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Royal Commission

into the Management of Police Informants

Statement of Sir Ken Jones

States:

1. My full name is Kenneth Lloyd Jones. I live in the United Kingdom working as a Governance, Policing, Counter Terrorism and Cyber Security consultant.
2. I make this statement in response to a request from the Royal Commission in the Management of Police Informants dated 2 September 2019. The statement is produced in response to a request for a statement.
3. In preparing this statement, I have had access to my emails and other documents to refresh my memory.
4. For most of my adult life I was a police officer. In that time I served in several forces in the UK, Hong Kong, the USA (on secondment), Zimbabwe (on secondment) and in Victoria, Australia from March 2009 to May 2011. From 2013 – 14 I served for just over a year as a Defense & Security Advisor at the British Embassy in Washington DC, USA. I come from a working class community and my focus, throughout my policing career, has always been on the communities and neighborhoods I had sworn to serve. The police service has been incredibly good to me, providing a life long hugely rewarding vocation, and the opportunities to develop through a higher education. I now have several degrees, including an MBA, and diplomas.
5. From the mid 1990s onwards I occupied a range of senior policing roles, at regional and also national levels including counter terrorism. In 2001 I

- was appointed Chief Constable of Sussex Police, 6600 staff, and remained there until 2006. At that time the UK did not have a fully formed federal police agency, such as the AFP. The gap was addressed by senior UK chief police officers, working under the umbrella of the Association of Chief Police Officers (ACPO) now called the National Police Chiefs Council, who would receive funding, policy and legislative support from government.
6. From 2002 – 2006 I was the lead UK police officer for developing new national counter terrorism (CT) capabilities which operationally connected police forces and intelligence agencies within regional hubs. The novel structures put in place are still operating; they have gone from strength to strength and have greatly benefited the UK's strategic defense to terrorism and wider public safety. Plots were discovered and disrupted, lives were saved. A mirror image of the national CT structure has since been created to better contest the threat from serious and organized crime. It was for my national CT work that I received a knighthood in 2008.
 7. From 2006 to 2009 I was the full time President of ACPO and my role was to represent all aspects of the UK police service to the wider public, government and international partners. I had to deliver ACPO's national operational capabilities, as a Chief Constable, with regard to CT, civil emergencies and serious crime. An aspect of my role was to brief and advise the Prime Minister of the day on crime and CT issues. Throughout that period I was actively vetted and security cleared to the very highest levels.
 8. In 2008 ACPO was approached with a request to advertise the CCP vacancy in Victoria. This was not unusual, ACPO was the routine conduit for international jurisdictions wishing to appoint UK police officers. I am aware that a number of my colleagues made applications. My statutory three year term as head of ACPO was ending in March 2009. After discussing the opportunity with my family we decided that I should apply. The prospect of living and working in Australia was, and still is, very appealing to us. I was told that should any international applicant be successful then he or she would initially become an Australian Permanent Resident and, if they wished, full Australian citizens in due course. We were excited by the prospect of emigrating to Australia and threw ourselves into the process, recognizing that this was much more than a

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- time limited contract and that it required us to fully commit as a family. The more I found out about the CCP role the more enthused I became. Moreover that my own local policing philosophy aligned with the way policing was then delivered in Victoria.
9. Through the latter part of 2008 and early 2009 my application progressed. I was eventually interviewed by the then Premier in Melbourne. In the event I was told that the final choice was between myself and Mr Overland. The Premier later decided to appoint Mr Overland. We were of course disappointed but I said then that I believed Mr Overland was a very good fit for the job and I wished him well. I then turned towards upcoming UK police chief vacancies.
 10. Within weeks I was contacted and asked if I would consider applying to become a DCC in Victoria. It didn't take us long to decide that I would apply. I reasoned that I had been a chief for almost ten years, that I had enjoyed that era but that it would be good for me to pass on what I had learned in that time to the new chief. I had been very fortunate to be supported by a number of very experienced deputies over the years, people I had learned from, people who had guided me at times, people who had challenged my decisions and judgments and by doing so improved them.
 11. I was successful and accepted the DCC role, a Governor In Council statutory appointment. Under the then Police Regulation Act it was clear that I, along with the chief, had a statutory individual accountability to the state. This mirrors the situation in the UK where deputy chief constables, although reporting to a chief, have a separate statutory accountability. This is a very important check and balance to the significant powers available to a chief. It was a very exciting time for us as we packed up our possessions, said goodbye to family and friends and emigrated to Australia in March 2009.
 12. The deputies each had a spread of responsibilities and departments. I was allocated Crime, very challenging and I approached the opportunity with great enthusiasm. I also was given responsibility for Ethical Standards Command, Information Security, Legal Services and, some time later, Media and Communications. In addition the deputies, and other senior

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sworn and unsworn senior colleagues, were allocated strategic projects, ad hoc taskings by the chief, and we all participated in a large number of opaque bureaucratic processes, boards and meetings.

13. There had been a series of critical reports about the force from the Ombudsman, Opi and others; all shared a common thread of epic waste and elusive accountability. I counseled the other deputies and the chief that many, if not all, of these costly failures featured lack of leadership and accountability. Flaws which stemmed from the bureaucratic approach favored back then. The issues came to a head when the chief received a report he'd commissioned from an outside consultancy on the HQ structures. The report suggested a further expansion of HQ directorates, five actually, and on costs. This was completely opposite to what was actually needed and I counseled against it.
14. I formed the view very soon that much of the HQ bureaucratic activity was very costly, inefficient and ineffective. An alternative way was for senior people to be given much more decision making authority and then to be held accountable for the exercise of that authority in a transparent way. Some support departments, and some operational commands, were run by committee where the chair was regularly rotated. so the actual Director or Assistant Commissioner nominally in charge, and accountable, would be subordinate in such meetings to whoever was in the chair that day. I thought this practice was wrong in that it was difficult to see who was accountable when things went well or otherwise.
15. Decision making was very slow and the core bureaucracy was, in my view, far more concerned with its own power and influence than it was for value for money and outcomes for the Victorian public. In the years before my appointment the back office infrastructure, mostly located at our HQ sites, grew and grew in cost, size and influence but not in accountability. For example in IT tens of millions were wasted and trying to control this was like knitting fog. Jack Rush QC said in his 2012 review of Victoria Police structures that \$100m had gone astray within the IT area and that someone should be held accountable. No one ever was.
16. I did raise these weak accountability issues with the chief and the other deputies. I made it clear that I didn't have the answers but would be able

to draw attention to issues which were apparently exceptionally good or weak as a newcomer. Some changes followed. For example I introduced a system where every major policy had a named sponsor or owner. That way everyone could speak to one person about that policy and ask for changes. It also allowed me to become the owner of many policies. Once I got control of them my first act was to reduce bureaucracy to a necessary minimum. I abolished many standing meetings. Making sure that there was a sworn or unsworn senior person overtly in charge, with the authority to make timely decisions and be held to account for them.

