

ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS**WITNESS STATEMENT OF SIMON JAMES OVERLAND**

1. My full name is Simon James Overland.
2. I make this statement as an initial response to a letter from the Royal Commissioner, the Hon. Margaret McMurdo AC, dated 8 March 2019.
3. I welcome this opportunity to make a preliminary statement to the Royal Commission and my appearance before the Royal Commission to answer questions in relation to Victoria Police's management of Ms Gobbo as a human source.

INTRODUCTION

4. I welcome the opportunity to explain my actual role in the history of managing Ms Gobbo as a human source.
 5. At the outset I wish to make it totally clear that I have never met or spoken with Ms Gobbo.
 6. I have never had any meal or meeting with her at the Kew Golf Course Club House or elsewhere.
 7. It has been reported that I recruited and masterminded the use of Ms Gobbo as an informer. This is not correct.
 8. I did not recruit Ms Gobbo as a human source. I was surprised and concerned when I learned that she was a human source. I was always concerned by and appreciated the legal and ethical issues about her role as a human source or witness, as I will set out in this statement.
 9. I welcome the opportunity to elaborate on my actions in these matters and my reasons for so acting.
 10. In my nearly thirty years of service as a police officer, I gained significant experience in the management of investigations of serious and organised criminal activity and of police corruption. The management of such investigations
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is by its very nature ethically complex and it will continue to be so in the future. The main reason I say this, is that the individuals who engage in on-going, often whole of life, serious and organised criminal activity or police officers who are corrupt, are very well informed about traditional police investigation methodologies and ways of avoiding being apprehended by these methods. For example, they are very aware of the capacity to intercept their electronic communications and so rarely make basic mistakes of talking about their activities via these means, or they go to significant lengths to make it very difficult to identify or intercept these means of communication.

11. My experience is that this type of high-level criminal offending necessarily requires the use of human sources, either as sources of information or as witnesses, if these seriously dangerous criminals are to be identified and their crimes investigated and prosecuted. The use of human sources in this context is invariably legally and ethically complex. It often requires fine judgements and balancing of legal and ethical principles that may compete.
12. The type of person who has knowledge relevant to the identification and prosecution of serious crime, is invariably ethically, morally and spiritually compromised. They have to be by definition. In the process of investigation and prosecution they often become legally compromised, and in fact it is this that is almost invariably the basis for securing their co-operation with investigative and prosecuting authorities.
13. Added to this complex environment is the very real danger to the physical safety of human sources should the wrong people discover their role. Again, whole of life organised criminals are very aware of the risk that they will be betrayed by human sources. They look for them, including by using the disclosure requirements in the criminal justice system as a means to identify sources and they will, in my experience, take every means available to reduce that risk, including murdering human sources.
14. The investigations conducted by the Petra Taskforce into the murders of Terence and Christine Hodson, about which this Royal Commission has heard and will hear a lot, is a powerful example of this.

15. It is important that the matters before the Royal Commission are considered with a very clear understanding of the necessity to use human sources, while understanding the associated ethical complexities, in the investigation of serious organised criminal activities. I will seek to provide that explanation to aid an understanding as to the management of Ms Gobbo and to assist in formulating recommendations. In my view, and despite the legal and ethical complexities, the use of human sources will continue to be a necessary requirement in ensuring public safety.
16. Some months ago I requested access to documents from both Victoria Police and the Royal Commission. Until very recently I have received only very limited documents. I am now in the process of reviewing a considerable volume of documents that have been provided to me by Victoria Police. When the review of all documents requested has been completed, I will seek to provide the Royal Commission with a further statement.

PERSONAL INFORMATION

Q1. Detail your educational background and employment history, including progression through the ranks and roles assigned.

17. I have the following qualifications:
 - a. Bachelor of Arts in Administration – University of Canberra (1980-1983);
 - b. Graduate Diploma in Legal Studies – University of Canberra (1985-1988);
and
 - c. Bachelor of Laws (1st class Honours) - Australian National University (1990-1994).
18. During the course of my career I undertook the following professional development:
 - a. Police Executive Leadership Program, Australian Institute of Police Management (1997);

- b. Strategic Human Resource Management, Australian Graduate School of Management, University of New South Wales (1998);
 - c. General Manager's Program, Australian Graduate School of Management, University of New South Wales (2000);
 - d. Colloquium, Cranlana Program - Myer Foundation (2003);
 - e. Company Director's Course, Australian Institute of Company Directors (2004); and
 - f. Strategic Management of Enforcement and Regulatory Agencies, Kennedy School of Government, Harvard University and a study tour of the USA and Israel reviewing international policing responses to organised crime and counter-terrorism (2005).
19. I am a Fellow of the Institute of Public Administration Australia and a Graduate of the Australian Institute of Company Directors. I was awarded the Australian Police Medal in 2007.
20. I commenced full-time employment in January 1984 when I joined the Australian Federal Police (**AFP**). I completed recruit training in Canberra in May 1984 and I was assigned to a Special Operations Team, primarily to undertake high-risk witness protection work and tactical operations. This involved high-level specialist training in weapons and operational tactics and deployment on witness security operations, including protecting two very high-risk and high-profile witnesses being managed by the AFP at that time.
21. This experience gave me exposure early in my career in managing major crime figures who decide to co-operate with authorities. I spent considerable time in close proximity to both witnesses and came to understand how complex and difficult they were to manage personally [REDACTED] and professionally, in having them maintain and give their evidence before courts.
22. My recollection is that I served in this area for approximately 12 months and I was then transferred to general duties policing, Australian Capital Territory Policing. The AFP, in addition to its national and international roles, also provides community policing to the Australian Capital Territory (**ACT**). I initially worked in

general duties policing for about 9 months and I was then transferred to the Criminal Investigation Branch, where I worked as a detective in the Breaking Squad and the Drug Squad in the ACT.

23. I completed detective training programs during that time.
24. In early 1989 I was seconded to the Taskforce that was established to investigate the murder of AFP Assistant Commissioner Colin Winchester, the officer in charge of ACT Policing. Assistant Commissioner Winchester was the highest-ranking Australian police officer to be murdered, and the investigation was complex and high profile.
25. My recollection is that I served on the Taskforce until 1991/92, when I was promoted to Detective Sergeant and I returned to general detective duties at a suburban CIB in Canberra. I continued to be a part-time member of the Special Operations Team throughout this time, with responsibilities for high-risk police operations in the ACT.
26. My recollection is that in 1993 I transferred to the Internal Investigation Division, which was responsible for investigating allegations of misconduct by serving police officers.
27. Between April 1994 and January 1996, I was seconded from the AFP and I was employed as an Adviser to the Hon. Duncan Kerr MP, then the Federal Minister for Justice in the Keating Government. I had responsibility for advising the Minister and Government on federal law enforcement matters, relevant law and legislative reforms and issues management within that portfolio.
28. In early 1996 I was promoted to the rank of Commander, returning to the AFP and being deployed to the position of Director Operations Northern Region. This position was based in Brisbane and covered the geographical areas of Queensland, Northern Territory and the Torres Strait border area with PNG. I reported to the Assistant Commissioner, General Manager Northern Region and I was responsible for management oversight of all investigations undertaken by the AFP in that region. This mainly consisted of offences against Commonwealth programs or revenues; cross border offences such as narcotic and other drugs importations, arms smuggling and high level organised criminal activity.

