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

**STATEMENT OF MARK STEPHEN PORTER**

- 1 My full name is Mark Stephen Porter.
- 2 I am currently a Superintendent in the Human Resources Department of Victoria Police.
- 3 I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 18 July 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.

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

- 4 I graduated from the Victorian Police Academy in 1978. Details of my progression through the ranks and training are contained in Annexure A to this statement.

**Involvement or association with any investigation which dealt with Ms Gobbo (Q2)**

Role within SID

- 5 From March 2006 until August 2010, I was the Superintendent in charge of the State Intelligence Division (SID), which included the Human Source Management Unit (HSMU). The Division sat within the Victoria Police Intelligence and Covert Support Department. In my role, I became aware that Ms Gobbo was a human source.
- 6 As part of my role, I was the Central Source Registrar (CSR), which involved maintaining a state-wide register of human sources managed by Victoria Police. Before 2003, human source management at Victoria Police was decentralised, in that there was no state-wide database of human sources. By the time I arrived at the SID, source management had been centralised and the HSMU maintained a central record of all human sources. That register was to contain sources managed by all Victoria Police members, not just the sources managed by the Dedicated Source Unit (DSU). The central register was overseen by me as the CSR.
- 7 In addition to my role as CSR, my position within the SID required me to oversee a large number of diverse programs and units covering a broad range of responsibilities including:
  - (a) State Intelligence Training Unit;

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- (b) State Intelligence Operations, which included the Operations Intelligence Unit, the Sex Offenders Registry, the Joint Intelligence Group function, the Crime-Linking Unit and Crime Stoppers;
  - (c) State Intelligence Services, which included the Strategic Intelligence Unit, the Criminal Identification Squad, the Geospatial Mapping Unit and the Intelligence Liaison Unit;
  - (d) Security Intelligence Group, which included Security Investigations, Security Intelligence and Security Covert Operations; and
  - (e) The project for the roll out of the Interpose investigation management computer system.
- 8 Before moving to the SID, I was previously a Detective Inspector responsible for Crime Management for Region 3, which covered the area from the inner northern metropolitan suburbs out to regional centres such as Bendigo and Mildura. In that role, I was responsible for approving the registration of a number of human sources. I also maintained the human source register for Region 3 before the central source register was created.
- 9 When I arrived at the SID, the structure of the HSMU and the DSU was already in place and transitioning to business as usual. The DSU later became known as the Source Development Unit (SDU). I was not involved in the DSU pilot program.
- 10 My earliest involvement with the HSMU was on 22 February 2006. My diary records that I had attended a meeting about developing policy. I then commenced at the SID on 3 March 2006.
- 11 The HSMU was a separate unit to the DSU, with the HSMU based at the St Kilda Road Police Complex and the DSU based elsewhere. The HSMU operated to support and facilitate all human source management work including that of the DSU by providing administrative support, setting operational policy and training Victoria Police members in human source management. The HSMU also maintained the data base software that the DSU used to record their interactions with human sources. The HSMU was also responsible for auditing the DSU's compliance with policies and processes.

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- 12 The human source management policy that was in place at the time when I began managing the HSMU was the Chief Commissioner's Instruction 3/2005<sup>1</sup>, which was essentially a reissue of Chief Commissioner's Instruction 7/2003<sup>2</sup>. The policy required that a handler's supervisor (Controller) and the Local Source Registrar<sup>3</sup> conduct regular reviews and audits to ensure that the handler was complying with the process required under the policy. The role of CSR, which was my role, was concerned primarily with the HSMU's responsibilities, such as developing policy and delivering training courses as well as maintaining the overall state-wide register of human sources.
- 13 The CSR was the responsible manager for all of the HSMU functions, including the registration of human sources. As the CSR, I was not personally involved in every registration. When I did review a registration proposal, I would consider the potential risks of managing the source and consider whether a member with appropriate experience would be handling the source, including whether the source should be managed by the SDU.
- 14 When I arrived at the SID, the responsibility for the day-to-day management of the DSU was unclear. Officer Sandy White was in charge of the DSU day-to-day. There was no permanent Inspector in charge. I was also the Local Source Registrar for some sources (including Ms Gobbo) as the DSU at that time sat within the SID.
- 15 I recall that a few weeks or months after I arrived at the SID, oversight and control of the DSU was moved from the SID to the Covert Support Division, which was overseen by Supt Tony Biggin. From that point onward, Supt Biggin took responsibility for the oversight of the DSU. I believe the restructure took place sometime in mid-2006 and formally took effect from 1 July 2006.
- 16 I believe around this time, based on a request by Officer Sandy White, the DSU changed its name to the SDU.
- 17 After the restructure I remained the CSR, but I was no longer the Local Source Registrar for any sources managed by the SDU. Supt Biggin then effectively became the Local Source Registrar for all sources being handled by the SDU. The HSMU's responsibilities did not change after the restructure. It maintained responsibility for centrally recording

