter Smith took over as  
14:49:20 36 the handler. There's an entry on 1101 on 16 August 2007.  
14:49:36 37 I just want to - is this one of your entries?---16th August  
14:49:43 38 will be, yes.  
14:49:44 39  
14:49:44 40 And you'll see there, "Advised that Gavan Ryan will be  
14:49:47 41 there in another room. He is available if she needs to  
14:49:50 42 call a time out". So this was an arrangement that you were  
14:49:55 43 involved in, is that right?---That's what I was told by my  
14:50:01 44 controller.  
14:50:02 45  
14:50:03 46 And then p.1106, which is 17 August 2007, the next day,  
14:50:09 47 which is the day of the hearing, Ms Gobbo calls a time out



14:50:16 1 during that hearing and she has an opportunity to speak to  
14:50:22 2 Gavan Ryan and she wants you to pass on her thanks to Gavan  
14:50:26 3 Ryan for helping her out during that hearing, do you  
14:50:29 4 understand that?---Yes.  
14:50:30 5  
14:50:34 6 Are you aware of who had the conversations with the  
14:50:39 7 individuals from the OPI, either Mr Ashton or  
14:50:44 8 Mr Fitzgerald, Mr Brouwer?---No.  
14:50:48 9  
14:50:49 10 That was someone above your rank, is that right?---Way  
14:50:53 11 above.  
14:50:54 12  
14:50:57 13 I want to talk just briefly about some of Ms Gobbo's  
14:51:02 14 motivations or what might have been her motivations.  
14:51:05 15 Paragraph 35 of your first statement you discuss what you  
14:51:09 16 understood to have been her motivations and you say that  
14:51:19 17 those motivations are well documented, I take it that means  
14:51:21 18 they're well documented in the ICRs?---Yes, and I expand  
14:51:26 19 further in my second statement.  
14:51:27 20  
14:51:27 21 Yes, sure. You talk about ridding herself of the Mokbel  
14:51:32 22 cartel as being one of those initial motivations, do you  
14:51:35 23 agree with that?---Yes.  
14:51:36 24  
14:51:37 25 And you're aware that early on in the relationship in March  
14:51:40 26 2006 Tony Mokbel fled the jurisdiction?---Yes.  
14:51:43 27  
14:51:45 28 And his arrest in Greece didn't occur until 5 June  
14:51:53 29 2007?---I'm not sure of the date. Yes, I am sure of the  
14:51:57 30 date, yes, that's correct.  
14:51:57 31  
14:51:58 32 There wasn't any indication that Ms Gobbo provided to you  
14:52:00 33 that she had any contact with him or knowledge of his  
14:52:04 34 whereabouts during the intervening period?---Correct.  
14:52:07 35  
14:52:13 36 You also talk about the motivation of her being too close  
14:52:17 37 to her clients. Now I think that's a comment of hers  
14:52:24 38 rather than something that you've surmised, or sorry that's  
14:52:27 39 a motivation of hers that you assume. Can I suggest to you  
14:52:33 40 that it's not an obvious solution to that problem to become  
14:52:38 41 a human source?---Um - - -  
14:52:46 42  
14:52:46 43 Do you understand what I'm asking?---Yeah, if you want to  
14:52:50 44 rid yourself of someone why would you speak to the police  
14:52:54 45 and go closer, is that what you're saying?  
14:52:57 46  
14:52:57 47 That's right. Did that motivation cause you any concern or