29. My recollection is that during 1997-98 I was appointed as the AFP representative to the Review of the Resourcing Needs of the Australian Federal Police (The Ayers Review) and worked from Canberra. This review was established by the Commonwealth Government because of serious financial issues affecting the AFP and resulted in a substantial equity injection from Government and an internal reform program to generate savings, much of which I subsequently led.
30. In July 1998 I was promoted to Assistant Commissioner, General Manager Northern Region, responsible for the management of all AFP resources and activities in that Region and also part of the AFP's senior management team responsible for supporting the Commissioner in the overall management of the organisation.
31. In March 2000 I was transferred to the position of General Manager, People and Finance, based in Canberra and responsible for the AFP's financial and human resources, industrial relations, occupational health and safety, medical and welfare services and professional standards and practice management.
32. In October 2000 I was promoted to Chief Operating Officer, (Deputy Commissioner level), responsible for corporate leadership and management including contract management of the ACT policing arrangement with the ACT Government, integrity across the organisation, and all corporate functions including human resource and financial management, policy and strategic planning, information technology, science and technology and learning and development.
33. In April 2002 I was seconded to the Commonwealth Attorney-General's Department as Project Manager, Australian Crime Commission Implementation Team. There I successfully achieved the establishment of the Australian Crime Commission – replacing the National Crime Authority and incorporating the Australian Bureau of Criminal Intelligence and the Office of Strategic Crime Assessments. The decision to create the ACC, a Commonwealth/State body, was made at Heads of Government level and was the subject of protracted negotiations at Ministerial level. The project was successfully delivered against very tight deadlines and high political complexity. It required leadership of

substantial organisational change, and the application of legal, policy and stakeholder management skills.

34. In February 2003 I was appointed Assistant Commissioner Crime, Victoria Police, with direct line responsibility for the operation of the Crime Department and the management of major crime across and impacting on Victoria. At this time the Crime Department consisted of over 600 personnel and I was responsible for the financial and human resource management of the department, in addition to leading and overseeing the management structure and investigations. Operation Purana, about which I will say more below, was one of hundreds of investigations of serious and major crime, which I did not conduct but which were conducted by the Crime Department.
35. Whilst in this role, I also initiated, developed and led major reform initiatives including the Organised Crime Strategy 2005-09, and a review conducted jointly with the Boston Consulting Group that resulted in a new major crime management model. I then led the introduction of this new model in Victoria Police. I also contributed to the policy framework that recognised human sources as corporate resources requiring effective management in the organisation leading to the establishment of the Source Development Unit (SDU), in I believe 2004.
36. I was also a member of the Corporate Committee responsible for the governance of Victoria Police. The Corporate Committee consisted of the Chief Commissioner, Deputy Commissioners and equivalent public servant positions and all of the next layer of the organisation, Assistant Commissioners and equivalent. My recollection is that this included approximately 26 people, all of whom reported directly to the then Chief Commissioner, Christine Nixon, not through the Deputy Commissioners, which would have been the more traditional organisational model in place in policing organisations in Australia at that time.
37. In June 2006 I was appointed Deputy Commissioner, Victoria Police. I was responsible for corporate leadership and management in Victoria Police, including development and implementation of new service delivery principles across the organisation; reform of systems and work practices emphasising improvement of front-line capacity and service delivery. I also worked across

government to develop integrated responses to key issues including delays in the criminal justice system, family violence, sexual assault, management of high-risk individuals and innovations such as electronic briefs.

38. As stated earlier, under Chief Commissioner Nixon all of approximately 26 members of the Corporate Committee reported directly to her. This continued to be the case when I was appointed Deputy Commissioner, and in that role apart from my support staff (Staff Officer and Executive Assistant) I had no direct reports.
39. In conversation with the Chief Commissioner it was determined that in my role as Deputy Commissioner I would continue to oversee the Purana Taskforce. With the agreement of the Chief Commissioner I established (and participated in Steering Committees for) Operations Petra and Briars, both of which were related to other investigations conducted by the Purana Taskforce, and concerned homicides in which it was suspected that serving or former members of Victoria Police were involved. I will say more about the scope of my involvement in the oversight of these three matters below.
40. In March 2009 I was appointed Chief Commissioner of Victoria Police. I restructured the senior levels of the organisation, resulting in a leadership team of seven direct reports responsible for all aspects of operational policing, human resources, business services (including financial management), strategy and risk management and information technology. I put in place an organisational model, where reporting lines came through the Deputy Commissioners (three) and public service equivalent (three) positions.
41. I became Chief Commissioner less than a month after the catastrophic 2009 bushfires in Victoria. The beginning of my time in this role was characterised by the priority to respond to and inform the subsequent Royal Commission, both as a member of the whole of government Inter-Departmental Committee and as the leader of Victoria Police. Much of my focus was on progressing rapid reform in emergency response arrangements in Victoria and by Victoria Police. There were also a number of very complex investigations and coronial investigations into the aftermath and consequences of those fires.

42. In addition, there were concerns about a number of other public safety matters, including public safety and violence in the CBD, Melbourne's metropolitan transport system, and Victoria's road toll.
43. At the same time, on the corporate side of my role at Victoria Police I was also managing a number of very significant internal issues. There were significant failings within Victoria Police's information technology systems, that were the subject of an investigation by the Ombudsman. The LEAP database, human resources system and other databases were also in the process of being upgraded or replaced. This was a significant undertaking to be implemented and managed across an organisation of about 15,000 staff with an operating budget of approximately \$2 billion per annum.
44. While managing both these operational and corporate changes, I was also conscious of the need to reassure the Victorian public that their police force was open, accessible and listening to the community. It was important to me during my time as Chief Commissioner that I get out into the community to meet with as many people as I could, as well as being visible in the organisation and spending as much time on the ground as I could.
45. I have requested access to my Victoria Police personnel file which would contain further details regarding my experience.
46. I resigned from Victoria Police in June 2011.
47. I was employed as the Secretary of the Department of Justice, Tasmania from mid-2012 until mid-2017, when I resigned to take up my current role as CEO of the City of Whittlesea, a metropolitan council in Melbourne's northern suburbs.

Q2. Detail your involvement or association, including the period of such involvement or association, with any investigation which had dealings in any way with Ms Gobbo.

48. As stated above, I have never met Ms Gobbo and I have never spoken with her, either personally or professionally. At no time in my involvement with any investigation in Victoria Police which had dealings with Ms Gobbo, did I meet, have a conversation or an association with Ms Gobbo.

49. Between late 2004 and late 2008, I was accountable for a number of investigations in which other officers had dealings with Ms Gobbo, primarily under the auspice of Operation Purana, and in relation to Operation Petra, which emanated from Operation Purana. I am aware that Ms Gobbo may have also been involved in Operations Briars.