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<sup>1</sup> VPL.0002.0001.2232.

<sup>2</sup> VPL.0002.0001.2196.

<sup>3</sup> Under CCI 3/2005, this position was called Local Informer Registrar. The name changed to Local Source Registrar when later policies substituted the term "human source" for "informer". The same applied to the term Central Informer Registrar, which changed to Central Source Registrar.

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all human source management activity, including that undertaken by the SDU and supporting and auditing the SDU.

Ms Gobbo's role as a human source

- 18 I was not involved in Ms Gobbo's registration as a human source in September 2005 because the registration occurred before my time at the SID.
- 19 I believe I became aware that human source 3838 was Ms Gobbo at some time in March 2006, shortly after I arrived at the SID.
- 20 I was not aware while at the SID that Ms Gobbo had been registered as a human source in the 1990s. At that time and up until 2003, human sources were registered according to a paper-based system in the area where the source was registered. When the system was centralised in around 2003, the existing records from the regions were not brought together. Rather, all sources currently active in 2003 had to be recorded in the central register.
- 21 I have no memory of having any personal contact with Ms Gobbo, but it is possible that I might have met her around the court precinct sometime in the 1990s or early 2000s.
- 22 On 30 March 2006, my diary records that I attended the offices of the SDU with Inspector Dean McWhirter regarding a potential police corruption issue. I have been shown an extract from the source management log for 30 March 2006<sup>4</sup>, which records further details about this and it suggests that Ms Gobbo was the source of this information. I recall this corruption issue being raised. I cannot recall if Ms Gobbo was identified at the time as the source of the information, but I believe it is likely I would have been told. I believe I would have been aware by then that Ms Gobbo was a human source because I had already been at the SID for almost a month.
- 23 I have been shown a document that indicates that on 27 April 2006, Superintendent Biggin conducted an audit of the human source records for Ms Gobbo<sup>5</sup>. The document is unsigned but the Distribution & Authority List on the final page of the document indicates that this document was to be distributed to me. I believe I would have seen this document around the time it was created but I do not recall the document. I do not recall if I asked Supt Biggin to conduct the review or what prompted it.

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<sup>4</sup> VPL.0005.0099.0024.

<sup>5</sup> VPL.2000.0002.0017.

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- 24 I do not recall having discussions with Supt Biggin about the results of the audit. But I do recall generally discussing with Supt Biggin that Ms Gobbo would not always follow her handlers' instructions about precautions to conceal her role as a source, meaning that there was a risk that she would do something to reveal herself. I also recall conversations with Supt Biggin and members of the SDU about Ms Gobbo having constant contact with members of the SDU at all hours of the day and night and that, therefore, her handlers needed to be regularly rotated to avoid fatigue.
- 25 I understood by this time that Ms Gobbo was providing information about high-level criminals, which was relevant to the operations of the Purana Taskforce. I believed that there was a real risk that she would be killed if those criminals found out she was providing information to Police about them. I was not aware of the detail of Purana's operations because that was not information I needed to know for my role. I was however generally aware of the high-profile criminals who were targets of the Taskforce's operations, such as Tony Mokbel and Carl Williams.
- 26 I do not recall any specific discussions with Supt Biggin or others in the SDU about the fact that Ms Gobbo was a lawyer. I am sure that fact would have been discussed, but I recall that the focus of most of the discussions related to her physical safety and the extent of resources needed to manage her as a source. I do not recall questioning the appropriateness of Ms Gobbo's registration when I arrived at the SID. I would have had no reason to do so. I would have assumed that proper consideration had been given to all relevant matters, including that she was a lawyer, at the time of her registration.
- 27 On 16 May 2006, I attended the HSMU offices to review the human source files for which I was the Local Source Registrar. One of those files was Ms Gobbo's. This review was a procedural audit to assess whether reporting policies had been followed for the files. This involved attending the offices of the HSMU and reviewing the HSMU files, which I believe were held on a separate computer. I was looking to see that contacts with the source had been recorded, and that contact reports had been lodged to record those contacts. I would also look to see that controllers were recorded as debriefing with the handlers. The procedural audit was not a review of the content of the contact reports.
- 28 I recall that I requested that <sup>Ms Lane</sup> a VPS member who managed the filing system for the HSMU, prepare a document recording the files that I was to look at. I have been