14:53:00 1 the logic of that motivation?---I think her fears were  
14:53:05 2 absolutely genuine and real and I think she had - her fear  
14:53:10 3 was that no matter where she went they had the means and  
14:53:14 4 opportunity and ability to get at her and kill her.  
14:53:20 5  
14:53:20 6 Yes?---So I just think simply in her mind, distancing  
14:53:28 7 herself from those people was not going to keep her alive.  
14:53:32 8  
14:53:32 9 Yes, okay. You also say to achieve this, this way out of  
14:53:39 10 that conundrum that she was in, she was driven in giving  
14:53:44 11 her best at all times and being the best in everything she  
14:53:47 12 did. That's a recollection of yours about how Ms Gobbo  
14:53:50 13 approached being a source?---Yes.  
14:53:52 14  
14:53:55 15 You're aware that on a number of occasions in the ICRs,  
14:54:00 16 both - you've been through the ICRs I take it to provide  
14:54:05 17 those tables that you've provided in your second statement.  
14:54:08 18 I'm not saying you've read every word of them but you've  
14:54:11 19 been through them for the purpose of looking for particular  
14:54:14 20 entries, that's right?---Yes.  
14:54:16 21  
14:54:17 22 Have you seen entries like, I'll put a couple to you, one  
14:54:21 23 was to Mr Green on 15 August 2006, it's ICR 41, p.394.  
14:54:29 24 "Source wants to know if any other person has helped as  
14:54:32 25 much as she has and if anyone comes close she needs to be  
14:54:36 26 told so that she can try harder. Source advised that she  
14:54:41 27 has a comfortable lead!!" Did you see that in your reading  
14:54:48 28 of the ICRs?---Yes.  
14:54:49 29  
14:54:49 30 That's consistent with your recollection of Ms Gobbo  
14:54:51 31 wanting to be the best human source?---Yes.  
14:54:55 32  
14:54:55 33 And again to Mr Green ICR 64, 1 February 2007, "General  
14:55:01 34 conversation about Ms Nicola Gobbo's motivation and how she  
14:55:05 35 wants to be the best source and nothing is good enough  
14:55:07 36 unless it meets her high expectations and all those around  
14:55:11 37 her should be the same". So she had high expectations of  
14:55:15 38 herself and people around her, you accept that?---Yes.  
14:55:18 39  
14:55:19 40 ICR 86, which is p.959, "She has ambitions of being the  
14:55:25 41 best source VicPol have ever had and no one will be able to  
14:55:30 42 beat her". That's another thing and she said that to  
14:55:34 43 you?---What was that - 86, yes.  
14:55:36 44  
14:55:37 45 Again in ICR 86, to you on 30 June 2007, "Nicola Gobbo  
14:55:44 46 brings up her frustration again of not being given updates  
14:55:48 47 about the import investigation. Talked about same issues

14:55:51 1 again re need to know basis and she should not view this as  
14:55:55 2 a lack of trust by us, agree to disagree on this issue".  
14:56:00 3 Others have given evidence about this, others from the SDU,  
14:56:03 4 but did it occur to you that Ms Gobbo really wanted to be  
14:56:06 5 one of the team, one of the SDU team?---I wouldn't say one  
14:56:14 6 of the team. She wanted - she wanted to keep our trust,  
14:56:22 7 yes, and she did have ambitions to be the best that she  
14:56:26 8 could and probably the best for Victoria Police.  
14:56:31 9

14:56:32 10 ICR 52, not one that you were involved in, this is Officers  
14:56:36 11 Green and Sandy White on 4 January 2009. I should say  
14:56:39 12 that's the very end of her relationship with the SDU. She  
14:56:43 13 said to them she wants to remain number one, with three  
14:56:47 14 exclamation marks after that, with the SDU. Do you recall  
14:56:51 15 you were the last person to handle Ms Gobbo within the SDU?  
14:56:54 16 Was that still your observations of her at the end of her  
14:56:58 17 time with the SDU?---Yes.

14:56:59 18  
14:57:01 19 Was it disappointing to her from your observation when the  
14:57:04 20 relationship came to an end?---No, she made a conscious  
14:57:12 21 decision to sign a witness statement and move on to Petra.

14:57:18 22  
14:57:21 23 When I was talking about being part of the team a moment  
14:57:25 24 ago, were you aware that she said in ICR 43 to Officer  
14:57:29 25 Green on 1 September 2006 that she wanted a plaque on the  
14:57:33 26 wall from the SDU for all the help and she offered to apply  
14:57:38 27 for an analyst job for free. Are you aware that she said  
14:57:42 28 that?---No, I'm not, I can't recall that one.

14:57:45 29  
14:57:48 30 You're aware, for example, after Mr Karam's trial completed  
14:57:56 31 and she'd provided the assistance in relation to the tomato  
14:58:00 32 tins importation, she said, this is ICR 87, it is one of  
14:58:04 33 yours, she wanted to know what she can be tasked to do next  
14:58:08 34 and you told her to go to bed and rest?---Yes.

14:58:11 35  
14:58:12 36 Was it the case that as one lot of informing or tasking  
14:58:19 37 came to an end she was pretty eager to move on to the next  
14:58:22 38 one, was that your experience?---I wouldn't say eager, not  
14:58:27 39 every time, but she made what I would call bizarre comments  
14:58:32 40 like that, yes.

14:58:33 41  
14:58:34 42 In fact after the arrest of the individual that we were  
14:58:36 43 talking about in closed session early on in her period of  
14:58:42 44 informing, she said to the handlers on that occasion,  
14:58:45 45 "Who's next", are you aware of that?---Yes.