17. I suggested that where we had HQ support departments that were not delivering, or had become too costly and inward looking, then we should expose them to market conditions and have outside suppliers bid. I had done this before in the UK and outsourced a number of functions. In my experience in house support functions would frequently rise to such a challenge by improving services and cutting waste. I also counseled strongly to cut the number of senior leaders, numbers which just grew and grew.
18. I felt at times that the ambient level of integrity was not as high as it needed to be. For example. The chief decided to re shuffle the cadre of Assistant Commissioners, these were contracted appointments by the force and not made by the Governor in Council. He had written to them all, saying how valued they were and that in his re shuffle they could expect new roles and that they should prepare their plans for their future and that of the force.
19. Following this the three deputies met with him. He then read out a list of five AC names and said he had changed his mind, that he wanted to fire them inside a month and then make new AC appointments. He then said we were not to tell them about his change of plan and that we had to make the firings look like it was the individuals own idea. He was going to see them all, and drop this bombshell on them stone cold. He was entitled to change his mind but his wishes made no sense to me and I told him that I wouldn't go along with it. This may appear of little significance now but for the officers and their families it was devastating, even life changing. I am no doubt that the officers went on to share this bad experience with colleagues; some would have been shocked, but others would have gone on to mirror these behaviors.

20. Absolute loyalty to whoever your boss was at the time was demanded and rewarded. In any public service such unquestioning loyalty to hierarchy is toxic and dysfunctional, it sustains and nurtures corrupt cultures and cover ups, this is especially true in law enforcement. I had reviewed many ESD files where , following some critical incident or failure, absolute loyalty had been demanded and a cover up had ensued. Occasionally such cover ups had unraveled and usually junior staff found themselves under investigation anyway.
21. I had always been trained to understand that loyalty to the law, and doing the right thing always comes first, no exceptions. The independence of the office of constable is founded on these principles. Leaders operating ethically and within the law have everything to gain by leading staff who fully understood that their primary loyalty has to be to the law, the community and to doing the right thing.
22. One Friday in December 2009 the chief called me on the telephone. He said he proposed to move me out of HQ and to re locate to the Crime Department at St Kilda Road. None of the other deputies were being asked to move or any of the senior unsworn directors. I asked why and he was vague and I was not at all persuaded by his rationale. I said that he was effectively demoting me and that is how everyone would see it; that I was being sidelined. He confirmed that no one else was being moved. I also felt it unprofessional not to deliver such a message face to face and it felt like the treatment recently meted out to the ACs whose contracts were terminated.
23. I discussed this with my wife that night and we decided that I was clearly no longer wanted, that I should resign and look for another role in Victoria. As I was a Governor in Council appointment I needed to advise government that I was intending to resign and why. I reasoned that they must already know about the chief's proposal and that I could take the opportunity to indicate my interest in other roles.
24. I phoned a senior official I knew. It was clear that government was not aware and concern was expressed. The following Monday the chief told me that I ought not to have advised government. He suggested that we

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were to carry on as before, but for me trust was broken. I determined then that I would resign at some future point but decided to do my very best meanwhile. I knew that there were opportunities emerging in the near future, for example in IBAC, and that I might be able to find a new role there.

25. Before I arrived in Australia I read about the OPI inquiry , Diana, into Paul Mullet, then head of the TPA, Noel Ashby an Assistant Commissioner, and Stephen Linnel who was then head of Media and Communications. Once I took over Ethical Standards I got to know more about the case as it was then progressing through the courts. The prosecutions collapsed. Lessons needed to be drawn out and learned.
26. Large amounts of intercept material had been gathered by the Opi and shared with Victoria Police. It is part of any operational culture that occasionally people will criticize their bosses at times. Some more than others but it happens. Such criticism is often privately expressed and quickly forgotten as tensions ease. Leaders need to be mature about this, to expect it.
27. Criticisms of the then chief and the new chief had been picked up on the phone and listening devices deployed. The Opi came up, very late on in the investigation, with a tenuous post hoc theory about individuals conspiring to destabilize the then chief and install a puppet chief, Mr Ashby. In my view, having seen the evidence, this theory was fanciful to say the least and smacked more of convenience. I was also concerned over the strength of the many warrants that had been obtained to intercept many telephones. But as they were sealed I was not able to test my concerns.
28. The superintendent at Ballarat at that time was Andrew Allen. The chief had a very dim view of Mr Allen and at times I felt he was unfairly singling him out and he would cite the performance at Ballarat. The chief once went to Ballarat and gave a press conference in which he openly criticized the performance of Ballarat and by inference the performance and standing of Mr Allen. This was unheard of.

29. I was by then running the processes which compared the performance of all our divisions and the data showed that Ballarat was ahead of a good number of other divisions which were not performing as well. I asked Ken Lay what he made of this conflict. He told me that the chief had heard Mr Allen criticizing him in a personal sense on the Diana intercept material and that his intense dislike of Mr Allen flowed from that. If that were true then that would have been an unlawful access and use of that material. This suggestion chimed with the actual investigation where officers were picked up criticizing a proposed overseas trip, such criticisms were then interpreted as a feature of the destabilization theory. In my view this was risible. A good example of the overly close links and unhealthy relationship between the Opi and Victoria Police; the regulator and the regulated.
30. I took the view that a sledgehammer had been used to crack a nut by the Opi and Victoria Police in their joint Diana operation, and that the collective view of whatever had gone wrong between Victoria Police and the people targeted, was hopelessly clouded by petty personal sensitivities and concerns. I was surprised to see the lengths that had been gone to by the force and the OPI in this matter. Extensive intrusive techniques and surveillance techniques had been deployed, and in my opinion the justifications, and post hoc justifications, were wafer thin.
31. The OPI had become our investigative co partner in that matter and many others. This was a gross error. The OPI was an agency created to regulate Victoria Police not get involved in joint investigations with them. The conflicts of interest were clear to see in the Diana case. Both the OPI and Victoria Police had exerted themselves to justify and sustain their growing, and failed, Diana operation. An investigation about which complaints and challenges were later made by those targeted. The OPI, as co investigators, were by then fully involved and were unable to discharge their duty as an independent regulator of the force. We sank or swam together.
32. In 2011/12/13, when I was to be similarly targeted, the Opi and Victoria Police would use the same tenuous exertions to suggest that my agenda involved destabilizing the chief and getting his job. In my case (and this was confirmed by His Honour Murray Kelham QC's review) the Opi reflexively disregarded anything said or done which conflicted with the chosen puppet commissioner theory. Exculpatory material was routinely

