

Sensitive: Legal

**Royal Commission
into the Management of Police Informants**

STATEMENT OF JASON PETER KELLY

1. My full name is Jason Peter Kelly. I am employed by Victoria Police and hold the rank of Superintendent, attached to the Information, Systems and Security Command. I commenced in this role in February 2019.
2. I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 8 March 2019. It is produced in response to a Notice to Produce.

Educational background and employment history

3. I commenced working with Victoria Police in September 1993.
4. After graduating from the academy in February 1994 I performed police duties at numerous inner city police stations, including the Russell Street Police Station, City Watch House / Melbourne Custody Centre, Collingwood Police Station, Melbourne West Police Station and Richmond Police Station. I worked in these locations between 1994 and 1998.
5. In 1998 I was promoted to the rank of Detective Senior Constable at Melbourne Criminal Investigation Unit and worked there until 2001. I then undertook a secondment to another law enforcement agency.
6. In 2003 I transferred back to Victoria Police to the Missing Persons Unit (Homicide Squad) Crime Command.
7. In 2004 I took promotion to the rank of sergeant at the Melbourne West Police Station. After approximately six months in uniform, I transferred on promotion to the role of Detective Sergeant at the Major Drug Investigation Unit (Drug Taskforce) within Crime Command. I worked on major drug investigations during 2004 and 2005.
8. On 20 February 2006, at the request of Detective Inspector Jim O'Brien (the manager of the Purana Taskforce), and on direction of senior management, I transferred with my crew to the Purana Taskforce. I performed the role of supervisor (sergeant) at the Purana Taskforce from 2006 until 2009.
9. In 2009 I was seconded to the role of Staff Officer to the Assistant Commissioner (Dannye Moloney) Crime Command. After a period of approximately six months I was promoted to the rank of Detective Senior Sergeant at the Office of the Chief Examiner (OCE). I was the Operations Manager at the OCE until 2012. The OCE was involved in

Sensitive: Legal

Sensitive: Legal

2

conducting coercive hearings utilising the *Major Crime (Investigative Powers) Act 2004* to summons individuals to attend examinations related to organised crime offences.

10. In 2012 I transferred to the Crime Strategy Unit within Crime Command and commenced duties reviewing investigative practices associated with organised crime and serious crime, including policy and practices within Crime Command and the Regions.
11. In 2013 I was promoted to the rank of Detective Inspector and transferred to Eastern Region (Knox Regional HQ) and performed the role of Regional Crime Inspector. In late 2015 I changed roles to Community Engagement Inspector for Eastern Region. In June 2016 I transferred to the Port Phillip Local Area Command, being the City of Port Phillip Local Government Area.
12. In January 2019 I was promoted to the rank of Superintendent and in February 2019, I commenced at the Blue Connect Project (IT modernisation) as part of the Victoria Police Information, Systems and Security Command.
13. During my career I have completed numerous training courses and programs, including Detective Training School (Diploma Investigations), Advanced Detective Training School, human source training (Victoria Police July 2006) interviewing technique training, brief checking and other relevant training (including online training courses). At each promotion in rank that I have obtained, Sergeant, Senior Sergeant and Inspector Rank, I have also undertaken relevant training.
14. In 2013 I completed a Graduate Certificate in Applied Management (Policing and Emergency Services) at the Australian Institute of Police Management (AIPM), NSW. In 2016 I completed the Graduate Diploma of Executive Leadership (Policing and Emergency Services) at the AIPM. Prior to joining Victoria Police, I completed my Year 12 Victorian Certificate of Education.

Involvement or association with any investigation which had dealings with Ms Gobbo (question 2)

15. For the purposes of responding to this question, I have reviewed my official police diaries and other relevant documents relating to my involvement in investigations which had dealings with Ms Gobbo. While I have made every effort to locate and review relevant email correspondence, I have not been able to access any of my email correspondence for the period before about 2007, and due to limitations in the storage and retrieval of Victoria Police emails, I cannot be certain that I have located all relevant email correspondence.

Awareness of Ms Gobbo's role as a human source

16. I first became aware that Ms Gobbo was a registered human source in around early March 2006, shortly after commencing at the Purana Taskforce.