14:58:49 46  
14:58:52 47 Do you think that to some degree a motivating factor with

14:58:56 1 Ms Gobbo might have been just simple boredom?---No.  
14:59:00 2  
14:59:03 3 On the 28th of the 12th 2005 Officer Black records,  
14:59:08 4 "Welfare. Source was at home, source was bored, had  
14:59:11 5 nothing to do. Just been for a ten kilometre walk". Is  
14:59:15 6 that the sort of conversation that you would have with her  
14:59:18 7 regularly about her being at home and being bored?---Not  
14:59:23 8 regularly, but I do recall entries in my ICRs where she  
14:59:27 9 talks about being bored.  
14:59:28 10  
14:59:28 11 On the 22nd of the 1st 2007 Officer Green records, "SDU  
14:59:34 12 issue. Source described herself as clinically depressed  
14:59:35 13 and unemployed. Advised source to call psych. Very quiet,  
14:59:42 14 deadly quiet. Bored, could not be bothered leaving the  
14:59:46 15 couch". Do you recall moments like that with Ms Gobbo  
14:59:50 16 where she was feeling very flat?---Not with me. In terms  
14:59:55 17 of what's been written there from Officer Green. I  
15:00:00 18 wouldn't say flat with me. The emotions of anger, I can't  
15:00:13 19 say, you know, what other emotions, but being flat was, I  
15:00:20 20 don't remember her telling me that.  
15:00:22 21  
15:00:50 22 Your electronic diary of August 2007, there's an entry that  
23 says, "Update Sandy White re above. Clearly human source  
15:00:50 24 is bored and nothing better to do than ring us". Do you  
15:00:50 25 recall making that entry?---I don't specifically but I  
15:00:50 26 don't dispute it.  
27  
15:00:50 28 Another entry where you're the handler is at p.1368 of the  
15:00:50 29 ICRs where you record, "Human source is generally by  
15:00:52 30 herself and bored and looking for someone to talk to", do  
15:00:57 31 you remember that entry?---Not specifically but that would  
15:01:02 32 be correct. But that's about my opinion.  
33  
15:01:08 34 14th of the 4th 2008 in the second lot of ICRs, there's an  
15:01:12 35 entry of yours. It says, "SDU management, general talk  
15:01:16 36 with human source about her current feelings. She's bored,  
15:01:20 37 exhausted, depressed". Did she describe herself as  
15:01:24 38 depressed to you on a number of occasions?---If I've  
15:01:27 39 written it there, that's what she's told me.  
40  
15:01:29 41 And what about thoughts of suicide, she spoke about them  
15:01:33 42 from time to time with you; is that correct?---No, I don't  
15:01:41 43 recall that, no, not with me. I could be wrong there.  
44  
15:01:45 45 No, I understand. There's a lot of material to get your  
15:01:48 46 head around, I know. If p.1578 of the 3838 ICRs could be  
15:01:51 47 brought up briefly please. This is an entry that I'm

15:01:53 1 taking you to on the 17th of the 1st 2008. 1578.  
15:02:04 2 "Mentioned thoughts of suicide. Clarified. Has no  
15:02:07 3 enthusiasm for life. Whinging. Has withdrawn from  
15:02:08 4 society. Has no social life, therefore feels isolated.  
15:02:11 5 Therefore feels lonely, which is depressing, but feels  
15:02:15 6 can't get out of it because thinks self is not good company  
15:02:18 7 to be around. Handler discussed directly use of word  
15:02:22 8 suicide and seriousness of same. Human source has no  
15:02:26 9 drive, energy, enthusiasm for anything. Is not going to go  
15:02:31 10 and do anything dramatic, is just a bit depressed. Gave  
15:02:36 11 example of exercising. Normally would go to the gym but  
15:02:40 12 can't be bothered. Human source repeated wouldn't do  
15:02:42 13 anything dramatic". Given the duty of care and the  
15:02:47 14 concerns that you had for Ms Gobbo, as would with any  
15:02:52 15 source, I take it that a mention of suicide, even in this  
15:02:55 16 context, would be a troubling thing?---Yes, it would be.  
15:03:00 17 But that's not my ICR.