- suppressed. Of great significance is the fact that the Opi heard me time and time again, on my telephone and elsewhere, expressing my concerns about Diana, over the use of Nicola Gobbo as an informant, over the obstruction of my investigation into the murder of Carl Williams and yet they did nothing whatsoever about it, so conflicted were they by that time.
33. The doctrine of co investigation was well established and it was difficult at times when reviewing cases to see who, between the OPI and Victoria Police, was responsible for what. I recall a conversation with an ex ESD officer. He had suspicions, but no evidence at all, about an officer working in a Melbourne Division. But he did not have any evidence to obtain a warrant to intercept the officers communications. He said he mentioned this case to a very senior OPI colleague. Not many hours later the OPI contact called him to tell him in a jocular fashion that the OPI had obtained the intercept warrants for him. This made me very uncomfortable to say the least. But this level of collaboration showed once again that the roles of regulator and regulated were hopelessly confused.
34. I raised my concerns over the joint doctrine of operations with the then OPI Director His Honour Michael Strong in late 2009. I told him I was going to end the joint work so that they, and us, could properly do our jobs. In particular that the OPI could be our regulator. That I would strive to ensure that the force would do their best to earn the public approbation of the OPI, or criticism when warranted. I also said that going forward the OPI could and should, without notice, attend any part of the force, sit in on any meeting, ask for any information, and be there as they eyes and ears of the public. I wrote formally to him to sever our joint operational links. Thereafter I felt the OPI were in a much better place. They regularly turned up to observe and effectively oversight several of my top level investigation meetings from that point.
35. I occasionally acted as chief in 2010, including an extended period in May, when the chief was on holiday. The then Police Minister, and his aides, actively sought me out at times throughout this period. My strategic effectiveness developed in 2010 and I addressed a number of crises, such as the collapse in confidence in our DNA processes. Our public release of crime statistics was due at that time and I received calls from the Premier and Police Minister's staffers. I don't recall the names now. The essence of the conversation was a request that Victoria Police slice and dice the

- raw crime statistics so as to create the impression that the streets of Melbourne were safer than they were and publish them. I point blank refused.
36. I told them that they could have all our raw crime data and if they then wished to selectively comment on the data that was up to them, but I wouldn't do it and would not publicly support that. I then reviewed some previous quarterly releases and found here and there a pattern of subtle distortion, distortions which sought to underplay violence issues in particular. Good figures were amplified, bad figures were suppressed or left out.
37. As far as strategic crime issues were concerned in mid 2009 I set about getting to know as much as I could by taking a series of intense briefings from the many task forces and groups within Crime Command. At no point did anyone tell me about Nicola Gobbo and her informing activities. I was to discover this over a year later following the murder of Carl Williams after I created Driver and merged a number of other investigations and their intelligence holdings. I was very angry and shocked by what I later learned around the deployment of Nicola Gobbo and the industrial subversion of Victoria's Criminal Justice System. I was also greatly concerned at the earlier failure to properly brief me on Nicola Gobbo's insertion into the many historic and current investigations which I had oversight of.
38. I have since discovered that I was not the only person kept in the dark over this matter. For example DSS Charlie Bezzina and DS Sol Solomon, tasked to investigate the murders of Terry and Hodson, were also excluded. These omissions, in terms of operational effectiveness let alone integrity, were fatal to such inquiries. They had no chance whatsoever of resolving such crime and getting justice for victims like the Hodsons. This represents, for me, an unforgivable betrayal. Serious crime investigations frequently stand or fall by what we are able to do inside the first hours and days. We had sent our people into these tragic incidents with their hands tied behind their backs.
39. I learned as much as I could about the so called gang wars and murders which had plagued Melbourne. My area of responsibility embraced criminal intelligence and, once I had reviewed our intelligence capability, I

formed the view that the function was weak following a wholesale reform some years earlier. That said there were “islands” of intelligence which were effective; these tended to exist within some of the larger crime task forces such as Purana, Petra and Briars.

40. I assumed full control of Briars and Petra in early 2010. The inquiries were directed through a steering committee. The committee had terms of reference which vested day to day control with senior detectives whilst overall accountability, control and direction rested with the steering committee. The chief, Graham Ashton (then with the Opi) and AC Luke Cornelius were previously on that committee. My first formal engagement with these investigations would have been in February 2010. Prior to assuming control I asked to see the records of previous meetings. I was told there were none, no minutes, no details of who had been attending, no records of decisions on overall direction and control, nothing. It was explained that this approach had been adopted for security reasons.
41. In my previous career I had been involved in the direction and control of a number of critical investigations some with very high national security risks. On all occasions proper secure records had been kept. At the time I suspected that something was being hidden from me. I created a proper record system and made sure it would be always be secure.
42. I recall reading the terms of reference for one of these task forces. I read that our independent regulator, the Opi, had been jointly involved in directing the operations and the policy even allowed for them to chair the Diana steering group. The unwise joint operations doctrine essentially neutered the Opi. They were hopelessly conflicted and unable to deliver what the Victorian public expected of them. I had, by this point, already halted joint operations and restored both organizations to their correct roles. But damage had been done.
43. The force once had a world class intelligence capability (Bureau of Criminal Intelligence). It had been abolished many years earlier and in my view nothing put in place since that time had approached the required capability. Meanwhile crime in all its forms was a growing problem across the state, itself growing year by year. This strategic gap was plugged to an extent by several federal agencies but policing had, and was, suffering.

44. Forces with weak intelligence functions often fall prey to corrupt staff who are able to exploit the opportunities presented. For example, when I joined the force the view taken by the leaders of the force, and strongly expressed to me, on the many organized motor cycle groups (OMCG) in the state and beyond was that they were not a strategic threat; not inflicting harms on the community and so did not warrant pro active police attention. Moreover that the use of the word “gang” was more or less prohibited when they were discussed. I knew, from work in the UK and USA, that such groups were often intertwined with organized crime, that they ran and sold drugs within their “ territories” and that they were involved in homicides and stand over violence.
45. I took soundings with colleagues in other states and I was told that our approach in Victoria was flawed and as a consequence the state had a reputation for being a soft touch where organized motor cycle groups was concerned. I also visited many bike club houses across the state. Intimidating heavily fortified premises, frequently near residential suburbs. I quickly developed new policies towards OMCG , including inter state briefings, and it is fair to say that some colleagues were shocked by what we discovered. Members of some groups were heavily involved in illicit drug trafficking, stand over violence and more.
46. I worked with the then government to develop targeted legislation such as anti fortification laws. In my professional experience only drug dealers, OMCGs and human traffickers saw the need to build such fortresses. An effective strategic intelligence capability would not have blindsided the force to this as it had been to the very real OMCG threat in the mid 2000s. The consequences are plain for all to see. The price has been picked up by the Victorian community.
47. The absence of effective state wide intelligence allowed a group of relatively unsophisticated criminals to set up and operate huge illicit recreational drug manufacturing and sale operations largely unchecked. The very early phases of this illicit start up phenomena, mostly centered on Melbourne but with tentacles reaching out to the rest of the state, were characterized by frequently inept and highly visible minor criminals operating with impunity as they grew their drug businesses.

