

**Royal Commission****into the Management of Police Informants****STATEMENT OF PHILIP EDWARD SWINDELLS**

1. My full name is Philip Edward Swindells. I am a retired member of Victoria Police.
2. I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 19 March 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.

**Educational background and employment history**

3. I was a member of Victoria Police for 37 years.
4. I commenced employment with Victoria Police in June 1975. I graduated from the Police Academy in November 1975 and was appointed to Russell Street Headquarters as a Constable performing general duties. A summary of my employment history since that time is set out below:
  - Between 1975 and 1977, I performed general duties as a Constable at the Russell Street Headquarters, Flinders Lane, City Watch House, Port Melbourne and Bentleigh Stations;
  - Between 1977 and 1979, I performed traffic duties as a Constable with the Traffic Operations Group;
  - Between 1979 and 1982, I was promoted to Detective Constable, then Detective Senior Constable, in Criminal Investigations at the Russell Street, Carlton and Reservoir Criminal Investigation Branches;
  - Between 1982 and 1986, I was a Detective Senior Constable in Investigations at the Armed Robbery Squad;
  - In 1986, I was promoted to Sergeant and performed general duties at the Moonee Ponds Station;
  - In 1987, I performed special duties and drug enforcement as Sergeant Team Leader at Moonee Ponds DSG;



- Between 1988 and 1990, I was promoted to Detective Sergeant and was Team Leader in Criminal Investigations at the Armed Robbery Squad;
- Between 1990 and 1992, I was a Supervisor (Detective Sergeant), Criminal Investigations at the Geelong Criminal Investigation Branch;
- Between 1992 and 1996, I was a Supervisor (Detective Sergeant), Investigations at the Homicide Squad;
- In 1996, I was promoted to Senior Sergeant and performed general duties as a District Reliever at the Altona North Station;
- Between 1997 and 1998, I was the Officer in Charge (Senior Sergeant) of the Westgate Drug Task Force;
- In 1998, I was promoted to Detective Senior Sergeant and was Unit Leader - Drug Investigations at the Drug Squad;
- In 1998, I also undertook secondments as the Officer in Charge (Detective Senior Sergeant) of the Squad and Investigations at the Rape Squad and Armed Robbery Squad;
- Between 1998 and 2006, I was the Team Leader – Investigations (Detective Senior Sergeant), at the Homicide Squad. On a number of occasions during that time, I performed the role of Detective Acting Inspector In Charge at the Homicide Squad;
- Between 2003 and 2005, I was Detective Senior Sergeant In Charge of Gangland Murder Investigations at the *Purana Taskforce*. On a number of occasions during that time, I performed the role of Detective Acting Inspector In Charge at the *Purana Taskforce*;
- In 2006, I was promoted to Detective Inspector and between 2006 and 2008, I was Team Leader - Police Misconduct/Corruption at the Ethical Standards Department. On a number of occasions during that time, I performed the role of Detective Acting Superintendent, Unit Manager - Police Misconduct/Corruption at the Ethical Standards Department;
- Between 2008 and 2010, I was Police Service Area Manager (Inspector) for Geelong. On a number of occasions during that time, I performed the role of Acting Superintendent, Divisional Manager for Geelong;





- I formally retired from Victoria Police in 2012 due to ill health.
5. I have completed the following qualifications:
- Graduate Certificate in Public Sector Management;
  - Graduate Certificate in Fraud Investigation; and
  - Diploma in Front Line Management.
6. I have received the following professional awards:
- (a) Service Medals;
  - (b) Chief Commissioner's Certificate; and
  - (c) Several Commendations and a District Commendation.

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

7. I had involvement with two investigations that had dealings with Ms Gobbo. This involvement occurred while I was a Detective Senior Sergeant at the *Purana Taskforce* between 2003 and 2005 and as a Detective Inspector at the Ethical Standards Department (**ESD**) in 2006. The relevant ESD investigation was *Operation Khadi*. I describe the two investigations below.
8. I have only had access to my Victoria Police Official Diaries for the period 8 January 2006 and 5 December 2008, for the purposes of preparing this statement. I left my Official Diaries with Victoria Police when I retired in 2012. My other Official Diaries have not yet been located.
9. I have therefore prepared this statement from my best recollections of the period prior to 8 January 2006, including my time at the *Purana Taskforce* between 2003 and 2005.

*Purana Taskforce*

10. I was the Detective Senior Sergeant in charge of the *Purana Taskforce* at the time of its establishment in March 2003. I reported to Detective Inspector Andy Allen at the Homicide Squad.
11. The *Purana Taskforce* was established following a number of murders committed by members of rival criminal enterprises. The first of those murders that I recall was that of Paul Kallipolitis in Sunshine in October 2002. I was a Detective Senior Sergeant at

the Homicide Squad at that time. Andrew Veniamin (**Veniamin**) was a suspect for that murder.