18  
15:03:01 19 Okay, I understand. So there are other ICRs of Wolf, Peter  
15:03:09 20 Smith and Green. I'll read some examples of them. One is  
15:03:15 21 537, p.537, 4 August 2008 to Officer Wolf. "Suicide and  
15:03:24 22 depression brought up. RS admits has been suicidal twice".  
15:03:30 23 Was that something that was explained to you at any stage,  
15:03:35 24 that she'd said she'd been suicidal twice?---No. It would  
15:03:40 25 have been explained to me if she had been talking of  
15:03:44 26 suicide. I took over back in March of 08. She never said  
15:03:48 27 that to me though.

28  
15:03:50 29 Is that one of the sort of issues you would talk about at  
15:03:53 30 these communal meetings every fortnight or so, if a source  
15:03:56 31 had been mentioning suicide?---Yes.

32  
15:04:03 33 The 28th of the 11th 2008, it's recorded by Officer Peter  
15:04:07 34 Smith that she spoke to a doctor about dreams of killing  
15:04:10 35 herself, nausea, paranoid with fear, using too much  
15:04:13 36 morphine, "120 milligrams yesterday". Is that something  
15:04:19 37 that was explained to you?---Yes.

38  
15:04:21 39 Then on the 5th of the 12th 2008 to Officer Smith, "Duty of  
15:04:26 40 care to human source mental and physical health for proven  
15:04:30 41 assistance over long-term. Has touched on suicide on  
15:04:33 42 several occasions". Did Peter Smith talk to you about  
15:04:36 43 Ms Gobbo's discussion about suicide?---This is in December  
15:04:41 44 08?

45  
15:04:42 46 Yes, that's right?---Yeah, I can't recall and I think I  
15:04:45 47 wasn't in the office at that time.

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I see, all right. Then Peter Smith again on 12 December 2008. "Human source says that doesn't know if can take another two, two and a half years of this type of pressure. 'I don't know if I can do it'." Handler writes, "This is a reference to suicide. Ask what human source meant. Repeated statement then said, 'Maybe in a few weeks if I'm feeling better, I'll feel different but can't imagine going through this amount of stress for another two year'". That's in the period of her turning into a witness and you understand that that was a period of particular pressure on Ms Gobbo?---Yes.

I won't go through all of them. Another on the 18th - or the 16th of the 12th 2008. "Human source brings up suicide. Wouldn't do it by pills because it would affect organs for donation". Is that a conversation that you ever had with Ms Gobbo this was a conversation with Peter Smith. Did she ever talk about methods of suicide with you?---No.

Can I suggest that those entries and a number of other entries paint the picture of a very emotionally troubled woman?---Yes.

Putting to one side her profession and the issues we've talked about, about privilege and conflict, were she not a barrister she's person who you would have to think very carefully about either using as a source or continuing to use as a source simply because of her emotional well-being, you accept that?---Yes, we would - we would obviously wanted her to get medical assistance and psychological help, which we did.

They're the questions, thank you, Commissioner.

COMMISSIONER: Thank you. Mr Collinson.

<CROSS-EXAMINED BY MR COLLINSON:

I just have one subject matter, Commissioner.

COMMISSIONER: We're in open hearing at the moment.

MR COLLINSON: Yes, I think it should be open hearing.

COMMISSIONER: Excellent.