Operation Purana

50. When I joined Victoria Police in February 2003, the events that subsequently became known as the 'gangland murders' were not in the wider public consciousness or the subject of the extensive media reporting that became prominent from later in 2003, particularly dating from the double murder of Jason Moran and Pasquale Barbaro in June of that year. Moran and Barbaro were gunned down in the front seats of a van parked at the Cross Keys Hotel in Essendon North. Five children were sitting in the back seat.
51. Prior to the assassinations of Moran and Barbaro, more than a dozen people associated with Melbourne's criminal underworld had been murdered, but these had not been linked together in the media or the public consciousness in the way that later occurred.
52. When established in approximately April 2003, Operation Purana was a Taskforce to investigate interrelated shootings and murders. It drew resources from the Crime Department and across Victoria Police. The name Purana was a randomly generated code-name, which was normal practice for major investigations/taskforces being conducted in the Crime Department. My recollection is that initially it was focused on three or four shootings/murders. It was initially tasked with the investigation of three unresolved homicides: Dino Dibra, Paul Kallipolitis and Nikolai Radev, between 2000 and 2003.
53. The number of murders under investigation under Operation Purana was added to throughout 2003 and 2004 as the so called 'gangland war' escalated significantly over this time, becoming a series of investigations, where it was believed that there were connections or common actors/features to the commission of those offences.

54. The objectives of the Purana Taskforce were to identify, apprehend and convict those persons responsible for the murders, and to disrupt major criminal enterprises, namely drug manufacturing and trafficking.
55. As with any operation or taskforce, Operation Purana was originally intended to be a time limited operation, disbanding after it had either achieved its original purpose, or was deemed unable to progress those matters further. As it progressed and was successful in investigating and prosecuting the major criminals involved in and/or responsible for the 'gangland murders', it assumed a life of its own linked to public and political interests in its outcomes. Accordingly, Operation Purana morphed into a standing taskforce that investigated serious and organised criminal activity, largely centered on illicit drug manufacturing and distribution in Victoria. My understanding is that it continues to operate today.
56. At the time it was established, Operation Purana was headed by a Detective Inspector (Andrew Allen) and was staffed by two Detective Senior Sergeants (Gavan Ryan and Phil Swindells) and a number of Detective Sergeants, Detective Constables, Constables and intelligence analysts. I do not recall the exact number or details of all staff, but I believe these records will be held by Victoria Police.
57. Detective Inspector Andrew Allen reported to Detective Superintendent John Whitmore, who reported to Commander Terry Purton, who reported to me, as Assistant Commissioner Crime. Because of the significance of the matters being investigated and the growing public and political concerns about these events, I had a greater level of awareness and view of Operation Purana than many other investigations under my command, but this did not extend to operational or tactical decision-making.
58. My role was initially engaged in establishing, resourcing and focusing the investigation in its early stages. I then monitored progress, largely via weekly written and verbal reports, and contributed to managing the intense media interest. As necessary I became involved in managing key strategic issues.
59. I was most closely involved through 2003 and 2004, when Victoria Police was under intense pressure to resolve these murders. From 2004 I had a less direct role in Purana, because by then key arrests had been made. I had many other

priorities in leading Victoria Police and protecting the ongoing safety of the community.

60. Operation Purana was formed against a background where it had become apparent that the traditional investigative approach taken by Victoria Police would not solve this complex series of shootings, murders and drug-related crimes. One of the first responses was to build the intelligence picture.
61. Key in this was to understand the intersecting criminal networks operating in this domain and identifying intelligence gaps. It was particularly important to identify weaknesses and vulnerabilities in these networks that might be exploited.
62. This meant identifying persons in these networks who were involved in serious criminality and who could be targeted, arrested and charged with serious criminal offences and then convinced to provide evidence against co-accused or other more significant criminals, particularly those involved in the murders.
63. All such undertakings under my leadership were done with the full knowledge and agreement of the then Director of Public Prosecutions (Mr Paul Coghlan QC and primarily Senior Crown Counsel Mr Geoff Horgan QC). Successful prosecutions were brought and convictions secured largely on the basis of evidence from criminal co-accused, which as the Commission would be aware, raises complex evidentiary and ethical issues at trial and in sentencing.
64. This included the subsequent conviction of Carl Williams for the murder of Michael Marshall, which was then instrumental in securing a subsequent plea deal with Williams, the importance of which cannot be understated.
65. Using this approach, notorious, violent and dangerous criminals agreed to testify against others. This included one individual who would rightly be regarded as one of the most dangerous criminals in Victorian history. Instrumental in the rolling of this person, was a co-accused, who was in fact the first person to be "rolled" by Operation Purana. The term "rolled" is a colloquialism that describes securing the co-operation of criminal co-accused in exchange for leniency on sentence.
66. I have not identified either of these two individuals. Each were sentenced to serve lengthy (but reduced) prison sentences under assumed identities.

67. I was regularly briefed by senior detectives attached to Operation Purana of the efforts to roll the first individual and met with him once in a Victorian jail as the final step in securing his decision to co-operate. The criminal had asked to meet with me as the final step in his decision making. I did this at the request of Detective Senior Sergeant Gavan Ryan, who was attached to Operation Purana at that time. I believe this was in early 2004. This was the only occasion in which I had direct dealings with any criminal investigated and prosecuted by Operation Purana.
68. I later came to understand that this person was represented by Ms Gobbo, but I did not know this at the time.
69. To my knowledge this was the first occasion that I was involved in an investigation that had dealings with Ms Gobbo. I now understand that it is likely that Ms Gobbo acted for other criminals being investigated under Operation Purana prior to the arrest of the two people referred to above. My involvement as Assistant Commissioner did not extend to being aware of this level of operational detail. I was involved in strategic issues, not those involving the day-to-day tasks of the Operation.
70. As I have explained above, Operation Purana became a standing taskforce and a large number of different investigations came under its purview. Tony Mokbel was a person of interest in a number of the shooting and homicide investigations through 2003, 2004 and 2005. It is now a matter of record that Mr Mokbel absconded while on trial for Commonwealth offences in 2006.
71. Mr Mokbel continued to be a person of interest and the focus expanded to include investigations of his drug manufacturing and distribution network, which was an extensive network across Victoria and interstate. Our interest was in investigating crimes in which he was involved but also had a longer term objective of exploring whether he could be rolled because we believed that he could provide very significant information about other serious offending and police corruption.
72. My recollection is that the investigation of the Mokbel syndicate, known as Operation Posse, began around October 2005. The decision to target the Mokbel syndicate was made at the operational level. I would have been aware of the

decision to commence Operation Posse, but I was not involved in its establishment, nor did I have a detailed knowledge of its conduct.