Sensitive: Legal

Sensitive: Legal

3

17. On [REDACTED] 2006 Detective Senior Constable (DSC) Sean Martin and I conducted physical surveillance opposite the [REDACTED] Street, where ^{P14} [REDACTED] was holding his [REDACTED]. I recall that while we were conducting the surveillance, Detective Senior Sergeant (DSS) Jones from the Source Development Unit (SDU) contacted me and told me that it was unnecessary to undertake the surveillance because a human source was in attendance at the party. A decision was made that DSS Martin and I would continue our surveillance.
18. In the days following ^{P14} [REDACTED] I reported my observations from the surveillance at [REDACTED] to Detective Inspector (DI) Jim O'Brien. I believe that at that time DI O'Brien informed me that:
- a) Ms Gobbo was providing information to the SDU;
 - b) processes and systems were in place to prevent Ms Gobbo from being identified as a human source;
 - c) safeguards and processes were in place to manage concerns that may arise by reason of Ms Gobbo's status as a barrister;
 - d) where appropriate, the SDU would convey to DI O'Brien relevant information emanating from Ms Gobbo;
 - e) DI O'Brien would record this information in his diary; and
 - f) where appropriate, DI O'Brien would provide information to relevant investigators attached to the Purana Taskforce.
19. DI O'Brien did not provide me with details about how Ms Gobbo's status as a barrister would be managed during her use as a human source. However, I recall that he assured me that her use as a human source had been sanctioned and approved at the highest level of Victoria Police.
20. My conversations with DI O'Brien about Ms Gobbo's status as a registered informer are not recorded in my diary. My general practice was to not record details of discussions concerning human sources in order to protect them from the risks to their safety that would arise if they were identified as human sources.
21. Over time, I became aware that DI O'Brien was reporting to the executive management team of Crime Command in relation to the investigations the Purana Taskforce was conducting (including the information that Ms Gobbo provided to Victoria Police). This team included Assistant Commissioner Simon Overland and a cohort of Superintendents, known as the Executive Management Team. While I do not recall exactly when I first became aware of this, my diary notes record, for example, that on 27 July 2007 there was a briefing involving Detective Superintendent Jack Blayney and Acting Superintendent Cecchin.

Sensitive: Legal

Sensitive: Legal

4

22. I also became aware that DI O'Brien attended regular meetings with the Executive Management Team at which he briefed Command in relation to the progress, risk and strategy of the investigations being conducted by the Purana Taskforce. It was my understanding that the Purana Taskforce was also the subject of tasking and coordination reviews conducted at the Taskforce and Senior Command levels. All Purana investigations were documented and recorded on a case management system, known as Interpose. I understood that this allowed Senior Management of Crime Command oversight of investigations carried out by the Purana Taskforce.
23. I was not involved in the recruitment, registration or authorisation of Ms Gobbo as a human source for Victoria Police. I assumed that Victoria Police conducted this registration and authorisation in accordance with the policy that applied at the time. My understanding of that policy is that it required subject matter expert advice including from the Human Source Management Unit (HSMU), the completion of a risk assessment and approval from a senior member of Victoria Police with the rank of Superintendent.
24. While I was a member of the Purana Taskforce, I was aware that Ms Gobbo and other human sources were providing information to the SDU that was disseminated to the Taskforce. These human sources included people who I had recruited as human sources. There were various handlers dealing with Ms Gobbo and the other human sources during the period of my involvement in the Purana Taskforce. Some handlers were more guarded than others about the source of the information provided to me. I was sometimes aware that Ms Gobbo was the source of information I received.
25. During this time, in addition to information I received from the SDU, I also received information from the Australian Crime Commission (ACC). Some of this information was similar to information I received from the SDU. For example, my diary notes record that on [REDACTED] 2006 I received information from the ACC concerning drug manufacturing by [REDACTED]. I was informed by the ACC of the number of the human source who provided this information and I know that this source is not Ms Gobbo. There are similar entries in my diary on 22 March 2006, 19 April 2006 and 25 July 2006.
26. I trusted that Victoria Police had put in place safeguards to protect the identities of the human sources who provided information for use by the Purana Taskforce. I also trusted that Victoria Police had put in place safeguards to ensure that I did not receive information that was subject to legal professional privilege or was otherwise confidential and inappropriate for me to receive and act on.
27. I believe that I became aware in around early 2009 that Ms Gobbo had been de-registered as a human source. As a member of the Purana Taskforce, I was aware that Ms Gobbo was to be utilized as a Crown witness and so had ceased being a registered human source.