15:06:54 1 MR COLLINSON: I just want to ask you some questions,  
15:06:58 2 returning to the question - I should say my name is  
15:07:01 3 Collinson and I'm one of the barristers for Ms Gobbo. Can  
15:07:07 4 I take you back, please, Mr Fox, to paragraph 35 of your  
15:07:12 5 first statement. Have you got that handy?---Yes, I have.  
6  
15:07:18 7 Mr Woods asked you some questions about motivations. I see  
15:07:24 8 that the question you were answering, as articulated in  
15:07:30 9 paragraph 11, is broken into two component parts. Do you  
15:07:34 10 see it talks about what your understanding was of  
15:07:38 11 Ms Gobbo's initial motivations and then her motivations for  
15:07:43 12 providing ongoing assistance?---Yes.  
13  
15:07:49 14 You've set out, very clearly if I might say, in paragraph  
15:07:56 15 35 I think your primary answer to that. In paragraph 36  
15:08:03 16 you move on to the question of the Hodson murders. Do you  
15:08:07 17 see that in that paragraph?---Yes.  
18  
15:08:10 19 You say, "The source was also motivated to assist with the  
15:08:14 20 Hodson murders. It became apparent over time that she had  
15:08:21 21 maybe unwittingly assisted with the passing of information,  
15:08:25 22 phones and/or documents between parties that ultimately led  
15:08:27 23 to the Hodson murders". Is it fair to interpret what - I  
15:08:34 24 withdraw that. If one looks at the ICRs one can see that  
15:08:41 25 discussions between Ms Gobbo and the handlers about the  
15:08:47 26 Hodson murders didn't really occur for the first year and a  
15:08:52 27 half or so, it was only quite some time into the  
15:08:55 28 relationship that these sorts of discussions developed.  
15:08:59 29 Does that accord with your recollection?---I can only go by  
15:09:07 30 when I was handling her but, yeah, I mean I have read many  
15:09:11 31 of the ICRs and that would be right, seem right.  
32  
15:09:14 33 Where I'm leading with this is to suggest are you intending  
15:09:18 34 to convey in paragraph 36 not that the Hodson murders was  
15:09:26 35 an initial motivation for Ms Gobbo to become a source back  
15:09:29 36 in September 2005, but that it became an ongoing or a  
15:09:35 37 motivation during the relationship to provide ongoing  
15:09:38 38 assistance? It was a bit of a clumsy sentence. Did I make  
15:09:43 39 that clear or not?---Yeah, well it became - I can't say if  
15:09:48 40 that was her motivation before or when she was registered  
15:09:52 41 as a human source, but it became apparent to us over time,  
15:10:00 42 this is how I've written it, that that was a motivating  
15:10:04 43 factor.  
44  
15:10:05 45 Are you able to date when you think that became a  
15:10:07 46 motivating factor in Ms Gobbo's mind? Even a year or a  
15:10:11 47 time period?---Not accurately, no.

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15:10:16 2 But you don't mean to convey, do you, that it was a  
15:10:19 3 motivation for Ms Gobbo when she first became a source in  
15:10:23 4 September 2005?---It's not a motivation it appears she told  
15:10:32 5 us about at that time.

15:10:33 7 Yes, okay. You've set out in paragraph 35 a list of  
15:10:45 8 factors there. You don't say anything there about any  
15:10:54 9 ambition of Ms Gobbo to get a reward. Is it fair to say  
15:10:59 10 it's consistent with your interactions with Ms Gobbo that  
15:11:04 11 you don't recollect that that was ever a motivating factor  
15:11:08 12 in her mind to become a source?---No, it wasn't. You know,  
15:11:16 13 it's clearly documented it was to rid herself of the Mokbel  
15:11:20 14 cartel. However, when you go through the ICRs there are  
15:11:26 15 constant references throughout the time she's with us of  
15:11:29 16 her complaining of not having money.

15:11:33 18 I think she tended to raise a complaint, didn't she, that  
15:11:40 19 acting as such a busy informer for SDU caused her to not  
15:11:45 20 earn as much money in her legal practice?---Yes.

15:11:52 22 I'm not sure how Mr Woods was putting this but do you  
15:11:55 23 remember he asked you some questions about boredom?---Yes.

15:12:02 25 I take it you don't recollect Ms Gobbo ever identifying  
15:12:10 26 boredom as a reason that she thought she had become a  
15:12:15 27 source?---No, not a reason she became a source, no.

15:12:21 29 I think Mr Woods put to you some examples from the ICRs  
15:12:25 30 where if she had nothing to do and she was sitting on the  
15:12:29 31 couch feeling bored she would call SDU handlers, do you  
15:12:33 32 remember those references?---Yes.

15:12:36 34 But you don't recollect her ever drawing a connection  
15:12:39 35 between the conception of boredom and her decision to  
15:12:43 36 become a source, otherwise I presume you would have listed  
15:12:46 37 it in paragraph 35?---That's correct.

15:12:52 39 It's fair to say though, is it - would you agree that  
15:12:56 40 Ms Gobbo came across to you as a lonely person?---Yes.

15:13:06 42 And one can find different ways of expressing this but she  
15:13:12 43 developed some form of emotional dependency, didn't she, on  
15:13:15 44 her relationship with the handlers?---Yes.