48. These start ups grew in strength and wealth as the recreational drug market exploded; criminal groups merged as gang leaders were pushed aside or murdered. Citizens of Melbourne suddenly became aware that they had a serious problem as violence erupted. The related series of homicides peaked in the mid 2000s but in no way can that be seen as a success for the authorities. The vast majority of those murders were not resolved, which is true to this day. Far worse is the legacy of that era. Illicit drug infrastructure and knowledge was built from scratch to rival any I had seen elsewhere. Criminal networks and organization, initially inept, ad hoc and sometimes chaotic, had matured into very effective organizations with national and international links.
49. These maturing capabilities did not just wither away once the guns fell silent. They were quickly adapted and moved on to newer opportunities, for example ICE. This then was the legacy of the absence of an effective strategic intelligence bureau. The price for this failure was all too obvious and is still being paid by the Victorian community. I decided to set about rebuilding and reforming our intelligence capability. I reasoned that it would take three to four years and I had barely begun when I was ejected from police headquarters in May of 2011.
50. In April of 2010 Carl Williams was murdered in Barwon by Mathew Johnson. I was on duty that day and immediately took charge of the investigation. I created a new task force " Driver" and began to pour resources into it. I appointed Superintendent Doug Fryer as the senior investigator and day to day leader of the effort.
51. On the face of it the Williams murder was unimaginable in that the most important state witness in the history of Victoria could be murdered within the most secure unit, which itself was located within our most secure prison. But his death was devastating for many other reasons. He had begun to cooperate fully with several of our investigations and was providing valuable intelligence and leads. For example his assistance with the investigation into the 2004 Hodson murders had led to charges being laid and imminent court proceedings. He had also raised his suspicions that Nicola Gobbo was not all she seemed to be, that she was betraying clients. His potential impact on justice denied was conveniently dashed the moment his life was ended.

52. The Driver crew quickly took control of the scene at Barwon and worked day and night the first few days to gather whatever evidence and intelligence they could. I was briefed almost hourly. First assessments of the situation were very concerning. We found that Williams had been with his two fellow inmates in their unit that morning when the expected 24/7 visual surveillance by dedicated staff had lapsed for an extended period of time, I recall over 20 minutes or more. There was no supervision but the CCTV was running and recording. At some point Williams killer could be seen to remove the seat stem from an exercise bicycle and proceed to assault Williams with it, from behind, Williams was seated at a table. We were told that the killer had used the same tactic in a previous incident inside another Victoria corrections facility.
53. In my experience corrections facilities actively seek to remove opportunities for inmates to harm themselves and others. Exercise equipment for example. All removable parts are welded to remove the risk of things like exercise machine seat stems being turned into lethal weapons. I was very surprised to see that this was not the case inside Williams unit. Moreover that a tactic allegedly used by the killer in a previous incident in a Victoria prison had not led to lessons being learned.
54. Other issues of concern included the length of time it took for the alarm to be raised, in fact it had been the third prisoner present who had raised the alarm after repeatedly failing to gain the staff's attention. This is a brightly lit unit, in broad daylight, with 24/7 CCTV and dedicated staff watching.
55. As the next day or so passed the crew discovered that the ceilings within Williams unit, and cells, had been bugged, there were listening devices. The bugs were wired to an area controlled by the staff. The bugging operation was illegal and we have no way of knowing what information flowed into or out from that unit. Many prominent and dangerous criminals had been housed in that unit over the years. To my surprise no one within the Corrections department seemed to be that concerned over the obvious implications.
56. We took the view that the system was not live when it was found but had no way of knowing when, and by who, it had been installed and monitored.

It was of an amateur construction, using easily available electronic parts. The subsequent Ombudsman's report into Carl Williams murder chose to define this discovery as low significance and that its impact was contained within the prison. This is the least likely explanation in my view. I asked for a full discrete cross reference check of the prisoners, prison staff, lawyers and others who had been in and out of the unit and the related trials and outcomes for the years whilst the illegal equipment was operating. I believe that this work was not done. In my opinion the clear potential for this equipment to have facilitated very serious crime inside and outside the facility should have been fully explored.

57. The Driver crew discovered a link between a Corrections Department [REDACTED]. The [REDACTED] and I was shown a photograph of [REDACTED] taken at Dhakota Williams late 2003 christening party at the Crown Casino. Nicola Gobbo was also at that function. Further work revealed that [REDACTED] in an [REDACTED] before [REDACTED] early 2000s conviction for [REDACTED]. Yet despite [REDACTED] had managed to obtain a critical position as a [REDACTED] in a state with known [REDACTED] issues.

58. At that point we did not know if dishonesty, incompetence or corruption was involved in [REDACTED]. I directed that all knowledge of this was to be controlled very tightly. Also that we needed to make sure that we tightly controlled the people [REDACTED] who we needed to speak to. I wanted, at some future point, to be able to say that we had investigated this, discovered the truth, and that no opportunity had been created for anyone to tamper with our work or cover tracks. A need to know doctrine.

59. So [REDACTED] supervisor was discretely approached. He told Driver detectives that [REDACTED] had been involved in the [REDACTED] for criminal trials in various parts of the state and that [REDACTED] background checks had been done. He said there were records of [REDACTED] but they turned out to be of little value and not capable of effective auditing. I recall the system was self contained on a number of individual desktop computers. The system, in my view, was wide open to abuse and not fit for purpose. We needed more time to quickly and discretely go over the trials [REDACTED] and to get some sense of how significant this was. I was concerned about a 2009 acquittal by a jury of Mathew

Johnson in particular. But we wanted to cross reference all of the trials [REDACTED] [REDACTED] against our intelligence. That would have taken time and required secrecy and discretion from all concerned.

60. I gave instructions that he was to be told not to tell anyone of our inquiry. But that if he felt the need to brief his boss for example then I would go along with him to that meeting as I had done in other inquiries. I would explain to the supervisor in question that we were conducting a very critical and sensitive matter, that in my view the supervisor concerned had no "need to know" and that I had advised the subordinate not to tell anyone. I would end by asking both to respect my wishes and that as things progressed then of course information could and would be shared. Crucially I would also end by saying that the need for discretion was in part to enable the supervisor concerned to say that they were totally unaware of the nature of the investigation and so could not subsequently be suspected of covering any tracks. I had used this method before without problems in large organizations. We learned that within hours, despite our strong advice and instructions, he did in fact brief his superiors. Knowledge of the inquiry spread and our investigation was severely compromised. This occurred at the same time as our Department of Justice warrants were being resisted and we were having day to day conflict with the OCSR. The atmosphere was not good.
61. The Driver crew also began to discover previously unknown connections of Nicola Gobbo to other Victoria Police investigations. I learned this from several of the Driver team including Doug Fryer. Essentially we found that she had been heavily engaged over a period of years on a number of investigations linked to Carl Williams and others as a registered informer, including Purana and Briars. I made discreet inquiries and learned that the force had been involved with Nicola Gobbo over an extended period of time, possibly a decade. That she had been informing on her clients and others and that she had been actively and regularly tasked to gather specific information. The operations involving her had become increasingly irregular, even chaotic in latter years, and there was no evidence, such as risk assessments, legal advice and policy decisions, of effective checks and balances around the obvious risks and legal professional privilege. I found from documents I saw that her engagement had been sanctioned by senior people and that there were links to the steering committee I had taken over.