12. The objective of the *Purana Taskforce* was to disable the criminal enterprises responsible for the murders. Veniamin was our first target.
13. Towards the end of 2003, [PII] a member of Carl Willams' criminal enterprise, was arrested and charged with [PII].  
[PII] I met with him on a number of occasions whilst he was in prison as he had indicated that he was willing to assist police. I recall that Detective Sergeant Stuart Bateson attended some of the meetings with me. I do not recall the dates of the meetings.
14. The purpose of the meetings with [PII] was to obtain information from him about the involvement of others in that series of murders. [PII] was hoping to negotiate a plea deal in relation to his own charges.
15. I also recall meeting with [PII] in prison with then Assistant Commissioner Crime, Simon Overland, on one occasion. I do not recall the date of this meeting. [PII] wanted to meet with then AC Overland because he was seeking some form of guarantee that Victoria Police would assist him in his upcoming plea.
16. I recall being informed by D/S Bateson and Detective Senior Sergeant Gavan Ryan at a later date that [PII] and [PII] were assisting police in return for a deal in relation to their own charges. I was not briefed on the details of those matters. The negotiations in relation to deals for the witnesses took place between the Office of Public Prosecutions and the legal representatives of [PII] and [PII].
17. I do not recall whether Ms Gobbo was representing [PII] and I do not recall having any contact with Ms Gobbo in relation to my dealings with [PII]. I do not recall whether Ms Gobbo was representing [PII] or [PII].
18. In March 2004, Veniamin was murdered. I attended the crime scene and investigated that murder. As a result of this murder, Victoria Police determined that the *Purana Taskforce* required more resources and more senior members. The inaugural Detective Inspector appointed to the *Taskforce* was Andy Allen.

[PII]



19. As the *Purana Taskforce* grew, the crews were separated physically in our office due to a lack of space. I led the crews on my side of the floor and D/S/S Ryan led the crews on the other side. We were also in charge of administrating and overseeing the investigations. D/S/S Ryan and I generally did not conduct formal interviews or have close involvement with offenders.
20. My crew and I transferred back to the Homicide Squad in 2005, almost two years to the day after we started at the *Purana Taskforce*.

*Ethical Standards Department (ESD) - Operation Khadi*

21. *Operation Khadi* related to a 2006 investigation by the Victoria Police Ethical Standards Division (ESD) of police member, <sup>John Brown</sup>
22. I was a Detective Inspector at ESD at the time of *Operation Khadi*. Detective Inspector Lindsay Attrill of ESD was in charge of *Operation Khadi*. I believe that D/I Attrill asked me to introduce him to Ms Gobbo because he had not previously had contact with her. I believe that D/I Attrill asked me to introduce him to Ms Gobbo.
23. I do not have an independent recollection of the nature of the investigation into Mr <sup>John Brown</sup> but I have now been shown a summary of a recording of a meeting between myself, D/I Attrill and Ms Gobbo on 24 July 2006. It appears that there was an allegation that Mr <sup>John Brown</sup> had stolen money. I cannot recall why D/I Attrill wanted to speak with Ms Gobbo in relation to the <sup>John Brown</sup> investigation. I am not aware of the outcome of *Operation Khadi*.

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

Question 3

24. I first became aware of Ms Gobbo providing information or assistance to Victoria Police in 2006 in relation to the <sup>John Brown</sup> investigation. I did not know that Ms Gobbo was a registered human source at the time.

Question 4

25. I refer to my answers to questions 3 and 6. I do not know if D/I Atrill was aware that Ms Gobbo was a registered human source at the time of the meeting.
26. I otherwise have no knowledge of these matters.

Question 5

27. I have no knowledge of these matters.

Question 6

28. Without access to all of my Official Diaries, I can recall having contact with Ms Gobbo on the below occasions in 2003 and 2006. I do not recall having had any other direct contact with Ms Gobbo. She may have represented individuals whom I arrested but I cannot now recall any specific conversations between us. I may also have bumped into her around the courts and during the court process in her role as a defence lawyer.

*Contact in 2003*

29. I recall one occasion on which Ms Gobbo cross examined me when she was representing Lewis Moran (**Moran**) in relation to an Application to Vary Bail. I believe this was in about mid-2003. Moran was on bail for drug trafficking. I gave evidence before Magistrate Hannan about safety concerns regarding Moran. Moran was subsequently murdered on 31 March 2004.
30. I also have a recollection of having a conversation with Ms Gobbo upon the steps outside of the Melbourne Magistrates' Court in 2003. I am unable to now recall the date upon which the discussion occurred but I believe it was after the Application to Vary Bail for Moran. The discussion was initiated by me to Ms Gobbo in which I said that I was aware that she had been threatened by Veniamin (for representing Moran) and that she had been the victim of damage to property. I was aware of this because of intelligence gathered by the *Purana Taskforce* via telephone intercepts and listening devices.
31. Ms Gobbo responded that she declined to make a formal report for fear of reprisal. She told me that she had made a Statutory Declaration detailing all threats made against her, which had been placed into a safe. She told me that she had made the Statutory Declaration so that if she was killed, Victoria Police would know who was responsible.
32. I raised the threat with her to convey that the *Purana Taskforce* had extensive information. I wanted her to feel comfortable to disclose threats to us so that we could assist her and investigate. Because Andrew Veniamin was our first target at the *Purana*



*Taskforce*, we wanted to know as much as we could about him. Ms Gobbo was however, not interested in providing further information about the threats.