15:13:21 46 In the sense that she saw the handlers as people with whom  
15:13:28 47 she had some kind of emotional connection or bond, is that



15:13:34 1 fair to say?---Yes. Her only social circle was with very  
15:13:39 2 serious criminals of Victoria and Australia and we were,  
15:13:48 3 you know, we were the only ones outside that circle who  
15:13:53 4 probably had some type of moral compass.  
5  
15:13:57 6 If I could take you to item F in paragraph 35. I think  
15:14:06 7 Mr Woods suggested that when you put in that reference to  
15:14:13 8 achieve this 3838 was driven in giving her best at all  
15:14:19 9 times and being the best at everything she did, that she  
15:14:22 10 was referring to her conduct as a source and I think in  
15:14:28 11 fairness you agreed with that interpretation. I want to  
15:14:32 12 put to you an alternative interpretation. If you look at  
15:14:37 13 E, Mr Fox, do you see that you say there, "3838 was  
15:14:42 14 frustrated with high level criminals constantly getting  
15:14:46 15 away with very serious crimes" and so on, and then "in the  
15:14:52 16 proceeds of crime the police were not able to detect,  
15:14:55 17 prosecute or prevent". It then says, "In an effort to  
15:14:59 18 achieve 3838 was driven, giving her best at all times and  
15:15:04 19 being the best at everything she did". Did you in fact  
15:15:07 20 mean to convey that what she was meaning in F was that she  
15:15:12 21 - because of her tendency to give of her best at all times,  
15:15:16 22 assisted in this process of allowing high level criminals  
15:15:20 23 to get away with various serious crimes?---She assisted in  
15:15:27 24 the process, what do you mean by that?  
25  
15:15:30 26 I'm really trying to focus on the words "to achieve this"  
15:15:34 27 in F, if you look at those words?---Yes.  
28  
15:15:36 29 What I'm suggesting to you is when you said in that  
15:15:39 30 paragraph "to achieve this", you're referring to what you  
15:15:43 31 said in E?---No, I'm referring to what I say in A to E.  
32  
15:15:51 33 Okay. Just to put it this way then, when you say in F "to  
15:15:57 34 achieve this 3838 was driven in giving her best at all  
15:16:01 35 times", do you mean in being a source or in undertaking  
15:16:06 36 this activity of getting criminals, facilitating criminals  
15:16:13 37 in getting away with their crimes?---Yes, so she had a  
15:16:17 38 demeanour where she - sorry?  
39  
15:16:24 40 Or both?---She had a demeanour where that was her  
15:16:31 41 personality, she would give her best all the time. Even  
15:16:34 42 when we're saying it's time to end the relationship, time  
15:16:37 43 to move on, she's still driven by, "I haven't finished this  
15:16:44 44 task yet, I haven't finished that. I can still do this".  
15:16:49 45 We're saying, "It's time to end, time to move on", but she  
15:16:53 46 wanted to be the best at all times and complete everything.  
15:16:56 47 And she had high expectations of not only herself, very

15:16:59 1 high, but others around her, us and Victoria Police.  
2

15:17:06 3 The views you express as to her motivations in paragraph  
15:17:11 4 35, they're based upon what appears to have been a very  
15:17:16 5 large number of interactions that you personally had with  
15:17:19 6 Ms Gobbo over the period she was a human source?---Yes.  
7

15:17:26 8 I think it's fair to say, isn't it, that Ms Gobbo being the  
15:17:32 9 kind of personality she was, she would often talk to the  
15:17:37 10 handlers about her emotions and motivations?---Yes.  
11

15:17:48 12 I just want to take you to one or two examples. Could you  
15:17:56 13 go in the ICRs, please, or have shown to you ICR 97,  
15:18:03 14 p.1153. Have you got that page?---Yep, it's come up now.  
15

15:18:26 16 Around the middle of the page you'll see a heading "Karl  
15:18:31 17 Khoder" and then some dot points?---Yes.  
18

15:18:36 19 She is talking to you, I think I can say - yes, this is  
15:18:42 20 your ICR and we're in August 2007. So this is I think  
15:18:47 21 fairly early in the commencement of your personal - your  
15:18:51 22 relationship with her in the capacity as a handler. She  
15:18:56 23 describes there the sorts of things I think that you  
15:18:59 24 mention in paragraph 35 of your statement. Do you see in  
15:19:03 25 the fourth dot point she says her original motivation was  
15:19:07 26 to get away from all these people/criminals?---Yes.  
27

15:19:11 28 She thought by talking to police she could get them all  
15:19:14 29 locked up, Mokbel especially?---Yes, Mokbels with an S.  
30

15:19:21 31 But is it correct to say - I mean the way I read some of  
15:19:24 32 these ICRs, Mr Fox - by the time you started to deal with  
15:19:28 33 her, which I think commences around June 2007, she's  
15:19:33 34 already been a source for more than a year and a half,  
15:19:37 35 hasn't she?---Yes.  
36