62. At this time the Justice Department inserted their own investigative team (OCSR) into the situation. Understandable up to a point but their remit was unclear and their activities bordered on the obstruction of justice. For example they interviewed staff and some were told that they did not have to speak to the police investigators, that they did not have to tell us that the OCSR was speaking to them. That was wholly improper and possibly unlawful. In this sort of situation the independent police investigation has absolute primacy and should not have been hindered in any way. There was tension and some Corrections staff subsequently confused their overriding duties as citizens to help the police with their loyalty to their employers. I advised Justice and Corrections that the reality of them obstructing the Williams homicide was by then a very real risk and one that ought not have arisen. The senior people at Justice told me that the OCSR team were in fact an arm of the Ombudsman's office.
63. I decided to speak to the Ombudsman about that and I began to meet with John Taylor the Deputy Ombudsman. I sensed early on he was someone I could trust and I confided many of my concerns to him. By then my knowledge of the Nicola Gobbo operation was growing and I was greatly concerned that the justice system had been undermined. I shared all of this and more with Mr Taylor. He rejected the notion that the OCSR were in any way directed by the Ombudsman.
64. Further obstruction occurred when investigators, issued with a warrant to seize evidence, were denied access to the Justice Department (where Corrections HQ and OCSR were located). The officers were not allowed beyond the reception area for some hours. This was obstruction pure and simple. They were eventually allowed in but by then the perception that tracks may have been covered was created. I was not made aware of this stand off for several hours. Had I been aware at the outset I would have advised senior people in the Justice and Corrections Department that we would be obliged to enter by force and that any person obstructing the investigators would be arrested.
65. This was another example of an institutional failure to recognize the unfettered primacy of the police when investigating crime. I am no doubt that some of the resistance to the investigation flowed from a perception that I was pursuing the evidence with too much vigor. I reject that. I was exercising my powers and duties as a sworn police officer to investigate

Carl Williams murder without fear or favor. Policing is part of the executive and in some ways subordinate to it. But when it comes to the investigation of crime police officers have to be able to do their duty, and follow the evidence. To this end duties are imposed on all other citizens (which can include the executive) to fully assist the police. What I experienced was far from that at times.

66. Another worrying incident occurred involving ██████████, then in prison for his ██████████ which set in train the events which led to ██████████ being killed. I arranged for him to be discreetly approached with a view to seeing if he would be willing to assist us, despite refusing to do so for many years. I was told that, after a few meetings, he was willing to talk but that we would need to create a plausible false pretext for that to happen. At the last minute he changed his mind as hints had been dropped to him by corrections staff which indicated they knew what he was about to do. Creating the pretext to get him out involved dealing with corrections staff, there was no other way of doing it. Knowledge of the plan had leaked back to him. Understandably he backed out.
67. The murder of Williams led to the collapse of the prosecution of Paul Dale, then charged with the murders of the Hodsons. The case against Paul Dale relied heavily on information provided to us by Carl Williams. I recall being briefed on a 2008 offer by Nicola Gobbo to assist by covertly recording her conversations with Paul Dale. I was assured that her offer had been genuine, that she was ethically motivated and that there were no legal privilege complications. Also that it was she who initiated the idea of a covert recording. I did not know that she had a parallel and secret life with other Victoria Police officers, one where she was an active informer of long standing and that there were growing tensions in that relationship. She did not disclose any of this to the Petra staff in 2008. The covert recording took place and I was satisfied that Carl Williams allegations against Paul Dale were at least partially corroborated by things that Paul Dale had said. He made an unequivocal statement to Nicola Gobbo to the effect that what Carl Williams had told us about him was accurate. The case against Paul Dale was by then strong enough to be put before a court but it largely stood or fell on Carl Williams evidence and the remarks Paul Dale had made to Nicola Gobbo on tape.

68. I will always believe that Carl Williams murder was a pre planned killing and that those responsible have not been held to account. That the plan involved corrupted and or compromised staff then serving within Corrections and criminal elements on the outside with much to lose if Williams was ever to give evidence in any criminal trial or Royal Commission. I recall that there were a number of hypotheses we were considering as well as the obvious link between Carl Williams murder and the prosecution of Paul Dale. But all of them shared a common thread; that the murder was planned and involved corrupt actors inside and outside the prison.

69. Within days of the collapse of Paul Dale's prosecution I visited the Petra team. They were understandably downhearted. I encouraged them to carry on and continue to strive to get justice for the Hodsons. I said that I was convinced that within their intelligence and holdings, and those that Driver were building, lay further opportunities. I shared my own personal experiences of seemingly exhausted investigations being revived by such analysis. I was determined to continue working toward resolving the Hodson murders.

70. I also had other reasons to merge the investigations. The Petra team had been involved in the investigation for years. They had been very innovative and dedicated and the failed prosecution of Paul Dale had hit them very hard. Their morale was low but had lifted in the weeks and months after Carl Williams was murdered by their discovery of new leads. I decided that it was time for new perspectives and that the crew had done enough with a very difficult task. This would be hard for the crew to take I knew but I had a lot of experience of investigations being revived by new staff. I said that Sol Solomon and Cameron Davey would be retained as expert advisors and that they would be involved in guiding the investigations. I am now aware that my instructions were not carried out and that considerable disappointment resulted.

71. I understand now that one of the Petra officers, Cameron Davey, was so unhappy that he left the force. I am so sorry that happened. That was not my intention. Had I been informed I would have done everything I could to retain him. A huge loss to the force.

72. Both Sol Solomon and Cam Davey continued to work very hard on the Hodson murders. I was aware back then that Paul Dale had given evidence on oath at an ACC hearing. We had seen his testimony and there were clear and obvious discrepancies between what he had told the ACC and what we believed to be the truth. Sol Solomon did some work on this to see if the discrepancies could be explained. If not then prima facie Paul Dale may have perjured himself at the ACC hearings. Sol Solomon eventually reported back that the discrepancies could not be explained and that a prima facie case of perjury committed by Paul Dale existed. He prepared a brief of evidence.
73. In December of 2010 I met with the FDPP who had been supplied with a copy of the brief that Sol Solomon had prepared, Sol Solomon was there along with other officers. The FDPP said the brief was very well prepared and among the best they had seen. That in their view the evidence was strong enough to go before the courts and that they recommended that we proceed. The brief relied, in a partial sense, on us being able to produce the covert tape recording voluntarily made by Nicola Gobbo when she spoke with Paul Dale.
74. I was by then aware that Nicola Gobbo was suing the force alleging negligence. I had not seen her writ at that point but I had been told what was in it, I had also seen some of the responses the force was planning to make. The documents I had seen stated that the force agreed not to call Nicola Gobbo as a witness in any proceedings. I had heard that considerable sums of money were to be paid to Nicola Gobbo to settle the writ, [REDACTED] dollars had been mentioned. I didn't understand why.
75. I duly advised the FDPP that day of the potential complications in case it affected their view of the brief. They said that Nicola Gobbo was competent and compellable and saw no impediment, I agreed with that assessment, and that it was simply not right to give anyone concrete assurances that they would never be called as a witness. I also said that our intention would be to have Nicola Gobbo attend court to prove the validity of the tape, along with the officers who wired her up, covertly observed the meeting, and later removed the tape. There being no intention to offer any evidence on behalf of the Crown beyond that chain of evidence as the transcript would speak for itself. The FDPP felt that was the right way forward but that it would be a matter ultimately for the