73. At some point, but I am unsure when or how, I became aware that Ms Gobbo was being used as a source of information in relation to the illicit activities of Mr Mokbel's criminal network. I did not have detailed knowledge as to her role. My clearest recollection of her role is post 2006, as I recall she was in contact with Mr Mokbel, who having failed to answer bail on the Commonwealth charges, initially hid in country Victoria and then relocated to Greece, where he continued to control the operations of his Australian based criminal networks.
74. My recollection is that in 2006/07, two separate taskforces were established, Operations Petra and Briars. Both were intended to be covert taskforces as they concerned homicide investigations in which it was alleged that serving or former members of Victoria Police were suspects.
75. Operation Petra was to continue the investigation into the murders of Terence and Christine Hodson in mid-2004. Terence Hodson had been involved with two police officers, then Detective Sergeant Paul Dale and Detective Senior Constable Miechel, in the theft of illicit drugs and money from a drug safe house in September 2003. Miechel and Hodson, who committed the theft, were apprehended in the immediate vicinity of the house and were arrested and charged. Hodson later elected to co-operate and implicated Dale.
76. Following the plea deal with Carl Williams, Mr Williams provided information that he had commissioned the murder of Terence Hodson, on behalf of Paul Dale. The Petra Taskforce was established to investigate this allegation. Ms Gobbo subsequently played a role as a source/witness in this investigation, through until 2010. I address this in more detail below.
77. It is important to understand that information from Ms Gobbo did not prompt the decision by Victoria Police to establish either the Petra or Briars Taskforces. Paul Dale was always a suspect in the murder of Terence and Christine Hodson and I recall discussions I had with the then DPP, later Justice Paul Coghlan QC, about our shared belief that Williams would be able to provide information implicating Dale in the Hodson murders. This subsequently came to pass and it was on the

basis of the information provided by Williams in a signed statement that the Petra taskforce was established.

78. Operation Briars was a taskforce established to continue the investigation of the murder of Shane Chartres-Abbott. It was alleged that a serving and ex-police officer knew about the murder and that the serving officer provided an alibi for the killer. The information that led to the establishment of this taskforce came from the killer.
79. I cannot recall what role Ms Gobbo played in relation to this taskforce, but I am aware through media reporting that it is alleged that she was also a potential witness in this matter.

USE OF MS GOBBO AS A HUMAN SOURCE

Q3. Detail how you learned, or were given reason to believe, that Ms Gobbo was providing information or assistance to Victoria Police, including:

- a. when that occurred;**
- b. in what circumstances that occurred;**
- c. who told you or gave you reason to believe;**
- d. what were you told; and**
- e. who else was present.**

80. I have previously stated that I did not specifically recall when Ms Gobbo was registered as a human source for Victoria Police, but I thought it was either 2004 or 2005. I also did not recall who told me, when or why.
81. I do recall that at the time I became aware of Ms Gobbo's relationship with Victoria Police, I was surprised and concerned that a barrister had been registered as a human source. My recollection is that I was told that Ms Gobbo became a source out of fear for her own safety, in particular from Tony Mokbel and his associates.
82. I recall that she had crossed professional boundaries in that she knew about and was facilitating (or was expected to facilitate) the on-going criminal activities of major criminals who were, or had been, her clients. My recollection was that she was being threatened or felt threatened by Tony Mokbel and she viewed her

relationship with Victoria Police as the means of extracting herself from a very dangerous and difficult position.

83. I now understand from what has emerged in this Royal Commission that Ms Gobbo was recruited in September 2005, by ^{Sandy White-O}
_{Sandy White-O}, who was attached to the SDU.
84. I was not aware at the time, but subsequently became aware through evidence to this Royal Commission, that Ms Gobbo had been providing information to Victoria Police for some years prior to her recruitment in September 2005. I was not involved in this and I had no knowledge that she was providing information prior to her formal registration in September 2005.
85. I held concerns about the use of Ms Gobbo from the outset and I expressed these concerns to those managing her on a number of occasions. As I have stated above, I believed that her actions and motivations that led her to being registered as a human source were a cause for concern. And as set out below, I was conscious of the potential implications arising from her profession and at the time I believed that these had been appropriately considered and addressed.
86. As best as I recall, my understanding in around 2005 was that Ms Gobbo's role was as a human source against the Mokbel syndicate, and that she would not act for people against whom she informed. I believed this to be largely observed. I was not briefed on every detail and aspect of these investigations, but any information sourced from Ms Gobbo, of which I was aware, appeared to me to also relate to ongoing serious criminal enterprises. In addition to understanding that she would not act for people against whom she was informing, I also viewed the information she was providing as being outside the bounds of legal professional privilege, as it related to continuing criminal enterprise.
87. I recall that there was a real definitional issue operating in my mind at this time, which goes beyond mere semantics, and that was whether Ms Gobbo was best characterised as a criminal lawyer or a criminal co-conspirator.
88. Early in the time that I was aware of Ms Gobbo's involvement with Victoria Police, I had raised the need to consider an exit strategy, particularly with ^{Sandy White-O}
_{Sandy White-O}, and I continued to raise this issue on a number

of occasions. ^{Sandy White-O} agreed, but the means of achieving this was difficult and complex, largely because of her behaviour.

89. As time progressed, and Ms Gobbo became increasingly difficult to manage, the ever increasing need to develop an exit strategy became more and more clear.
90. The fact that Ms Gobbo was recruited by Victoria Police and acted as a human source against extremely dangerous lifelong criminals who were involved in ongoing serious and organised criminal enterprise, meant that she continued to be at considerable personal risk (having earlier put herself in this position through her lack of professional boundaries with these same criminals).
91. Victoria Police owed her a high-level duty of care, and she could not simply be cast adrift. Victoria Police needed a strategy to end her relationship with Victoria Police in a way that ensured her safety.
92. I have also previously stated that Ms Gobbo was the best source of information that I had known in over 20 years of investigations experience. By this, I mean that the information that she provided was of a high standard, accurate, relevant and of great assistance in solving on-going and serious criminal activities.
93. Victoria Police has a duty to protect all human sources, irrespective of the circumstances surrounding their informing to Police.
94. I understand that as an officer of the Court, Ms Gobbo was subject to a number of ethical considerations, including legal professional privilege obligations. I understand that evidence has been given that Ms Gobbo acknowledged to ^{Sandy Whi} ^{Sandy White-O} that her ethical position, in her words, was "fucked". I agree. This was already the position before she became a source, although it was exacerbated when she did.
95. Almost all human sources are morally and ethically compromised, by virtue of their involvement in and knowledge of criminal enterprises, and their relationships.
96. My colleagues and I at Victoria Police were subject to our own ethical frameworks and obligations. These included a duty to ensure the safety of the public generally, and a duty to ensure the safety and protection of Ms Gobbo in circumstances where there was a significant risk to her life. I was conscious that any mis-step on the part of Victoria Police could result in her serious injury or

death. I understand legal professional privilege, but I am not a practicing lawyer or an officer of the court.

97. It was but one of several ethical matters I had to consider and weigh. I note the High Court's criticism that actions of Victoria Police breached our oath of office. It is worth repeating that oath in full:

"I do solemnly and sincerely affirm that I will well and truly serve our Sovereign Lady the Queen as a police officer in Victoria in any capacity in which I may be appointed, promoted, or reduced to, without favour or affection, malice or ill-will for the period of this date, and until I am legally discharged, that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent to the best of my power all offences, and that while I continue to be a police officer I will to the best of my skill and knowledge discharge all the duties legally imposed on me faithfully and according to law."

That is the ethical framework within which we were operating, and I always attempted to honour that oath.

Q4. Provide details of any other members of Victoria Police or other organisations who you believe was aware, prior to the end of 2012, that Ms Gobbo was providing information or assistance to Victoria Police, including:

- a. the name and organisation of that person;
- b. when you understand that person first had such an awareness; and
- c. why you understand that person to have had such an awareness.

98. I believe that the answers to these questions will emerge from Victoria Police's documents and the evidence of other witnesses.