15:19:40 37 And do you recall that she began to express regret that her  
15:19:52 38 original motivations hadn't really worked?---Yes, because  
15:20:00 39 it became apparent that the people who she was dealing with  
15:20:08 40 had intent, access and ability to make threats and carry  
15:20:13 41 out those threats even whilst in gaol.  
42

15:20:16 43 She makes a reference, one reference to that I think in  
15:20:19 44 about the sixth dot point down on that page, doesn't she,  
15:20:26 45 where she says, "But she said she still can't get away from  
15:20:30 46 these people, even in gaol"?---Yes.  
47

15:20:32 1 And then on top of that, "A particular person talks too  
15:20:35 2 much which causes her new headaches"?---Correct.  
3  
15:20:39 4 Just a couple of other references if I might. ICR 107,  
15:20:58 5 p.1328. Again this is your ICR. So one can see this is a  
15:21:14 6 conversation you had with Ms Gobbo on 29 October 2007 at  
15:21:21 7 5.23 pm. From the note it seems like it must have been  
15:21:28 8 quite a long conversation; is that right?---I'd have to  
15:21:32 9 scroll up to have a look.  
10  
15:21:33 11 It starts on the previous page I think, the note?---If it's  
15:21:39 12 only a page then that's not a long conversation.  
13  
15:21:42 14 Right. This is a page - I think it's more like two pages  
15:21:45 15 because it goes over on to p.1328, do you see?---Yes.  
16  
15:21:52 17 Anyway, on p.1328 about halfway down do you see there's a  
15:21:57 18 note you made, "General talk re when Ms Gobbo turned  
15:22:02 19 informer back in late 2005"?---Yes.  
20  
15:22:07 21 The first dot point says, "Talk re timing of Mr White  
15:22:12 22 speaking to her. It was virtually straight away. It was a  
15:22:16 23 big decision to make and by Mr White seeing her straight  
15:22:20 24 away it did not give her time to second-guess her decision.  
15:22:24 25 General talk about how effective this was and the way she  
15:22:29 26 was feeling at the time. All the circumstances at the time  
15:22:31 27 made her think what she was doing and Mr Mansell, then  
15:22:39 28 Mr White cemented her position that she was doing the right  
15:22:42 29 thing". I think this again is, I think, isn't it,  
15:22:47 30 consistent with some expressions of regret that she put to  
15:22:52 31 you or referred to in discussions with you in the time that  
15:22:56 32 you started to deal with her?---Regret for being a human  
15:23:01 33 source?  
34  
15:23:02 35 Yes?---I don't think I recall her regretting being a human  
15:23:08 36 source.  
37  
15:23:11 38 But do you agree that what she seems to be conveying in  
15:23:15 39 this conversation is that with the benefit of hindsight she  
15:23:23 40 perhaps rushed into a decision in circumstances where she  
15:23:28 41 describes it as a big decision to make?---I disagree she  
15:23:36 42 rushed into the decision. She had ample opportunity at any  
15:23:44 43 stage to not become a source, to leave the relationship,  
15:23:49 44 especially those first three or four meetings.  
45  
15:23:53 46 Yes. I really wasn't so much asking about, you know,  
15:23:58 47 whether her position was justified or not. I was really

15:24:00 1 asking whether you recall her describing that she regretted  
15:24:06 2 making this decision?---No, I don't.  
3  
15:24:13 4 You don't recollect that?---That she - I don't recall her  
15:24:17 5 saying that she regretted making the decision.  
6  
15:24:22 7 Not in terms, but don't you recall that she identified in  
15:24:27 8 her discussions with you that really the objective of  
15:24:31 9 locking up all the criminals to get rid of them out of her  
15:24:37 10 life had, as events turned out, not been  
15:24:45 11 successful?---Yeah, words to that effect.  
12  
15:24:48 13 That's a form of regret, isn't it?---I'd agree.  
14  
15:25:00 15 Perhaps just one last example. In that same ICR, p.1354,  
15:25:14 16 under the heading "SDU management" you'll see it reads,  
15:25:18 17 "Ms Gobbo also complains that for years now she has been"  
15:25:22 18 - I might say this is November 2007 - "Ms Gobbo also  
15:25:26 19 complains that for years now she has been involved with  
15:25:28 20 these people for no money, she claims, because she did not  
15:25:32 21 want us to think bad of her". What was she meaning by the  
15:25:36 22 words "she did not want us to think bad of her", was she  
15:25:41 23 suggesting she didn't want to ask for money because SDU  
15:25:51 24 would look down on her in some way for asking for money for  
15:25:55 25 her efforts, is that what she's conveying there?---I think  
15:25:58 26 it's along the lines with it's inconsistent with her  
15:26:03 27 original motivation.  
28  
15:26:05 29 That it's consistent with?---No, inconsistent.  
30  
15:26:07 31 Everyone else may understand. I'm still not quite sure  
15:26:11 32 what you mean by that?---I'll just read it again.  
33  
15:26:19 34 Sure?---Yes, I understand that to read that - yes, I  
15:26:36 35 understand that to mean that the reference to needing money  
15:26:44 36 was inconsistent with her first motivation, she didn't want  
15:26:48 37 us to think bad of her that it's about the money, not about  
15:26:51 38 her original motivation.  
39  
15:26:53 40 Right. Well is another way of putting that that she was  
15:26:58 41 confirming in this discussion, wasn't she, that she didn't  
15:27:01 42 become an informer for money, do you agree with that so  
15:27:06 43 far?---Yes.  
44  
15:27:06 45 And more particularly, that she didn't want to raise any  
15:27:10 46 questions of money because the SDU handlers would think ill  
15:27:15 47 of her if she did that?---Correct.