- prosecuting counsel, should the matter proceed to that stage. I gave instructions to Sol Solomon to initiate the prosecution.
76. Some time later I was told that Superintendent Guerin had critiqued the brief of evidence that I had already authorized for prosecution. He had added a number of criticisms which would have undermined the brief in the eyes of the court. This despite the FDPP saying that the brief was of a high standard and sufficient to proceed. I saw a risk that the defense would call him as their witness, as they would see his commentary once the discovery process was complete. His intervention was irregular or incompetent, it had to be one or the other.
77. I have seen Sol Solomon's statement . In it he says that Superintendent Guerin at first told him that I was wrong and had no authority to authorize the brief and told him later that I had agreed to his review. I had no such conversation with Superintendent Guerin and I did not indirectly communicate such an instruction to him through anyone else either. I also learned from Sol Solomon's published statement that he was removed from the brief and another officer was substituted, and that the efforts to mount this prosecution eventually failed. This was news to me and deeply concerning. On the face of it a legitimate investigation, resulting in a FDPP endorsed brief of evidence for very serious offenses was being derailed.
78. The media by then were reporting that the dispute arose from a direction by the chief that Nicola Gobbo become a witness against Paul Dale, that she had strongly objected and felt betrayed following her years of covert work with Victoria Police. Internally there were also meetings over Nicola Gobbo's security and difficulties with getting Nicola Gobbo [REDACTED] [REDACTED] .
79. My belief was that she had, in 2008, freely volunteered to assist in gathering information, by wearing a covert recording device and that her dealings with officers, for example Sol Solomon, had been cordial. I was not aware that the chief had anything at all to do with it. I have seen Sol Solomons statement. My recollections are the same as his.

80. Fin Mcrae at that point reported to me. I asked him about the writ and response. He said in dealing with that he was acting solely for the chief and that it did not concern me. He said he could not show the file to me for that reason. I told him that the rumors I was hearing, which I believed to have substance, suggested that the [REDACTED] payout was being paid for reasons of convenience, that it was not being done for the right reason.
81. I am of the view that the whole process was a device to syphon significant sums of money to Nicola Gobbo, allowing a line to be drawn. Also, perhaps, in the hope that nothing of what I reported in 2010, 2011 and 2012, and some of which is now emerging in the Royal Commission would ever see the light of day.
82. I did eventually get to see the writ and settlement response . I cant recall how but I have a vague recollection of the file just appearing in my in office once it had been settled. It was as bad as I feared. Neither her writ our our response mentioned the informing activities or any of the affected clients or court cases.
83. I reasoned that both parties appeared to be jointly involved in covering up the informing era and all its painful effects on her, Victoria Police , the Victorian Justice System and the Victorian public. By selectively using information to suggest that she had been essentially forced to become a witness against Paul Dale by Petra, that she had been beyond reluctant and that damage to her standing and lethal risk to her had resulted.
84. There was also talk of inappropriate relationships with criminals over the years. For example she was a guest of honor at the December 2003 Crown Casino christening party for Carl Williams daughter. [REDACTED], the future [REDACTED], was also at that gathering, and had [REDACTED] [REDACTED]. Unwise and inappropriate relationships and a strong visible signal in 2003 to Victoria Police that Nicola Gobbo's loyalties and motivations were complex to say the least. At that time I believe that [REDACTED] was [REDACTED] ([REDACTED]).

85. I discovered that in the prosecutions where it appeared she had informed on her own clients there was no record of the trial Judge, prosecutors or defense lawyers being advised of her activities. It seemed as though they had not been informed. Discovery had to have been deliberately circumscribed as well. If I was right then deceptions had been practiced on the Victorian Justice System by Nicola Gobbo and Victoria Police over many years. Potentially people had perjured themselves, legal fees dishonestly claimed, defendants, media, Judges, public and juries duped. As I delved deeper I could see that the number of serious cases affected was significant, and that the deceptions had been practiced on an industrial scale.
86. Information, intelligence and innuendo had flowed in both directions; from her to us and from us to her and that the pattern, tempo and intensity of serious crimes linked to the murderous gang feuds had been adversely affected in my opinion. She was throughout this time a very prominent barrister and had represented many people charged with serious crimes, including murder. She enjoyed a prominent lifestyle, freely mixing and being seen with dangerous criminals.
87. Public confidence would be undermined in the justice system, and for a very long time once this matter became public knowledge. Our adversarial judicial processes, where the state inevitably has most power and resources at its disposal, rely on the unfettered ability of the defense to be able to mount the most effective challenge to the state on behalf of the client. In building that defense the client has to be able to fully trust the defense lawyers and confide in them, in the sure and certain knowledge that such communications are privileged and will always remain so.
88. Once this principle is seen to have been routinely breached over many years then our judicial system begins to resemble those found in less democratic countries. The integrity and value of the whole system is critically undermined. This is why the High Court were later to condemn what has happened in Victoria so comprehensively. Various defenses have been mounted along the lines of “the ends justified the means” , and “desperate times called for desperate measures”. This kind of post hoc rationalization is wholly wrong. Serious errors have been made and must be acknowledged, dealt with and necessary reforms introduced.

89. From this point on I expect that in future all aspects of the Victorian judicial process will be subjected to routine challenges. Conspiracy theorists and others not well intentioned toward government, the police and the justice process will cite what has happened here for years to come. Unavoidable future human errors by anyone involved in the justice process will be seen as something more sinister.
90. Although I came from another common law jurisdiction there was no doubt in my mind that all of the investigators that I was working with, who were beginning to learn about Nicola Gobbo's informer activities, knew that this was very wrong. I did not hear any of them offer anything in defense of what they were discovering, only surprise and concern. Legal professional privilege is a corner stone of every common law justice system and I well recall as an operational detective being occasionally frustrated by effective defense lawyers. I also recall many occasions when effective defense lawyers were able to prevent miscarriages of justice by exposing weaknesses in prosecution cases.
91. Many hard working police officers will occasionally be subject to complaints and allegations. They will invariably turn for confidential advice and support from a legal advisor. Legal professional privilege is well understood by police officers.
92. I had tried to get the Opi interested when I raised concerns in the broadest sense with His Honour Michael Strong, who I fully trusted, one day in his office. I think I was acting chief at that time. We had a conversation in which I was somewhat guarded as I didn't wholly trust the Opi in view of their operational conduct throughout Diana and other Opi investigations. I had seen their reflexive preference for intrusive techniques which was not always properly justified by the alleged wrongs being looked into.
93. Mr Strong did not react well, he seemed somewhat indignant with me and para phrased what I had said as an attack on the chief, which was not the case. He stood up and showed me the door. I left in state of unease in that I had shared my concerns which had been dismissed. I also feared that my concerns would be relayed back to the force. Some time later an account of our meeting, attributed to Mr Strong, appeared in a media