*Contact in 2006 – Operation Khadi*

33. My Official Diary records the following entries in relation to Ms Gobbo and the <sup>John Brown</sup> investigation, which was the subject of *Operation Khadi*. I do not have an independent memory of these conversations and have been assisted by my Official Diary entries:

- (a) On Tuesday 27 June 2006<sup>4</sup>, I rang and left a message for Ms Gobbo. This was in relation to the <sup>John Brown</sup> investigation. D/I Attrill had asked me to put him in contact with Ms Gobbo.
- (b) On Wednesday 28 June 2006<sup>5</sup>, I retrieved a voicemail message from Ms Gobbo and later rang and spoke to her. We engaged in general talk about Tony Mokbel and the *Purana Taskforce*. I cannot recall any of the detail of that conversation. I then spoke to her about the <sup>John Brown</sup> investigation and the introduction to D/I Attrill.
- (c) On Friday 14 July 2006<sup>6</sup>, I rang and spoke to Ms Gobbo to arrange an appointment. This was in relation to the <sup>John Brown</sup> investigation.
- (d) On Tuesday 18 July 2006<sup>7</sup>, I rang and left message for Ms Gobbo. I later received a call from Ms Gobbo and arranged to meet with her at her chambers at 530 Lonsdale Street, Melbourne at 9:00am on 20 July 2006. This was in relation to the <sup>John Brown</sup> investigation. I cannot recall any further detail of that conversation.
- (e) On Thursday 20 July 2006<sup>8</sup>, I attended Ms Gobbo's chambers and spoke to her about the <sup>John Brown</sup> investigation. I cannot recall what we discussed but my diary entry records that the meeting was about "Insp Attrill files" which is a reference to the <sup>John Brown</sup> investigation.

<sup>4</sup> VPL.0005.0067.0001[at 0004].

<sup>5</sup> VPL.0005.0067.0001[at 0004].

<sup>6</sup> VPL.0005.0067.0001[at 0001].

<sup>7</sup> VPL.0005.0067.0001[at 0001].

<sup>8</sup> VPL.0005.0067.0001[at 0001].



(f) On Friday 21 July 2006<sup>9</sup>, I received a call from Ms Gobbo and we arranged to meet at 9:00am the following Monday. This was in relation to the <sup>John Brown</sup> investigation.

(g) On Monday 24 July 2006<sup>10</sup>, I spoke to D/I Attrill in relation to the <sup>John Brown</sup> investigation. I then rang Ms Gobbo and asked that our meeting be delayed to later that morning. D/I Attrill and I then attended Ms Gobbo's chambers in relation to the <sup>John Brown</sup> investigation (*Operation Khadi*).

*I believe that*

*C*  
*09/07/19.*

34. <sup>A</sup>The meeting on 24 July 2006 was recorded by D/I Attrill. I have now been shown a summary of that recording.<sup>11</sup> I do not know who prepared that summary. The first time I saw that summary was when it was shown to me for the purposes of preparing this statement. I note that the summary refers to privilege. I have no recollection of Ms Gobbo raising that topic during the meeting on 24 July 2006.

35. I was not aware at the time of the meeting that Ms Gobbo was a registered human source.

36. I am not aware of any involvement that Ms Gobbo had in the <sup>John Brown</sup> investigation after 24 July 2006.

Questions 7 and 8

37. I refer to my answer to question 6.

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

Question 9 to 11

38. I have no knowledge of these matters.

**Other relevant matters**

Question 12

39. I have no knowledge of these matters.

Question 13

<sup>9</sup> VPL.0005.0067.0001[at 0003].  
<sup>10</sup> VPL.0005.0067.0001[at 0003].  
<sup>11</sup> ~~VPL.0005.0067.0001[at 0003].~~  
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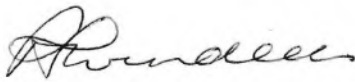


40. I cannot now recall specific training in relation to the matters listed in question 13 however, matters (b) and (c) are integral to 'Cautioning' under Victorian Legislation. These are part of instructions at training programs such as Detective Training School and updates are provided by District Training Officers at regular intervals. The other matters listed in question 13 were generally covered in the Academy and through on the job training.

Question 14

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

Dated: 6 May 2019



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Document ID: VPL.0014.0025.0001

Page Number: 10

Page Label: Text

File Name: VPL.0014.0025.0001.txt