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15:27:19 2 But then she also observes that as a result of being an  
15:27:22 3 informer it's effectively cost her money over the years in  
15:27:26 4 terms of what we mentioned earlier, the effect on her  
15:27:28 5 practice?---That's correct. It's not a motivation but it's  
15:27:38 6 a consequence of.

15:27:40 8 Yes. No more questions.

15:27:49 10 COMMISSIONER: Thanks, Mr Collinson. We'll adjourn  
15:27:52 11 shortly. Before we do, are there any applications for  
15:27:55 12 leave to cross-examine?

15:27:58 14 MS DWYER: Yes, Commissioner.

15:28:03 15 MR WAREHAM: Yes, Commissioner.

15:28:06 18 COMMISSIONER: Perhaps we'll deal briefly with those.  
15:28:08 19 Mr Wareham for Mr Barbaro, what line of questioning did you  
15:28:12 20 want to ask?

15:28:13 21  
15:28:13 22 MR WAREHAM: It will just be around, the discrete issues  
15:28:18 23 around the knowledge about the tomato tins matter. I've  
15:28:21 24 got a series of questions that over the weekend I can  
15:28:25 25 provide to the Commission.

15:28:26 27 COMMISSIONER: Yes.

15:28:27 28 MR WAREHAM: In the way that we did it yesterday.

15:28:29 31 COMMISSIONER: Yes, all right. How long would you expect  
15:28:31 32 to be or you're not sure yet?

15:28:34 33  
15:28:35 34 MR WAREHAM: I'm not sure but I would hope less than half  
15:28:39 35 an hour.

15:28:42 37 COMMISSIONER: And Ms Dwyer?

15:28:43 38  
15:28:44 39 MS DWYER: Yes, I have some questions about the  
15:28:48 40 relationship of confidence between Ms Gobbo and Mr Higgs.

15:28:55 42 COMMISSIONER: How long do you expect to be?

15:28:57 43  
15:28:57 44 MS DWYER: Less than half hour I hope. There are some  
15:29:01 45 questions following on from Mr Woods' question about an  
15:29:06 46 instruction not to receive any more intelligence about  
15:29:12 47 Mr Higgs, just to confirm the content of some entries

15:29:16 1 following that, but that shouldn't take that long.  
2  
15:29:18 3 COMMISSIONER: No, no. Thank you. Has counsel assisting  
15:29:23 4 formed a view yet?  
15:29:25 5  
15:29:26 6 MR WOODS: When we haven't discussed it in detail I knew  
15:29:28 7 there was an intention. I've sent a message only while, as  
15:29:32 8 they were getting to their feet, to say if they could send  
15:29:33 9 the questions or the areas to us. But from what's been  
10 explained it seems uncontroversial to me.  
11  
15:29:41 12 COMMISSIONER: It does sound relevant. If you could do  
15:29:44 13 that over the weekend that can be sent to the parties and  
15:29:50 14 we'll deal with it first thing when resume on Wednesday at  
15:29:54 15 9.30.  
15:29:55 16  
15:29:56 17 MS DWYER: Yes, Commissioner.  
18  
19 COMMISSIONER: All right then, we'll adjourn now.  
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21 <(THE WITNESS WITHDREW)  
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15:30:31 23 ADJOURNED UNTIL WEDNESDAY 18 SEPTEMBER 2019  
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