99. Officers within the SDU including ^{Sandy White-O} were aware of Ms Gobbo's role as an informer. I am now aware that ^{Peter Smith-O}, who was attached to the SDU, had knowledge of Ms Gobbo's role. I cannot recall who else in the SDU knew about Ms Gobbo.

100. Detective Senior Sergeants Gavan Ryan and Jim O'Brien knew as they were responsible for the management of investigations in which she acted as a source. This was particularly the case with Jim O'Brien who led the investigations into Mr Mokbel and his syndicate, including the re-capture of Mr Mokbel in Greece.
101. Pending my review of documents I do not know who else in Operation Purana knew about Ms Gobbo.
102. My recollection is that Detective Senior Sergeant Steve Smith knew about Ms Gobbo. He was the officer who headed the Petra Taskforce after Gavan Ryan. I do not now recall which other officers in Petra knew about Ms Gobbo.
103. I have no clear recollection of Ms Gobbo's role in relation to Operations Briars. I do not recall which officers attached to Operation Briars knew about Ms Gobbo's role. I am aware via media reporting that then Detective Senior Sergeant Ron Iddles claims to have had some knowledge about Ms Gobbo's role.
104. Because Operation Petra related to alleged high-level police corruption, the then oversight body, the Office of Police Integrity (**OPI**), knew of the investigation and of Ms Gobbo's role. That included Mr Graham Ashton (as he then was) who was the operational head of the OPI. I do not know who else in the OPI was aware of Ms Gobbo's role.
105. Because of the very sensitive nature of Operation Petra (and Briars) and the intention that it operate covertly within Victoria Police and outside normal chains of command, there was a high-level management committee established to oversight its carriage. Mr Ashton was part of the committee, along with myself and Assistant Commissioner Luke Cornelius, then in charge of the Ethical Standards Department, Victoria Police. Assistant Commissioner Cornelius knew of Ms Gobbo's role with respect to Petra.
106. I am now aware that Detective Superintendent Biggin and ^{Black-O}
_{Black-O} were aware of Ms Gobbo's role.
107. I am also now aware that Detective Inspector Gavan Ryan (as he then was), Senior Sergeants O'Brien and O'Connell, Superintendents Blayney, Brown and Biggin and Officer White met on 24 July 2007 to discuss the ongoing use of Ms Gobbo as a human source.

108. I have previously stated that around 2008/09 it was decided to use Ms Gobbo as a witness in relation to Operation Petra and attempts were made to have her enter the Witness Protection Program. Victoria Police officers involved in witness security would have been aware of this. I now understand that this happened at the end of 2008.
109. Mr Fin McRae, the Director Legal came to know of Ms Gobbo's role as an informant and potential witness because of written correspondence she sent to Victoria Police (I think which was addressed to me), that culminated in legal action. Mr McRae was responsible for the management of these legal issues.

Q5. Provide details of person(s) you believe were involved in the authorisation, and continued authorisation, of the use of Ms Gobbo as a human source, including:

- a. the name of the person(s);**
- b. the role of those person(s); and**
- c. the basis of your belief.**

110. I have detailed above my knowledge of Ms Gobbo's registration as a source. From that time, the authorisation to use her arose from her registration. Victoria Police policy in force at the time governed these matters. It now appears that she provided information prior to registration, but I was unaware of this.
111. As I set out in this statement, I was aware of her involvement in the investigations in relation to the Mokbel syndicate. I also became aware that she had a role in relation to Petra and possibly Briars.
112. I have also set out my own position, namely that I was not consulted prior to her registration as a source, but I became aware of it, and that I had concerns but also recognised her value. As I have stated, I was not aware of, and did not authorise or condone her informing against her own clients or in breach of her legal professional obligations.
113. As I have stated above, I was aware of Ms Gobbo's use as a human source in relation to the investigations into the Mokbel syndicate conducted under Operation Posse. While I did not specifically authorise her role, equally I did not

stop it for the reasons I have set out in this statement. I accept responsibility for her use as a human source in these operations, but at the time I believed she was not informing in breach of her professional obligations.

114. I verbally instructed my investigators that Ms Gobbo could not provide information or be tasked in relation to current clients, or to provide information obtained in a lawyer/client relationship. I clearly recollect having conversations with a number of my investigators, including Gavan Ryan and Jim O'Brien, to that effect. I believed this was a shared understanding.

Q6. Detail all personal contact you have had with Ms Gobbo, including:

- a. when that contact occurred
- b. who else was present when that contact occurred;
- c. what was said during that contact; and
- d. whether you believed any record exists of such contact, and if so what.

115. I reiterate that I have never met or spoken to Ms Gobbo.

116. Ms Gobbo wrote a number of letters to me in my official capacity. Any such written material I presume is still held by Victoria Police and should be available to the Royal Commission.

Q7 Provide details of information received by Victoria Police between 1995 and 2012 where you knew, believed or had reason to suspect that the source of that information was Ms Gobbo, including:

- a. what the information was;
- b. when the information was received;
- c. how, and from whom, the information was received;
- d. when you came to know, believe or suspect that the source of the information was Ms Gobbo;
- e. what use was made of such information in any investigation;

- f. what evidence obtained in consequence of that information;**
- g. the significance of that evidence to the investigation; and**
- h. the name of any person charged as a result of the investigation.**

117. My knowledge of information that Ms Gobbo provided in relation to investigations was, at the time, derived from regular briefings I received on the progress of the various investigations being conducted under the banner of Operation Purana/Posse; or as part of the Steering Committees for Operation Petra and Briars.
118. The briefings in relation to Operation Posse were primarily from Detective Senior Sergeant Jim O'Brien; in relation to Operation Petra from Detective Senior Sergeant Steve Smith and from the SDU, primarily ^{Sandy White-O}
Sandy White-O
119. Detective Inspector Rod Wilson was the officer in charge of Operation Briars although I do not recall what role Ms Gobbo played in this investigation.
120. The briefings in relation to Operation Posse investigations and Operation Petra (and Briars) were in writing and these were provided at regular meetings. I no longer remember the specifics of what I was told and when, suffice to say that the briefings were high level. I do not recall being made aware in the course of any of these briefings that Ms Gobbo was providing information in relation to current clients or in a situation where the information was covered by legal professional privilege.

Q8. Provide details of any assistance given to Victoria Police, other than as a potential witness from 2009, where you knew, believed or had reason to suspect that such assistance was provided by Ms Gobbo, including:

- a. what the assistance was;**
- b. what use was made of the assistance in any investigation;**
- c. what evidence was obtained in consequence of the assistance; and**
- d. the name of any person charged as a result of the assistance.**

121. I know of no information relevant to this question. My recollection is that I ceased being briefed on all then current investigations from the end of 2008 or early 2009.
122. I did not receive operational briefings on investigations involving Ms Gobbo from March 2009, when I became Chief Commissioner.