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- shown a document<sup>6</sup>, which may be the document<sup>Ms Lane</sup> prepared for me. I recall that the contact reports for Ms Gobbo's file were late, but that the processes that I was auditing had otherwise been followed. I could see this because contacts were recorded but there were not contact reports filed for all of those contacts. I believe I would have followed up with Officer Sandy White to get them brought up to date.
- 29 Apart from the file review in May 2006, I remember attending the offices of the SDU on one other occasion to review the SDU file for Ms Gobbo. I do not have a diary record of when this was, but I believe that it was after 1 July 2006 because I recall that SDU was no longer part of the SID.
- 30 I reviewed the file as an independent Superintendent, being someone who was not working in the CSD, or the SDU. It may have been at the request of Supt Biggin. The review was another procedural audit to make sure the reporting policies were being followed. I do not recall there being any particular event that prompted the review. The only issue I saw with the file was that reporting was still delayed, in that the contact reports were not up to date. I was otherwise satisfied that procedure was being followed and there was nothing that suggested I needed to return to do a further audit or follow up further. In auditing the file, I did not check the content of the contact reports. I was checking that the processes had been followed, rather than the content of the reports or the information disseminated.
- 31 I recall that I spoke to Officer Black and Officer Sandy White that day about Ms Gobbo, but that I did not speak directly to her handlers. I recall that the discussions centred on the fact the SDU had to rotate those who were handling Ms Gobbo because she was contacting the handlers very often and at all hours of the day and night. I also recall that they told me the volume and length of her contact with handlers made it difficult for the SDU members to keep the contact reports up to date.
- 32 I recall being told that the information she was providing was very important to the Purana Taskforce's operations. This justified to me assigning the resources that the SDU committed to managing her as a source, because those resources were necessary to address the risks that arose from her being a source. I saw that the key risk was the serious risk to her safety. I also understood that there was a risk in a lawyer being a source, as it could potentially compromise prosecutions if she provided information that breached confidentiality or legal professional privilege. Therefore, time would need to be

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<sup>6</sup> VPL.0100.0139.0001

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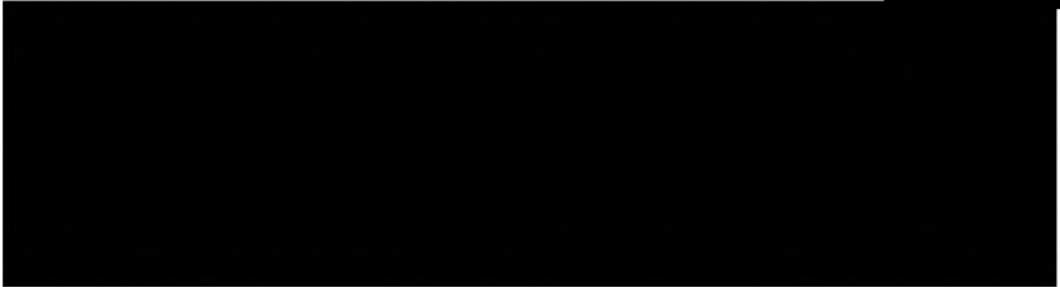
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spent by the SDU handlers and controllers ensuring that such information was not received or disseminated.