- article. He said I had done nothing more than raise non specific generalities with him. It was more than that. This was, for me, another example of the folly of regulator and regulated working together. On that day their clear duty would have been to reassure me and hear me out. Had they done so so much of what went wrong in the years that followed would have been averted.
94. Later on in 2010, although I was dealing with the Ombudsman on his duty of care investigation into Carl Williams' murder, they seemed not to be able to pick up on the broader issues around Victorian Police use of Nicola Gobbo. I was by then more convinced that the criminal justice system had been undermined. I had already lost confidence in the Opi and decided to get further advice on what I should do.
95. I had met, and had some contact with, His Honour Frank Vincent AO QC. We had worked together on the failures of our DNA processes and I knew he would be a good person to consult.
96. I asked him to meet with me in an informal setting to discuss extremely sensitive matters, I was very relieved when he agreed and we met at a coffee bar on Collins Street. I advised him that I had uncovered some serious wrongdoing within Victoria Police which had undermined, in a very profound way, the Victorian Criminal Justice system over some years. I went into what had happened but without using people's names at that stage. I was sounding him out on the prospect of him leading some sort of judicial review like the one he had led on our DNA failures (a man had been wrongly imprisoned due to a contaminated Victoria Police DNA sample). Mr Vincent was very helpful and indicated that he was open to the idea but, if the proposed review was asked for by Victoria Police, then the chief would need to commission it and agree to release of documents and so on. (But the chief had been involved in the deficient Nicola Gobbo writ and settlement process and had run, before my time, Petra and Briars where she had been heavily involved. He had questions to answer in my opinion and was also conflicted. So I couldn't take this idea any further).
97. The stream of revelations which emerged after Carl Williams was killed did not, despite some powerful speeches in Parliament, move Government to act decisively so the urgently needed Royal Commission was not on the

cards. We discussed a more formal approach to the Ombudsman by me, as opposed to the discussions I had been having with them during their duty of care investigations in Carl Williams murder, which I decided to do.

98. In January 2011 I attended the Ombudsman's office to report my concerns. I recall sharing with them what I had discovered about Nicola Gobbo after Carl Williams was killed, the illegal bugging operation, the deficient writ and settlement, the [REDACTED] matter and the distortion of our violent crime statistics. In February 2011 I had a further meeting with the Deputy Ombudsman where they focused on the crime statistics distortions which by then were being commented on in the media.
99. Not long after the February 2011 meeting John Taylor came to speak to me and my wife at our home one evening. He told us that he was concerned that our communications (telephones and emails) were being unlawfully compromised by the Opi and that the Ombudsman's contractors would be coming to our home to sweep it for bugs along with our car. He also told us he had learned of a plan whereby Opi staff planned to illegally burgle his home and interfere with his computer. My wife was understandably terrified. I felt, and still feel, so guilty that my attempts to get some daylight into some very dark corners had exposed her to lethal risks and made her so very afraid. This news came on top of the extended periods when we had been guarded 24/7 by armed officers and our unit equipped with state of the art CCTV surveillance systems and more following receipt of death threats.
100. One evening I was walking around The Tan, near the Shrine, with my wife and dog. It was dark and not many people were around. My wife screamed out and pointed to a sharp red laser dot on my chest. It was stable even though we were moving. It then played over her chest and then onto our dog. She was terrified but my first thought was that it was a prank. I could not see the source. Within a few days credible death threats were made on my life. I was advised to carry a firearm 24/7, extensive security measures were installed in our unit and I was accompanied by an armed protection team 24/7. I believe that the red laser dots were those emitted from sophisticated firearm sights and that the intention was for me to connect that incident with the death threats. A few months later further death threats were made and our security further enhanced. This was not a good time for us. My wife was made ill by the situation and the

continuous presence of firearms in our home and armed protection officers (who were very supportive by the way).

101. In late 2010, or early 2011, I was given responsibility for our Media and Communications operations. It was then headed by Nicole Mckechnie. She was not happy that her department had been allocated to me and hurt by the abrupt way that the chief had managed the transfer. Prior to that she had more or less reported directly to the chief. She was very hurt and felt that the chief had let her down badly. In her anger she told me that the chief, in the midst of the flurry of press stories suggesting conflict between me and the chief, had asked her to brief the media against me. She later left the force and the large payout she received from the chief was criticized by the Ombudsman.

102. In May 2011 the chief convened a meeting of the deputies, the head of media and the force solicitor. He told them I was to be sacked and that he was reporting me to the Opi that day for leaking. All meekly went along with the discussion which encouraged him. Absolute loyalty in action. Despite there being no evidence, beyond my obvious unpopularity and growing inconvenience, there was no plea for calm, fairness or due process from any of them. I was told that, following my humiliating removal later that day, the chief and my colleagues indulged in some unprofessional high five gestures.

103. The chief and [REDACTED] went to the Opi to that day to make untrue allegations against me. The unquestioning "loyal" support he had earlier received from my colleagues as to my leaking did not translate into all six of them attending the Opi, just two of them. That very same day, the complaints made were used to obtain intrusive warrants to tap my family and friends communications using emergency legal provisions designed for terrorists and extreme criminal threats. Those sealed Opi intercept warrant affidavits need to be unsealed and considered in relation to this Royal Commission's work.

104. On the 6 May 2011 the chief called me to his office. McRae was there. I was fired (constructively dismissed in the words of His Honour Kelham QC in his 2014 report) by the chief and told to clear my desk and be out of the building by close of business. I was humiliated and my hard

won decades old professional reputation destroyed in an instant. The media had already been alerted and I found them waiting outside our home, with my terrified wife inside, where they remained for weeks to come. They knocked on my neighbors doors, visited local shops and businesses spreading the news of my sacking and asking them about me. I am in no doubt this detrimental action was taken because it was suspected that I had reported what I had found out about Nicola Gobbo and other matters and that I needed to be discredited and silenced.

105. The Ombudsman was later to investigate the day of my sacking. The six people who attended that meeting were interviewed and the reported consensus had, by then, evaporated. Four of of them claimed not to have accused me of leaking, they had just passively allowed the chief to tell them of my alleged misdemeanors without a single voice being raised against the life changing event that was initiated later that day. Loyalty, it seems, prevailed. But not loyalty to the law and doing the right thing. Had this charade been directed at any of them I would have not have allowed what happened to them what happened to us. It was an affront to natural justice. A denial of procedural fairness and due process.
106. There are many discrete and very effective techniques which can be, and are, used in these sort of circumstances (assuming that the underlying suspicions are well grounded of course). These methods could, and should, have been used.
107. In my time at Victoria Police I ran several such investigations into allegations against a very senior officers. One involved an officer who seemed to have control of significant amounts of cash which was being gambled away. Effective and discreet techniques were deployed and in no time we found that there was a legitimate source of the unexplained wealth. The individual involved, and his colleagues, will never know of this and rightly so. Had that person been prematurely confronted by me, marched out of the building , media told and camped outside his house, and sacked prior to any Opi investigation. Then I am sure that, despite the inevitable exoneration to come, that persons career and reputation would be destroyed beyond repair. No smoke without fire rumors spread as in my case.