CONCERNS IN RELATION TO USE OF MS GOBBO AS A HUMAN SOURCE

9. Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public Prosecutions, the Commonwealth Director of Public Prosecutions) as to the use of a legal practitioner of (sic) a human source, including in relation to each of these concerns:

- a. who raised the concern, and with whom it was raised;**
- b. when the concern was raised;**
- c. what the concern was;**
- d. whether the obtaining of legal advice was raised; and**
- e. what, if anything, was done about the concern.**

123. I do not recall any such concerns being raised with me but as set out above, I held concerns from the outset.
124. For my part, I had concerns from the outset which arose from her position as a legal practitioner. I gave instructions to my investigators that Ms Gobbo could not provide information or be tasked in relation to clients in a manner that would infringe legal professional privilege.
125. With respect to the information that I was aware that Ms Gobbo was providing, I believe that it was not protected by legal professional privilege for two reasons. First, so far as I was aware, the people she was informing against were not her clients and therefore there was no lawyer/client relationship. Secondly, the information she was providing related to ongoing and serious criminal enterprises and as such, the information would have been subject to the "crime/fraud" exception.

126. I was also concerned by the circumstances under which Ms Gobbo had come to be registered as a human source for Victoria Police. I thought this reflected badly on her professional integrity and judgement; in that she had become too close to serious organised crime figures, had come to know too much and was professionally and personally compromised.
127. That said, most high-value informers carry a high level of risk – it is almost axiomatic, to be of value as a human source you have to be very close to the criminal activity, meaning you are doubly morally compromised, first in becoming involved in serious crimes and secondly, then co-operating with police to mitigate the first failure. I was always of the view that she was high risk, both to herself and potentially to Victoria Police.
128. Early in the time that I knew of Ms Gobbo's role as a human source with Victoria Police, I raised the need for an exit strategy with those officers managing her. I believed that while Ms Gobbo was a valuable source in terms of the information she provided, Victoria Police needed a strategy to manage an end to the relationship in such a way that that could primarily ensure her safety.
129. As time passed I recall forming the view that is very probable that one or more of the people against whom she was informing, would have concluded that she was a human source, and was betraying them. She had for example, played a pivotal role in the dismantling of the Mokbel drug syndicate and the ultimate recapture of Tony Mokbel in Greece. I believed it was likely that she was suspected by members of the Mokbel family and associates and that the ensuing criminal prosecutions were likely to result in either further basis for suspicion, or confirmation of her role as a human source. This increased my concerns about the risks to her life.
130. However I believed that it was not an option to simply discontinue the relationship. Victoria Police owed her a duty of care. I was fearful that if she was de-registered she would likely continue to engage in inappropriate and high-risk relationships without any constraints or safeguards and that may result in her death or serious injury.
131. I am now aware of a record of a meeting that occurred on 17 May 2006 between myself, ^{Sandy White-O} and ^{Peter Smith-O} I, who

was, as I understand, also part of SDU. I have no specific recollection of this meeting. I have seen a log entry that records that, “|Sand: (Sandy White-O) and Peter S (Peter Smith-O) meet with AC Overland, crime re potential reward for 3838 and termination process.”

132. I take the term, ‘termination process’ to be a reference to what I have described as an exit strategy for Ms Gobbo.
133. I am also now aware of a record of a meeting that occurred on 6 August 2007 between myself, Superintendents Biggin and Blayney, Detective Inspector Ryan and Sandy White-O . I have no recollection of this meeting. I have seen a log entry that appears to have been made by Sandy White-O that records that:

“Meet with Deputy Commissioner Overland, Superintendent Biggin, Blayney and Detective Inspector Ryan re 3838 management update. Three options available: deactivate, ongoing management with no taskings, or witness. Agreed witness not an option by virtue of fact that ongoing communication will be required re court issues re Mokbel trials. Agreed 3838 to be managed with no taskings, and any intel to be risk assessed with Superintendent Biggin prior to dissemination or actioning. Discussed utilising 3838 to speak to targets re Op Petra and Op Briars to generate conversations re electronic surveillance.”

134. This is consistent with my seeking to have an exit strategy developed, to bring Ms Gobbo’s role as an informer to an end, while also keeping her alive but at that point of time, not seeking to call her as a witness.
135. Ms Gobbo’s role changed from that of a source to a potential witness when she became a potential witness for Operation Petra. This arose because of the recorded conversation she had with Paul Dale, in which Dale essentially corroborated Carl Williams’ statement against him. I recall being involved in many discussions over a number of weeks about whether Ms Gobbo should be used as a witness. I discuss this further below. I recall that members of the SDU were very opposed to this prospect.
136. Ms Gobbo’s role as a witness in relation to the Hodson murders was initially caused by action she took. I had no role in authorising or encouraging her

recording of a conversation with the main suspect Paul Dale, which I now understand happened in late 2008. I only learned about it after the event. My recollection is that Ms Gobbo had taken these actions on her own initiative. This caused me concern, as it was part of a pattern of behaviour I recall being reported, whereby she was difficult to control and would act on her own initiative. This carried significant risks for her, of which she did not appear to have a proper appreciation.

137. Ms Gobbo also agreed to go into Witness Protection as a consequence of becoming a witness, but later changed her mind.
138. Efforts to discontinue or limit her role as a human source had not been successful. I thought the risk that she would be killed or seriously injured to be very high; that she had or would soon be compromised in that the criminals against whom she had informed would become aware of that fact, either through their own deductions or via discovery in criminal proceedings and that the only viable alternative to keep her safe, in any event, was to have her enter the Witness Protection program. This would have meant that ultimately Ms Gobbo would have been given a new identity and re-located to a safe location.
139. My recollection is that Victoria Police officers assigned to Operation Petra discussed with Ms Gobbo the option of her becoming a witness and entering witness protection. My recollection is that I was informed by investigators that she was open to this course of action.
140. I am also now aware of a meeting that occurred on 5 December 2008 between myself, Superintendent Biggin and ^{Sandy White-O} and ^{Black-O}. I have seen a log entry that states:
- “DC Overland present. Made clear that 2958 (as 3838 had been renumbered) value as witness more important than perceived issues. Decision preferable that Petra deploy 2958 in case development becomes evidentiary. Need barrier-break between SDU management and witness management.”*
141. The time at which this meeting occurred is also significant as, as I have stated earlier, it is around this time that I recall ceasing to be involved in operational matters pertaining to Ms Gobbo. I was dis-engaged from any management of

investigations involving Ms Gobbo from March 2009, as I was promoted to Chief Commissioner then and had wider obligations across the organisation.

142. As I have noted above, some officers including those who had been close to Ms Gobbo as a source disagreed with my view that Ms Gobbo was more valuable as a witness than as a source. I understood that at the time and I understand it now, but as the Chief Commissioner, I believed that securing the conviction of a serving police officer, Paul Dale, for murder, was a high priority, as well as providing an exit strategy for Ms Gobbo.
143. Ms Gobbo's importance as a witness cannot be understated as she, along with Carl Williams, provided the evidence which, in my view, would have secured Dale's conviction for the Hodson murders, had Williams lived to testify.
144. On 16 August 2010, I wrote to Assistant Commissioner Jeff Pope, directing that members of the Petra Taskforce were not to contact or solicit or receive information from Ms Gobbo. The Ombudsman had inquired into the circumstances of the legal settlement reached with Ms Gobbo, by Victoria Police. This aspect of the Ombudsman's draft report was never made public, as I understand it, and I note that there have been inaccurate claims made regarding the legal settlement, to which I respond below.