Sensitive: Legal

Sensitive: Legal

5

Purana Taskforce

28. On 20 February 2006, at the request of DI O'Brien (the manager of the Purana Taskforce) and as directed by management, I transferred with my crew to the Purana Taskforce. My crew comprised of Detective Senior Constables Sean Martin, Tim Johns and Haydn Beale. The Purana Taskforce was focused on the investigation of significant offences involving organised crime networks, including murder, conspiracy to murder, major drug manufacturing and trafficking, money laundering, proceeds of crime offences and serious firearms offences. This was in the context of an extended period from around 2000 in which there had been numerous murders and other serious crimes which were directly linked to the illicit drug trade controlled by organised crime networks in Victoria, particularly the Mokbel criminal network. There was also significant concern about the close personal association between some members of the legal profession and organised crime figures, and the involvement of some lawyers in the illegal activities of organised crime syndicates.
29. I performed the role of supervisor (sergeant) at the Purana Taskforce from 2006 until 2009. This role involved supervising a crew of investigators. The focus, as per my tasking and briefing, was to dismantle the established Mokbel criminal network under the banner of Operation Posse.

Operation Posse

30. On my arrival at the Purana Taskforce my crew assisted with investigations relating to Operation Posse. Operation Posse targeted the Mokbel family and their associates. My involvement in Operation Posse included investigations that resulted in the arrests of P14 [REDACTED] and others. I had dealings with Ms Gobbo in relation to these arrests. I have reviewed my diary notes for the period relevant to these arrests. On the basis of this review, I have prepared a summary of my involvement in these matters as follows.
31. My diary notes record that on [REDACTED] 2006 and [REDACTED] 2006, my crew conducted surveillance targeted at locating P14 [REDACTED] drug lab. Detective Sergeant Dale Flynn's crew had been tasked with directly targeting P14 [REDACTED] and locating his lab. However, due to time pressures, my crew supported DS Flynn's crew as needed, including by conducting physical surveillance.
32. On 6 April 2006, I have a note in my diary of a briefing being conducted with Detective Superintendent Biggin and crew sergeants regarding Operation Posse and surveillance. It was not unusual for briefings of this nature to be conducted involving senior members of Crime Command and Intelligence and Covert Support Command.
33. I was present when P14 [REDACTED] and [REDACTED] were arrested on [REDACTED] 2006. Members of DS Flynn's crew were the primary investigators and informants in relation to these arrests. As a result, I had limited direct contact with P14 [REDACTED] and [REDACTED] on [REDACTED]

Sensitive: Legal

Sensitive: Legal

6

2006 and I am not aware of the details of the discussions that occurred between members of DS Flynn's crew and P14 and [REDACTED]. From my review of my diary notes for Saturday [REDACTED] 2006, I believe that:

- a) I was recalled to duty at 1.00 pm and received a briefing regarding the pending arrest of P14 at an address in [REDACTED]
 - b) At around 2.15 pm DSC Beale and I made our way to the address in [REDACTED] where various other police members were present.
 - c) After P14 and [REDACTED] were arrested, P14 was placed into the initial custody of DSC Beale.
 - d) At the St Kilda Road Police Station initial interviews of P14 and [REDACTED] were conducted and suspended.
 - e) Both suspects spoke by telephone with Ms Gobbo and Ms Gobbo informed them that she would attend the police station.
 - f) At 4.25 pm Ms Gobbo attended and spoke with P14 and [REDACTED]
 - g) At 7.10 pm Ms Gobbo attended and spoke with P14
34. I was not completely comfortable with Ms Gobbo attending as P14 lawyer. However, I was confident that DI O'Brien the SDU and the Executive Management Team of Crime Command would have in place appropriate strategies to manage the potential conflict while ensuring that Ms Gobbo's safety was not compromised.
35. In the period following the arrest of P14 [REDACTED] until around August 2006, I was involved in gathering further evidence about the Mokbel criminal network resulting in the arrests of Milad Mokbel, Abdul Khoder, Tony Bayeh and others.
36. From my review of my diary notes from this period I believe that:
- a) On 23 April 2006 I received a briefing from DI O'Brien in relation to Operation Posse next steps. I was tasked as an arrest crew. The operation was stood down later that day for tactical reasons.
 - b) On 24 April 2006 I received a further briefing from DI O'Brien. I was again tasked as an arrest crew.
 - c) On 25 April 2006 I received a further briefing from DI O'Brien. I was tasked as an arrest crew for Horty Mokbel. At approximately 6.50 pm I attended at an address in Brunswick where a search warrant was executed. Milad Mokbel was arrested. My crew arrested Abdul Khoder and conveyed him to the Brunswick Police Station where a statement was taken from him.

Sensitive: Legal

Sensitive: Legal

7

- d) On 26 April 2006 my crew executed a search warrant and arrested Tony Bayeh. DSC Tim Johns of my crew was the informant in relation to Tony Bayeh. At 3.08 am I had contact with DS Stanton from the SDU but I cannot recall what that related to. At 7.30 am Mr Bayeh was lodged at the Melbourne Custody Centre awaiting a remand application. Mr Bayeh was not represented by Ms Gobbo.
 - e) On 2 May 2006 my crew arrested Alk Hammoud. Mr Hammoud was charged and remanded in custody. He asked to speak with Ms Gobbo and I telephoned her to inform her of Mr Hammoud's remand.
 - f) On 16 May 2006 I was informed that Mr Hammoud wished to have a meeting with investigators regarding a statement. On 19 May 2006, Mr Hammoud provided a statement to DSC Hayden Beale. Mr Hammoud ultimately pleaded guilty and gave evidence against Horty Mokbel and Tony Bayeh.
 - g) On 6 June 2006 I spoke with Ms Gobbo regarding service of the Hammoud brief of evidence on her instructing solicitor, Leanne Warren. I did not have any further involvement with Ms Gobbo in relation to Mr Hammoud's matter.
 - h) On 8 June 2006 I attended the County Court for a plea hearing in an unrelated matter and Ms Gobbo was the defence barrister.
 - i) On 16 June 2006, at about 10.55 pm, I arrested Abdul Khoder at an address in Coburg. At Mr Khoder's request, I attempted to contact his brother as well as Ms Gobbo and Zarah Garde-Wilson to inform them of his arrest. He was conveyed to St Kilda Road Police Station where I commenced and then paused an interview while waiting to hear from Ms Gobbo or Ms Garde-Wilson. Ms Gobbo attended at about 12.00 am and had a discussion with Mr Khoder. At 12.35 am he had a separate discussion with Ms Garde-Wilson. I recommenced the interview with Mr Khoder at about 2.19 am. Mr Khoder made no comment and I terminated the interview at 2.27 am. At 2.35 am I prepared an arrest report and released Mr Khoder pending a summons application.
 - j) On 17 June 2006 I spoke with DS Stanton regarding the arrest of Mr Khoder. DS Stanton provided me with a mobile telephone number for Mr Khoder's brother, which Mr Khoder had already given me.
 - k) On 18 August 2006, Mr Khoder was arrested and re-interviewed. Ms Garde-Wilson attended the police station and was present during the interview.
37. My diary notes record that on [REDACTED] 2006, I attended the Melbourne Magistrates' Court for a committal mention regarding [REDACTED]. That day, there were also applications or mentions regarding [REDACTED]. [REDACTED]^{p14} Ms Gobbo appeared on behalf of [REDACTED] in a contested application for [REDACTED].