108. Had the discrete investigation techniques uncovered dishonesty then that person would, under my leadership, then been given fair and due process from that point as would be their right. I was denied my rights and I believe I know why. I will never forgive those officers, Deputy Commissioners, who despite having a statutory accountability beyond “loyalty” to the chief, went along with what happened to me that day. One or both of them could, and should, have intervened and prevented what was done.
109. In July of 2011 the Ombudsman’s staff visited me in the UK and I went through everything I knew about Nicola Gobbo once again and many other related and unrelated matters. In their prompts to me they referred to the account I had given them the previous January, including issues related to Nicola Gobbo.
110. After my dismissal the government approached me. Mr Bill Tilley MP, then a Police Minister, and Mr Tristan Weston , then government’s Police Advisor, met with me at the request of cabinet Minister Andrew Macintosh. I was repeatedly asked to take my resignation back so as to allow the situation to calm down. I repeatedly and politely declined. We were then living in total fear and distress and wanted nothing more to do with Victoria Police. I believed that I was under illegal surveillance , that I was being followed everywhere and that our telephones and emails were being intercepted. I was careful with what I said to Mr Tilley but I did express in a general sense that I had been ousted because I had discovered suspected serious corruption and wrongdoing
111. I indicated that what I had found involved the subversion of the criminal justice process over many years (here I was referring to Nicola Gobbo but I did not use her name). I said that a Royal Commission was required and that his government should initiate one. Mr Tilley MP has since said my concerns were reported back to Minister Macintosh and Minister Peter Ryan. Once again an opportunity was provided to the then government to do something about this and they chose to do nothing.
112. I believe that those conversations were being intercepted by the Opi. They heard me say time and time again that I was not interested in staying in the Victoria Police yet they went on to create and sustain a lie to

- the effect that I did want to be chief and would become the “puppet” of the Police Association. This precise theory had been first rehearsed in the Diana inquiry some years before. They also heard my suspicions over the extensive subversion of the Victoria Justice System yet apparently did nothing.
113. I have seen a press story in The Australian, early December 2018. In it Mr Tilley MP supports my account fully of what happened back in 2011. He was responding to the announcement of the Royal Commission. He says that my concerns were known by government in 2011 following our meetings and that nothing was done.
114. From early 2011 through to 2014 strenuous efforts were being made to corruptly ensnare me by the Opi. I found myself on the receiving end of a series of grotesque and frightening Opi draft reports for comment. They were full of lies and innuendo. Full of grotesque exertions where innocuous facts were strung together in an attempt to stand up one bizarre theory after another. I spent days and weeks at a time dealing with this with the help of my solicitor, Fatmir Badali and my barrister Allan Myers QC. They too said on many occasions that they had never seen anything quite like it. It was incessant. Very detailed and fact packed responses were submitted to the Opi. Documents which repeated my concerns about Nicola Gobbo and other matters. All of this was ignored and rejected as the stream of Opi draft reports went on to demonstrate.
115. My wife became seriously ill during these years. She has never quite recovered her confidence and bright personality. She too was followed and spied upon in Melbourne. The laser dot incident is also something that stays with her. I was also hearing about close friends and colleagues being coerced by the Opi. Being told that I was the target and to give any negative information they had about me.
116. His Honour Murray Kelham QC reported on my case early in 2014. He said that the Opi did not have any information to underpin their ridiculous allegations. That the investigation had been biased. The final, and most damaging, draft Opi report had been leaked wholesale to the media in a further attempt to discredit me. I was very disappointed to see that His Honour Murray Kelham QC said that not only should

investigations into me cease but also that there should be no investigation into who had leaked the final Opi draft report. I was baffled by this; I had done nothing at all other than try and put things right yet had been pursued for years, millions spent, all in a corrupt effort to discredit me and prevent these matters from being dealt with. Yet here was a clear and serious breach of the law by the Opi and no action taken against those who leaked it. That was just wrong. The person or persons who were responsible for that crime did lasting damage to me and my wife.

117. After I was sacked the regime around Opi warrant applications was reformed. I have seen statistics which show that the number of such intrusive technique warrants obtained by the Opi stemmed from an annual flood to a trickle by 2012 prior to the abolition of the Opi. The reforms, which included the insertion into warrant applications process of the Public Interest Monitor, reigned in the overuse and abuse of intrusive powers by the Opi. The absence, prior to the 2012 reforms, of rigorous checks and balances had allowed them to become a rogue and corrupt body by the time I arrived in Melbourne.

118. Before we emigrated to Australia I was at the top of my profession and could have looked forward to other senior appointments following my spell with the Association of Chief Police Officers and my national work in counter terrorism. Once back in the UK I applied for many public sector jobs in the UK and Australia. I was rejected for these and many other senior roles in the private sector. I rarely made the shortlists.

119. Several recruitment consultants told me the reason why in confidence. They said that when employers saw the hostile media stories that had been printed about me in 2011 / 2012 / 2013 , freely repeated on Google and elsewhere in perpetuity, they felt that I represented an avoidable risk. The "smoke" raised by the Opi and those who falsely accused me was sufficient to persuade some that there must be "fire". The efforts to discredit and silence me were significant and have been very successful. The laws in Victoria deigned to protect people suspected of doing the right thing (reporting wrongdoing) are not fit for purpose. In my case, despite it being proven that people with vested interests had taken detrimental action against me, despite it being proven that they suspected I had reported wrongdoing, it was decided that this was an insufficient basis to take action. In my view there needs to be a additional vicarious

liability placed on all organizations, because it may be difficult or even impossible to hold people to account personally, for what happened to me and others.

120. In my professional opinion the Nicola Gobbo saga is located and intertwined within a very broad context. A context which brackets many personalities and many incidents. Some of these are prominent and attract inquiry, some are less obviously connected but ought to be surfaced and described. The consequences of the Nicola Gobbo era are also complex. The excoriating High Court judgment shines a light on the industrial abuse of the criminal justice processes in Victoria over many years. But the focus of the judgment is necessarily judicial.
121. The broader consequences for the Victorian community, have been lasting and severe. It is my professional view that many trials were willfully subverted and their verdicts are now in question. That the Nicola Gobbo process deteriorated through mission creep from being highly unethical and irregular to being wholly corrupt, chaotic and illegal. Where both "sides" contaminated the intelligence and evidence so that crimes resulted, beyond the more obvious conspiracies to pervert the course of justice, and that other crimes were placed beyond detection. It was, and is, often claimed that the use of Nicola Gobbo as an informer ended the so called gang killings, that desperate times called for desperate measures, that the community should celebrate. That is a seductive yet false and misleading narrative.
122. The explosion of fairly mundane and low level recreational drug dealing in the Melbourne of the early 2000s represents a strategic policing failure. One that has not been acknowledged or addressed. Most of the oft cited 30 plus murders have not been resolved. This is a truth not spoken very often. No drug dealing assets or cash of any significance has ever been recovered. A key witness at the center of the murder spree, Carl Williams, was murdered in broad daylight inside the most secure corrections unit, itself inside the most secure prison that Victoria has.
123. Many many suspects, including some ex police officers, were placed beyond reach by the murky back and forth of the Nicola Gobbo processes. Great and lasting damage was visited on Victorian families and

communities by the explosion of illicit drug manufacture, gang cultures and drug dealing that was an evolving backdrop to the murders. The rapid ICE drug crime and dependency explosion in contemporary Victoria was facilitated by the availability of a ready made state wide drug crime infrastructure, and gang cultures developed in the early 2000s. This is not a legacy anyone would want to celebrate.

A handwritten signature in black ink, appearing to read 'K L Jones', written over a horizontal line.

K L Jones

7 December 2019