- 33 The steps taken to mitigate the risk to her safety were to ensure that her assistance remained confidential. I do not recall specific discussion about the privilege risks, but I understood that Victoria Police had to be careful not to receive or act on information passed on in the client/lawyer context, and act only on information provided in the context of her personal or social relationships with criminals. I understood from what the SDU were telling me that Ms Gobbo was in contact with high-level criminals at all hours of the day and night and was interacting with them on a social level. I understood that the information that she was providing was gained from socialising and not from any client-lawyer relationship. I was not aware of the specifics of the information she was providing or its context in relation to ongoing investigations.
- 34 I considered it was the responsibility of those within the SDU, the handlers and the controllers, who had the full context of the information she was providing to manage issues about her being a lawyer. I also knew that Ms Gobbo had her own responsibilities as a lawyer not to pass on privileged information or act in conflict with her clients' interests.

Request for assistance from Petra Taskforce

- 35 I have been shown a copy of a document dated 2 May 2007, which refers to a "Request for Human Source Management Unit (HSMU) assistance from the Petra Taskforce"<sup>7</sup>.
- 36 I do not recall the Petra Taskforce requesting assistance from the HSMU, but Requests for Assistance (RFAs) were a routine part of the work of the HSMU. 
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- 37 Because I was in charge of the HSMU, I would often sign off on RFAs to authorise the request for information. The HSMU's role in the RFA process was administrative.

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<sup>7</sup> VPL.0100.0022.8157.

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38 My diary also records that on 1 November 2007, I met with DDI Steve Waddell regarding a “joint investigation” and a person identified by their first name, who I believe would have been Officer Sandy White. Given my later notes about meeting with DDI Waddell about the Briars Taskforce, this may have related to the Petra Taskforce or the Briars Taskforce, but I do not recall anything further about this meeting.

Change of Ms Gobbo's registration number

39 I have been shown an Issue Cover Sheet written by Officer Sandy White dated 23 January 2008 requesting approval to change Ms Gobbo's registration number<sup>8</sup>. I have signed and dated this document indicating that I received it on 6 February 2008 and I have signed the front page, noting that I approved the change of registration number.

40 I have some recollection of Ms Gobbo's human source code being changed. Reading this document now, it accords generally with my recollection of why her registration number was changed.

Ms Gobbo's assistance to Petra Taskforce and Briars Taskforce

41 I have been shown an Issue Cover Sheet dated 1 August 2008 prepared by Supt Biggin, recording that DC Overland had been informed of the identity of certain “human sources involved & of interest to Task Force Petra”, including Ms Gobbo<sup>9</sup>. I do not recall receiving this document but I did make a note of the issue in my diary. I believe this issue cover sheet was prepared to create a record for the HSMU file that DC Overland had been informed of the identity of these sources.

42 The document states that Supt Biggin had “briefly discussed this request with Superintendent Porter, the Central Human Source Registrar”. Whilst I have no recollection of discussing the document with him, I believe Supt Biggin would have informed me of this because I was the Central Source Registrar. I was aware at the time that the Petra Taskforce related to the murder of Terence and Christine Hodson, but I did not know about the taskforce's day-to-day operations.

43 I have been shown a briefing note dated 31 December 2008 prepared by Officer Black and issue cover sheet dated 2 January 2009 prepared by Supt Biggin<sup>10</sup> concerning a proposal that Ms Gobbo make a statement to the Petra Taskforce. My signature and the

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<sup>8</sup> VPL.0100.0121.0241 at 0252-0253.

<sup>9</sup> VPL.0010.0001.0016.

<sup>10</sup> VPL.0100.0035.0001.