Sensitive: Legal

Operation Dotard

38. Operation Dotard targeted organised crime figures concerning the manufacture and trafficking of methylamphetamines, including Horthy Mokbel, Stephen Gavanas and Mohammed Khoder. I was the primary investigator on Operation Dotard.
39. My involvement in Operation Dotard commenced in around June or July 2006, although I am aware that Victoria Police had earlier received intelligence from the ACC and the SDU concerning Operation Dotard. In August 2006 the investigation focused on locating the safe house used to manufacture methylamphetamines.
40. On 9 October 2006, I arrested Mr Gavanas and Mr Khoder. I was the informant in relation to the charges against Mr Gavanas. The operation also resulted in the arrest of Horthy Mokbel in around April 2007.
41. On 6 December 2006 Joseph Ferola was arrested in relation to Operation Dotard. My diary notes from this date record that Mr Ferola asked Horthy Mokbel to notify Ms Gobbo of his arrest. Mr Ferola ultimately spoke with a lawyer called Steve Andrianakos.
42. I have reviewed my diary notes for the period relating to my involvement in Operation Dotard. My diary notes do not record me having any direct contact with Ms Gobbo in relation to Operation Dotard. However, I recall that surveillance undertaken as part of this investigation recorded occasions when Horthy Mokbel and Stephen Gavanas were observed socialising with Ms Gobbo.

Operation Tool

43. Operation Tool followed on from Operation Dotard and was a joint AFP and Victoria Police Operation which targeted Horthy Mokbel's suspected receipt of imported chemicals used in the manufacture of methylamphetamine. I had oversight of Operation Tool in conjunction with DS Flynn.
44. As part of Operation Tool, I undertook investigations in around April 2007 concerning a suspected drug transaction involving Horthy Mokbel. As part of that investigation, I made enquiries on 10 April 2007 about a vehicle that had been involved in the transaction. I believe that a member of the Mokbel crime network became aware of these enquiries and made a telephone call to Tony Mokbel in Greece advising him of the police interest.
45. My understanding is that this and other physical surveillance resulted in a source providing information which ultimately led to the arrest of Tony Mokbel in Greece. The operation which targeted Tony Mokbel's arrest in Greece was called Operation Magnum. I am not aware of Ms Gobbo providing any information which assisted

Sensitive: Legal

9

Operation Magnum and on the basis of the matters set out above, I do not believe that she played any part in Tony Mokbel being located and arrested in Greece.

46. On 25 September 2007, I received information from a criminal barrister (who is not Ms Gobbo and was not a human source) concerning a contract being taken out against the life of a prosecution witness in relation to Operation Tool. The details of this are recorded in my diary. On 26 September 2007 I received a telephone call from DS Bourne of the SDU. He provided me with similar information originating from Ms Gobbo.

Operation Gosford

47. Operation Gosford concerned investigating and responding to threats made against Ms Gobbo. From around late 2006, Ms Gobbo received text message in which threats were made against her. Detectives from the Purana Taskforce including DS Flynn and DSC Rowe were investigating those threats.
48. From my review of my diary notes, I believe that I had the following involvement in Operation Gosford:
- a) I have a note in my diary on 26 July 2007 regarding a subscriber check that had been conducted on one of the mobile telephone numbers which had sent a threatening text message to Ms Gobbo. That check revealed that the mobile telephone had been falsely registered using my name.
 - b) On 4 September 2007 I received a telephone call from Ms Gobbo and I advised her to contact DSC Flynn regarding Operation Gosford.
 - c) On 19 November 2007 I met with DSC Paul Rowe regarding Operation Gosford.
 - d) On 11 December 2007 I contacted Ms Gobbo to advise her that Paul Rowe was taking leave until 22 December 2007 and that I would be her contact during that time, should she receive any threats.
 - e) On 13 December 2007 Ms Gobbo contacted me about four threatening text messages she had received. The contents of the messages are set out in my diary. My notes record that I had contact with Ms Gobbo in relation to her welfare. My notes also record that a subscriber check established that the threats had been sent from a mobile telephone had been falsely registered using the name of another Purana Taskforce detective.
 - f) On 24 December 2007 I contacted Ms Gobbo to advise that I was commencing leave and that Paul Rowe would be her contact in relation to any threats she received.
 - g) On 4 March 2008 I received a call from Ms Gobbo regarding a call that she had received from Tony Bayeh in which he accused her of influencing other people to inform on him.