Q10. Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public Prosecutions, the Commonwealth Director of Public Prosecutions) as to the use of Ms Gobbo as a human source, including in relation to each of these concerns:

- a. who raised the concern, and with whom it was raised;
- b. when the concern was raised;
- c. what the concern was;
- d. whether the obtaining of legal advice was raised; and
- e. what, if anything, was done about the concern.

145. I refer to my response to question 9.

Q11. Provide details of your awareness as to any discussion within Victoria Police about the obligation of disclosure in relation to material concerning the use of Ms Gobbo as a human source.

146. I was not involved in any such discussions but I assumed that all relevant matters would be disclosed to the prosecution and that appropriate decisions would be made regarding disclosures to the defence, as should be standard practice in all prosecutions.

OTHER RELEVANT MATTERS

Q12. Provide details of any other human source who, to your knowledge, has provided information or assistance to Victoria Police who were subject to legal obligations of confidentiality or privilege, including:

- a. the name of the human source;
- b. if registered, the number of the human source;
- c. the nature of the legal obligation or confidentiality or privilege; and
- d. the nature of the information or assistance provided by the human source.

147. I am not aware of any information relevant to this question.

Q13. Detail any training, including any retraining, you have received in relation to:

- a. your obligation of disclosure to accused persons, prosecution agencies and the courts;
- b. the right of an accused person to silence;
- c. the right of an accused person to a legal practitioner;
- d. legal professional privilege;
- e. public interest immunity; and

e. professional and ethical decision making.

148. I completed detective training programs with the Australian Federal Police, around 1987/88. I completed my Bachelor of Laws degree at the Australian National University in 1995. My training and law studies would have covered all of these issues to some extent.

Q14. Are there any other matters relevant to the Commission's terms of reference about which you are able to provide assistance to the Commission?

149. I refer to my introductory comments. I am committed to providing the Commission with such further assistance as I am able to, subject to being given a reasonable opportunity to do so.

150. There are some additional matters that I wish to raise at this time.

Source Development Unit

151. When I joined Victoria Police in 2003 as Assistant Commissioner Crime, a project was underway to review our management of human sources. This project was of direct interest to me because there had been recent and well documented incidents of corruption within the Crime Department and all of these had related in some way to the management of human sources.

152. This review resulted in a policy decision to separate the management of sources from the Crime Department and to introduce "sterile corridors" via the establishment of the Source Development Unit, which was located in a separate department. As a result, in my role as Assistant Commissioner Crime, I was not involved in its management.

Steering Committees

153. In the course of this Royal Commission, a misconception may have arisen in relation to the role of a steering committee. The name itself is misleading. A steering committee, in the operational sense, provides an added level of oversight over particular operations and procedures. Petra and Briars were set up outside of the normal chain of command, and involved the OPI. Each Committee existed to receive information, in a summarised form, from those over whom it had oversight. Its role was not to guide investigators on the lines of inquiry, or determine the forensic decisions that arise throughout the course of an investigation.
154. As I have noted above, these steering committees were not established for the purpose of dealing with information received from Ms Gobbo. Victoria Police briefing papers would detail the reasons underpinning the creation of each steering committee.

Paul Dale

155. I have reviewed Paul Dale's statement to this Commission and the publicly available transcript of Dale's examination. Paul Dale has made a number of comments about me, other current and former members of Victoria Police and the organisation as a whole.
156. Paul Dale came to my attention long before the events of the Dublin Street Burglary and the subsequent assassinations of Terence Hodson, a police informer whom Dale had been tasked with handling, and his wife, Christine.
157. I first had suspicions about Dale's involvement in corruption during the prosecution of PII [REDACTED]. In January 2002, PII [REDACTED] shot an unarmed civilian twice from point blank range in broad daylight on the street outside PII [REDACTED] home. The victim was a learner motorcyclist, who shortly before being killed, had been involved in a traffic incident with PII [REDACTED]. PII [REDACTED] house was equipped with security cameras, and the shooting was captured on CCTV.
158. At PII [REDACTED] trial in September 2003, he pleaded not guilty by reason of self defence. The basis for this defence, according to PII [REDACTED], was that he was a

police informer, and believed that the victim had intended to kill him as a result of his status.

159. Paul Dale sought to support [REDACTED] claim. At the time, Dale was a Detective Sergeant within the Major Drug Investigation Division of Victoria Police. Dale stated that he had personally registered [REDACTED] as an informer. [REDACTED] defence was rejected at trial. He was found guilty of murder, and sentenced to 20 years imprisonment.
160. [REDACTED] was a close associate of underworld figure Rocco Arico. His imprisonment, following conviction for murder, was served at Barwon Prison. He was housed in the same wing as Carl Williams, and Matthew Johnson.
161. I believed the suggestion by Dale that [REDACTED] was a registered informer was a fabrication. [REDACTED] was not a registered informer for Victoria Police. Accordingly, following Dale's conduct in relation to the investigation into [REDACTED], I requested a Risk Assessment ('2003 Assessment') of Dale be conducted. I have requested a copy of this Assessment from Victoria Police and I believe that these documents, together with my evidence, will assist the Commission in evaluating Dale's evidence.
162. Victoria Police has recently provided me with a copy of a Further Risk Assessment into Paul Dale, dated 3 June 2004 ('2004 Assessment'). The 2004 Assessment, produced following the Hodson Murders, provides a summary of previous complaints and investigations conducted in relation to Dale's conduct as a Police Officer, including a summary of the 2003 Assessment.
163. The 2004 Assessment makes the following points in relation to Dale's association with [REDACTED]:

Soon after a murder suspect was arrested for shooting another person the suspect requested to speak with DALE and another police member. The Purana Taskforce began investigating the murder, and when asked about his association with the suspect, DALE said that the suspect was a recently registered informer (p 4).

ESD conducted an investigation into the allegation of criminal association and determined the allegation was unfounded (p 4).

There are a disturbing number of concerns arising from the DALE/^{PII} association that have been highlighted in the statement by DALE, from Homicide Detectives, Legal counsel in the ^{PII} trial and from Supt BIGGIN, MDID (p 6).

Although ESD determined that the allegation was unfounded, the Ombudsman has voiced concerns over DALE's actions in the ^{PII} file. (It is apparent that the issues raised were not adequately explored at the time. Had they been, a different conclusion may have been reached) (p 15).

An assessment of the information contained in the files (^{PII} and HODSON), of the statements by HODSON, and from information elicited from MDID documents collectively raises reasonable and serious doubt over DALE's integrity to perform as a police member (p 15).

DALE'S position as Sergeant should normally reflect a high standard of leadership, maturity and overall professionalism to his peers and particularly to his subordinates, but his actions and behaviour tend to indicate otherwise (p 15).

164. The 2004 Assessment recommended that Victoria Police terminate Dale's employment as a sworn member.
165. I have also recently been provided with a copy of Superintendent Biggin's statement made to the ESD for the purpose of the 2004 Assessment.
166. Supt Biggin made the following comments in relation to Dale's relationship with ^{PII}:

The file revealed that Sergeant Dale and ^{PII} knew each other in a professional and private capacity. The first documented meeting was a search at ^{PII} home in September 2001.

^{PII} was registered by Sergeant Dale under the code A16/02 at Region 3 Headquarters. This human source was never registered as a human source at the MDID. Apparently, he was registered under the name Bob Ivanovh, which is an alias recorded under LEAP. It is a

requirement that human sources be registered under their correct details.