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- handwritten date 5 January 2009 are on the Distribution & Authority List and I believe I would have seen this document at the time.
- 44 I do not have a record in my diary of discussing the issue of Ms Gobbo making a statement to the Petra Taskforce, and I do not recall any such discussions. I expect it would have been an important issue at the time because I understood there were risks in a human source becoming a witness as it might lead to their position as a human source being uncovered. The decision to transition Ms Gobbo to become a witness for Petra would have been made by members more senior than me. I believe that if I were in a meeting where it was discussed, I would remember having this discussion and I would have recorded it in my diary (as with the Briars Taskforce below).
- 45 I have been informed that Ms Gobbo made a statement to the Petra Taskforce on 7 January 2009. I have no record of this but believe I would have been aware of this at the time.
- 46 I have been shown an email sent by Supt Biggin on 8 January 2009, which states that he briefed me about whether the SDU should continue managing Ms Gobbo given she was now assisting the Petra Taskforce and that I agreed the SDU should not<sup>11</sup>. I do not have a diary note about this, but I recall that I had a conversation with Supt Biggin about whether Ms Gobbo would continue to be managed by the SDU. The points set out in the email accord generally with what I recall of that discussion.
- 47 I have been shown a Human Source De-Activation Form for Ms Gobbo from January 2009<sup>12</sup>. I do not recall the document but I signed it on 14 January 2009.
- 48 My diary records that on 2 June 2009, I met with Acting Commander Rod Jouning, Officer Black and Officer Peter Smith to set up a meeting. The next day, on 3 June 2009, I met with DI Andy Glow, Officer Black, Officer Peter Smith, DSS Ron Iddles and DDI Waddell. As my diary records, the meeting was to discuss issues regarding a witness in Operation Briars that would be raised with AC Dannye Moloney. I believe this was a reference to Ms Gobbo.
- 49 I recall that the discussion concerned the fact that giving a statement for Briars raised risks for Ms Gobbo's wellbeing because it might lead to her being identified as a human source. I recall that we all agreed that Ms Gobbo should not be a witness for the Briars Taskforce, but that the decision had to be made by more senior officers. As my diary

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<sup>11</sup> VPL.2000.0002.0109.

<sup>12</sup> VPL.0100.0121.0241 at 0243-0244.

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- records, I spoke to AC Moloney later that day to arrange a meeting for 9 June 2009 to discuss these issues.
- 50 On 5 June 2009, my diary records that I spoke with Ag Commander Jouning regarding the Briars issues discussed the day before. I recall that he had only recently taken up that role and that I informed him that the issue was to be elevated to AC Moloney.
- 51 On 9 June 2009, I met with AC Moloney and "Gerry", who I believe would have been Superintendent Gerry Ryan. As my diary records, we discussed the issue of Ms Gobbo becoming a witness. I do not recall the meeting, but I believe I was raising the concerns about Ms Gobbo being a witness and that I wanted to convey this to those making decisions about Briars. The outcome of that meeting was that the matter would be further elevated to AC Luke Cornelius.
- 52 On 10 June 2009, I briefed AC Cornelius with AC Moloney, Ag Commander Rod Jouning and DDI Waddell about the Briars issue. I recall that we spoke to a document that had been written by Officer Black. I have been informed that a document or briefing note relating to this meeting has not been located by Victoria Police. It is possible that we spoke to Officer Black's briefing note from 31 December 2008 about Ms Gobbo providing assistance to the Petra Taskforce, because the risks to Ms Gobbo that would arise from assisting the Briars Taskforce were similar to those if she provided assistance to the Petra Taskforce<sup>13</sup>. If Officer Black prepared a separate document for this meeting, I believe the content would have been similar to his earlier briefing note.
- 53 I recall that I left the meeting with the impression that AC Cornelius was not the ultimate decision maker and that it was likely the senior management in charge of the Briars Taskforce would make the decision. I do not recall anything further about the meeting.
- 54 I believe that it was conveyed to me shortly after that the decision had been made that Ms Gobbo would provide a statement to the Briars Taskforce. I do not recall how I found this out.
- 55 On 15 June 2009, I met with DI Andy Glow, Supt Biggin and other SDU members. I recall that this meeting was essentially to inform the SDU members that Ms Gobbo would be giving a statement to the Briars Taskforce.

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<sup>13</sup> VPL.0100.0035.0001.

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56 I have been shown an extract from the diary of Officer Black for this date, which suggests that I was “to persuade BOM [Board of Management] that this option of [Ms Gobbo] making a statement is a dangerous decision”<sup>14</sup>. My recollection is that at that time the final decision that Ms Gobbo would assist the Briars Taskforce had been made.