Sensitive: Legal

Sensitive: Legal

10

- h) On the evening of 16 April 2008 I received a telephone call from Inspector Bernie Edwards (who was then the Inspector in charge of the Purana Taskforce) who informed me that Ms Gobbo's car had been the subject of an arson attack. Inspector Edwards tasked me with attending the scene to provide some assurance to Ms Gobbo and establish the facts surrounding the arson attack so that an investigation could commence. While on my way to the scene, I recall receiving a further call from either a member of the SDU or Inspector Edwards who instructed me not to attend the scene due to a concern that if my attendance was observed by a member of an organised crime syndicate, it may have raised suspicion about Ms Gobbo's relationship with Victoria Police. This was because it would have been unusual for a member of the Purana Taskforce to have been called to this type of incident. I did not take a diary note of the call that I now remember receiving. I instead met with Ms Gobbo at her home to obtain information about the arson attack and provide her with an assurance that the Purana Taskforce would investigate the matter.
 - i) On 17 April 2008 I contacted Ms Gobbo and informed her that Detective Sergeant Mark Butterworth from the Purana Taskforce was investigating the arson attack.
 - j) On 11 July 2008 I received a call from Ms Gobbo regarding Operation Gosford. From my notes, it appears that Ms Gobbo had received further threats. I left a message with Paul Rowe asking him to contact Ms Gobbo in relation to those threats.
 - k) On 15 July 2008 my diary notes record that DSC [REDACTED] informed me that Ms Gobbo had received a text message containing threats from a payphone.
49. From my review of my diary notes, I do not believe I had further involvement in Operation Gosford after about July 2008. However, my notes record that on 2 June 2009 I provided a briefing to the Petra Taskforce about the threats made against Ms Gobbo and the arson attack. The Petra Taskforce was then managing Ms Gobbo as a Crown Witness.

Operation Spake

50. From around mid-2007 I was the supervising sergeant in Operation Spake. Operation Spake was a major drug investigation focussed on Matthew and Wayne Finn and their involvement in the Mokbel criminal network.

Sensitive: Legal

Sensitive: Legal

11

51. In early 2008 I had contact with Ms Gobbo about her client, ^{P15} [REDACTED] who she informed me was prepared to make a statement in relation to [REDACTED] matters involving [REDACTED]. The focus of my investigation was on drug related charges against [REDACTED] and so information regarding the [REDACTED] matters were not a priority for me. My diary notes and emails from this period record that I had contact with Ms Gobbo in relation to ^{P15} [REDACTED] on the following dates:

- a) On 18 January 2008 I returned a missed telephone call from Ms Gobbo. When I spoke with her she informed me that ^{P15} [REDACTED] was prepared to make a statement in relation to [REDACTED] that he had taken out on behalf of [REDACTED].
- b) On 1 February 2008 I spoke with Ms Gobbo who again informed me that ^{P15} [REDACTED] was prepared to make a statement.
- c) On 12 February 2008 I spoke again with Ms Gobbo regarding the statement.
- d) On 15 February 2008, I received an email from Ms Gobbo informing me that ^{P15} [REDACTED] had collected the files 'as discussed' and she now had them to draft a statement. I responded acknowledging her email on 18 February 2008.¹
- e) On 19 February 2008 I spoke with Ms Gobbo regarding the statement.
- f) On 21 February 2008, Ms Gobbo emailed me a copy of the draft statement. I reviewed the statement but considered that it was of no value to Operation [REDACTED].
- g) On 22 February 2008 I made arrangements for a Purana Detective to take a statement from ^{P15} [REDACTED].
- h) On 25 February 2008 I received an email from Ms Gobbo stating ^{P15} [REDACTED] was aware that his meeting to finalise the statement had been cancelled.³
- i) On 26 February 2008 I responded to Ms Gobbo's email of 25 February 2008 and informed her that I had spoken with Shane Kenna who was 'happy with the situation'.⁴ My recollection is that Mr Kenna was a solicitor at the Office of Public Prosecutions.

52. I referred this matter to the [REDACTED] team within the Purana Taskforce.⁵ This is because the [REDACTED] matters involving [REDACTED] were not

1 VPL.0005.0112.0042
2 VPL.0005.0112.0042
3 VPL.0005.0112.0044
4 VPL.0005.0112.0044
5 VPL.0005.0112.0042

Sensitive: Legal

centrally relevant to the drug investigations that were my focus in this time. I do not recall whether a statement was ultimately taken from^{P15}

Other contact with Ms Gobbo

53. I had contact with Ms Gobbo in her capacity as a barrister in unrelated cases:

- a) On 26 and 27 April 2007 at the committal hearing for Chris Orfanidis, I gave evidence and believe I may have been cross-examined by Ms Gobbo.
- b) On 27 July 2007 a bail application for Chris Orfanidis was heard in the County Court. Ms Gobbo appeared on behalf of Orfanidis, instructed by Leanne Warren. Bail was granted. I can't recall whether I gave evidence.
- c) On 27 January 2009 I served a summons on Pasquale Barbaro at the Wheat Café in Lonsdale Street and Ms Gobbo was present.

54. My diary notes also record that I had the following minor and unplanned contacts with Ms Gobbo:

- a) On 1 November 2009 I had brief contact with Ms Gobbo when I saw her in the street;
- b) On 30 January 2010 I again saw Ms Gobbo briefly in the street;
- c) On 28 July 2012 I had contact with Ms Gobbo when I was off duty and by chance saw Ms Gobbo and had a brief discussion with her. My diary notes record that we had a general discussion and Ms Gobbo made some comments regarding^{P14}
- d) On 29 October 2012, I had incidental contact with Ms Gobbo when I was off duty and saw her in the street. My notes record that Ms Gobbo made some general statements about recent articles that had appeared in the media and the Hodson murders.

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

Question 3

55. I refer to my response to question 2 above.

Question 4

56. I believe that each of the members of Victoria Police referred to in my answer to question 2 above were aware that Ms Gobbo was providing information or assistance to Victoria

Police. This includes members of the Purana and Petra Taskforces, SDU and HSMU and the Executive Management Team of Crime Command and Intel and Covert Support Command, including Executive Command of Victoria Police.

57. I do not know whether any people within other policing or law enforcement agencies were aware that Ms Gobbo was providing information or assistance to Victoria Police.

Question 5

58. I was not involved in the authorisation or continued authorisation of Ms Gobbo's use as a human source. It is my understanding that was managed through the SDU. I am aware that the Victoria Police policy that applied at the time required that a superintendent provide approval for the registration of a human source.

Question 6

59. I believe that I have detailed all relevant contact with Ms Gobbo in my response to question 2 above. It is possible my diaries include other incidental contact with Ms Gobbo.

Questions 7-8

60. My response to question 2 sets out my knowledge of the information and assistance that Ms Gobbo provided to Victoria Police.
61. In addition, I have been shown the following references to me in Informer Contact Reports concerning Ms Gobbo:
- a) On 15 March 2007 there is a reference to information being disseminated to DS Kelly regarding Karam and Atiyeh and drug related activities.⁶ I have a note in my diary on 22 March 2006 where I was informed by DS Anderson of intelligence regarding Atiyeh. I do not have a recollection that this information originated from Ms Gobbo. At that time I was receiving information from the SDU which came from various human sources. In any event, I had no involvement in any subsequent arrest of Atiyeh.
 - b) On 23 March 2007 there is a reference to information being disseminated to me by DS Anderson regarding Karam, H. Mokbel, Myer Dagher and Michael Haddara.⁷ I don't have a specific recollection of receiving this information and do not have a note of this in my diary. I do not believe I acted on this information.