57 On 6 July 2009, I met with Ag Commander Rod Journing and Acting Superintendent Glen Woolfe, who was acting as the head of SDU in place of Supt Biggin. My diary records that I spoke to them regarding “SDU issues” but does not record any further detail. I do not recall if this related to Ms Gobbo. Beyond this, I do not recall and have no record of being involved in any further discussions to do with Ms Gobbo.

58 In August 2010, I left the SID to work on a project in the Legal Services Department of Victoria Police, which was unrelated to Ms Gobbo.

**How I learned, or were given reason to believe, Ms Gobbo was providing information (Q3)**

59 I refer to my response to Question 2.

**Awareness of others (Q4)**

60 I was aware that Ms Gobbo’s handlers and controllers within the SDU and members of the HSMU knew of her role as a human source. I believe that the members who referred Ms Gobbo to the SDU would also have known she was acting as a source, but I do not know who referred her.

61 I believe that those from the Briars Taskforce who attended the meetings set out in my response to Question 2 would also have been aware that Ms Gobbo was a human source.

**Authorisation of the use of Ms Gobbo as a human source (Q5)**

62 I was involved in Ms Gobbo’s continued authorisation, as described above in my response to Question 2, in that I audited her human source file, I was for a short time the Local Source Registrar managing the unit handling her, and I was the CSR while she was registered.

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

63 I refer to my response to Question 2.

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<sup>14</sup> VPL.0100.0001.2990 at 3176-3177.

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**Information & assistance received (Q7 & Q8)**

64 I understood that Ms Gobbo provided information and assistance to the Purana Taskforce, the Petra Taskforce and the Briars Taskforce, but I did not know the detail of information and assistance provided and did not know of its context. I was told by Officer Black and Officer Sandy White that the information Ms Gobbo provided in relation to the Purana Taskforce was important to the operations.

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

65 I do not recall any specific discussions about the fact that Ms Gobbo was a lawyer but I expect that they would have occurred and that I would have been involved in at least some of them. I can recall that the focus of discussions was always around Ms Gobbo's safety and the extent of resources needed to manage her as a source.

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

66 I have no knowledge of these matters.

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

67 I have no knowledge of these matters.

**Training (Q13)**

68 My recollection of the relevant training or retraining I have received on these specific topics is as follows:


- (a) Obligation of disclosure – I learned about this generally at the Academy but mostly learned about disclosure in practice when preparing material for court cases;
- (b) The right of accused person to silence and to a legal practitioner – I learned about this at the Academy, and it was very well known within Victoria Police and was reinforced each time a person was cautioned.
- (c) Legal professional privilege – I understood these issues from the Academy and Detective Training School, and it was reinforced in a number of different criminal prosecutions.
- (d) Public interest immunity – I do not recall specific training about this, but I have learned about it from being involved in claims of PII during a number of court cases.
- (e) Professional and ethical decision making – this kind of decision-making is threaded through all aspects of Victoria Police training.

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**Other information (Q14)**

69 I have nothing further to add.

Dated: 15 August 2019



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Mark Stephen Porter

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**Annexure A**

1. A summary of the major roles I have undertaken and my progression through the ranks is as follows:

- (a) 1978 – Victoria Police Academy;
- (b) 1979 – Constable, Greensborough Police Station;
- (c) 1982 – Constable and Senior Constable, Broadmeadows Police Station;
- (d) 1984 – Detective Senior Constable, Crime Tactical Investigation Group;
- (e) 1985<sup>87</sup> – Detective Senior Constable, Greensborough CIB; *19/9/19*
- (f) 1988 – Sergeant, Victoria Dock Police Station;
- (g) 1989 – Detective Sergeant, Crime Prison Liaison Squad;
- (h) 1992 – Detective Sergeant, Crime Special Response Squad;
- (i) 1996 – Detective Senior Sergeant, Crime Reliever, I District;
- (j) 2001 – Detective Inspector, Crime Management, Region 3;
- (k) March 2006 – Detective Superintendent, State Intelligence Division;
- (l) August 2010 – Superintendent, Brief Integration Project, Legal Services; and
- (m) 2013 to present – Superintendent, Human Resources Department.

2. I have undertaken Victoria Police qualifications and training including:

- (a) Detective Training School (1985);
- (b) Sergeant Training Course (1988); and
- (c) Inspector Training Course (1999).

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