⁶ VPL.0009.0002.0473

⁷ VPL.2000.0003.2277

- c) On 16, 17 and 19 April 2007 there are further references to me being verbally notified of information regarding drug related activity by Atiyeh.⁸ I don't recall receiving this information and do not have a note in my diary.
- d) On 10 October 2007 there is a reference to me being verbally notified of information concerning Tony Bayeh.⁹ I don't recall receiving this information and I don't have a note of this in my diary. I was already investigating Tony Bayeh at this time.
- e) On 11 June 2008 there is a reference to me being verbally notified by DS Bourne of Rob Karam's telephone number.¹⁰ I don't recall receiving this information and don't have a note of this in my diary. I believe that Victoria Police would have already had Mr Karam's telephone number.
- f) On 16 June 2008 there is a reference to me being verbally notified by DS Bourne of information regarding money laundering activities.¹¹ I have a brief note in my diary for 18 June 2008 about this. I believe this information would have been forwarded by Information Report in due course and noted for intelligence including by our Criminal Proceeds team.

Concerns in relation to Ms Gobbo (questions 9-11)

Question 9

62. As I have noted in my response to question 2 above, I believe that Victoria Police was aware that there was risk involved in the use of Ms Gobbo as a human source because of her professional status. It was my belief that safeguards and processes were in place to manage this risk.

Question 10

63. I believe that there were some concerns held by certain members of Victoria Police who knew that Ms Gobbo was a registered human source that she may have been providing information back to the organised crime networks or individuals within those networks. By this I mean, some members of the Purana Taskforce were concerned that Ms Gobbo may have been gathering information about police investigations for the benefit of members of organised crime syndicates.
64. I received some intelligence which suggested that Ms Gobbo may have been providing information to members of the Mokbel criminal network.

⁸ VPL.2000.0003.2375

⁹ VPL.2000.0003.2882

¹⁰ VPL.2000.0003.1140

¹¹ VPL.2000.0003.1175

65. On 19 April 2006 I received information from the ACC which indicated that Ms Gobbo had advised Horthy Mokbel and Tony Bayeh that they were being investigated by Victoria Police. On 20 April 2006 I reported this to DI O'Brien. I expect that DI O'Brien would have communicated this information to the SDU for the purposes of the SDU conducting a risk assessment on Ms Gobbo and the intelligence.
66. On 9 July 2007 I received information [REDACTED] that Robert Karram was receiving information from Nicola Gobbo and passing it onto Ibrahim Kurnaz regarding the statements of P14. I notified DSC Tony Hupfeld about this, as he was investigating Mr Kurnaz at the time. I don't have a note of this, I believe I would also have notified DS Flynn and DI O'Brien of this information.

Question 11

67. I am not aware of any discussions within Victoria Police concerning the obligation of disclosure in relation to Ms Gobbo's use as a human source. Victoria Police's policies, practices and all of my training emphasised the importance of ensuring that the existence and identity of human sources were not disclosed.

Other human sources (question 12)

68. I am not aware of any other human sources who have provided information or assistance to Victoria Police and who were subject to legal professional obligations of confidentiality or privilege.

Relevant training (question 13)

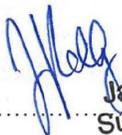
69. I have not undertaken a review of the course content of the training I have undertaken. However, in response to question 13, I recall receiving the following training or retraining while employed by Victoria Police in relation to the identified topics:
- a) Obligations of disclosure – believe this would have been covered in DTS and other courses I have completed but do not have a specific recollection of the training.
 - b) Right of an accused person to silence – this is a fundamental principle that is taught at the Police Academy.
 - c) Right of an accused person to a lawyer – this is also a fundamental principle taught at the Police Academy.
 - d) Legal Professional Privilege – I received basic training about this at the Academy.

- e) Public Interest Immunity – This was taught to me “on the job” as a result of receiving legal advice and guidance on subpoenas calling for production of documents from me.
- f) Professional and ethical decision making – starts in the academy and is emphasised and developed through subsequent training and on the job guidance.

Other relevant matters (question 14)

70. I am not aware of any further relevant matters.

Dated: 12 June 2019


..... Jason KELLY
Superintendent
Jason Peter Kelly

Non-PDF and Non-Image File

Document ID: VPL.0014.0038.0001

Page Number: 17

Page Label: Text

File Name: VPL.0014.0038.0001.txt