I do not think it proper for members to be registered as handlers of a human source in which they have a private relationship. I am unaware of the extent of the private relationship between these two.

I can think of no reason to register a human source under an alias. The process of registration within a Region was for a member to type a form containing all the relevant personal particulars and provide that to the Local Informer Registrar, who would consider the information and make a decision as to registration. If the Registrar was satisfied with the information provided, then a sequential number would be provided, in this case [REDACTED] is the 16th Registered during January in 2002, the 'A' means the first month of the year. The Registrar would then seal the envelope and lock the same in a safe under the sole control of the Registrar.

I have been requested to comment on whether it is 'good practice' to tell a human source they are registered, my answer is that it depends on all the given circumstances, in some circumstances it is very proper not to inform the person they are registered. This is because they use that registration to their advantage, in others the human source may have some trust in the police member and think that no one else is aware of the relationship, to tell them they are a registered human source could break this bond of trust between the two.

167. It is my professional opinion that Paul Dale was a corrupt police officer who had developed a network inside Melbourne's criminal underworld at a time when that underworld had a major stranglehold on the State. He was the subject of a number of internal investigations in relation to his conduct with informers and criminals who he purported to be police informers. His conduct was brazen, violent and unacceptable on any scale, of any person, let alone a police officer.

Operation Petra

168. The fact that Paul Dale approached Carl Williams to commit the double murder of two people is staggering. To request that one of the most notorious criminals in the country undertake a contract killing, on behalf of a sworn, serving member of the police force, takes incredible confidence and trust. It indicates a relationship that has been fostered over a number of years to dissuade Williams from the belief that Dale was attempting to entice him to commit further violent crimes for which he risked prosecution. This is a fear that should be held by any criminal when they are approached by a member of the police force.
169. Carl Williams' statement implicating Dale was insufficient on its own to obtain a conviction. Firstly, Williams lacked credibility. Members of Petra have given evidence before this Commission that Williams was a known liar. Secondly, Williams was likely to be a co-accused in the Hodson murders. This created significant evidentiary problems, given that statement was one of a co-conspirator.
170. Investigators needed to corroborate Williams' statement through other evidence. It was in this context that the Petra Taskforce was established.
171. Ms Gobbo's decision to wear a wire and record Dale was her own, not one requested by Petra, or known about in advance. Despite this, what she obtained was Dale corroborating Williams. Therefore, her evidence made Williams' statement verifiable, providing it with the level of credibility necessary to convict Dale.
172. The conviction of Dale, for the reasons set out above, was a high priority. As criminality goes, a corrupt officer orchestrating the murder a police informer and his wife was, in my view, at the very top of the scale of seriousness. ^{Sandy Whi}
^{Sandy White-O} has previously given evidence on my views in relation to corruption within the police force. Trust and integrity in the police force are paramount to the organisation's role within the community. It cannot be undermined by the criminal conduct of its own members.

Ms Gobbo's transition from Informer to Witness

173. Ms Gobbo's covert recording of Paul Dale also required reconsidering her continued use as an informer.
174. By 2007 and Gobbo's recording of Dale, it had become apparent to me that she could no longer be managed as a source. Nevertheless, as I have noted above Victoria Police continued to have a duty to protect her, and in the circumstances I saw the best way to maintain that duty was to transition her from informer to witness, where she would be subject to the legislative and practical protections that witness status provides. To this day, I believe that Ms Gobbo needed to be placed in Witness Protection, something which she for a time agreed to do but then reneged.
175. The ultimate decision to transition her from informant to witness was that of the Management Steering Committee overseeing Operation Petra: Assistant Commissioner Luke Cornelius, who was in charge of the Ethical Standards Department at that time, Mr Graham Ashton, who was Director of Operations with the Office of Police Integrity, and me. We understood the gravity of this decision.
176. The SDU was vehemently opposed to her being used as a witness. By this time, because of the way that she had been managed, I formed the view that Ms Gobbo was very probably compromised because of the number of people against whom she had informed and her increasingly erratic and self-disregarding behaviours.
177. Considering the position as it was when Carl Williams was still alive, there were significant consequences if Ms Gobbo was not to be called as a witness.
178. The first was that Dale would walk free, and escape conviction for his involvement in the execution of a Crown witness and his wife. The second was that without the transition from source to witness, there was no plan in place to extricate Ms Gobbo from her relationship with Victoria Police in a way that protected her safety.

Ms Gobbo's Civil Settlement

179. The difficulty of exiting Ms Gobbo, both in terms of managing her behaviour and managing Victoria Police's responsibilities and duties in relation to her, is exemplified by her law suit against Victoria Police and her conduct following the

settlement of the suit. Both during the course of her civil litigation and following the settlement of her claim, Ms Gobbo continued to attempt to re-engage with and offer information to both members of the SDU and officers on the Purana Taskforce.

180. I have now learned, as a result of this Commission, that she continued to provide police with information in relation to criminal associations, even after my directive to handlers and taskforce members to cease interactions with her.
181. In my view, Ms Gobbo's conduct both following the settlement of her claim in 2010, and throughout the course of her involvement with Victoria Police, was like an addiction. She was addicted to being at the centre of everything and Victoria Police was addicted to the information she provided.
182. We took the decision to end the context in which this addiction was playing out.
183. In around April 2010, Ms Gobbo filed proceedings in the Supreme Court of Victoria against the State of Victoria, former Chief Commissioner Christine Nixon and me. I was named a defendant to the proceeding due to my respective roles as Deputy Commissioner of Police, Chair of the Steering Committee into Taskforce Petra and as Chief Commissioner.
184. Ms Gobbo alleged that she was approached to assist police with investigations into ex-member Paul Dale and that a number of promises made by police in exchange for her evidence were not kept.
185. Counsel engaged by the State advised that it was highly likely that Ms Gobbo would be successful in one aspect of her claim and as a consequence, could receive damages. The advice provided by counsel included a minimum estimated award of damages and a maximum estimated award of damages. On this advice, it was recommended that a settlement of an amount up to 40% of the maximum estimated award of damages be pursued at mediation, which was scheduled for 12 August 2010.
186. On 9 August 2010, ahead of the mediation, a confidential briefing paper was provided by the Victoria Police Director of Legal Services, Mr Fin McRae, to the Minister for Police and Emergency Services, the Honourable Bob Cameron.

187. On 10 August 2010, by letter to Minister Cameron, I requested an instrument of authorisation be provided to settle the matter for an amount up to 40% of the maximum estimated award of damages.
188. On 11 August 2010, Minister Cameron, with reference to the briefing paper provided by Mr McRae, approved the instrument of authorisation. Minister Cameron also requested that I advise him on 'strategies that Victoria Police will deploy to mitigate the risk of such issues arising again' and to 'liaise with my Department of the measures taken to improve the governance of such matters.'
189. Later on 11 August 2010, at mediation, the parties agreed to settle the proceeding for an amount that was 40% of the maximum estimated award of damages. In addition to financial compensation, as a term of the settlement, Victoria Police agreed to no longer seek Ms Gobbo's assistance in relation to Dale, and that I, or an authorised officer, would direct members of the Petra Taskforce and SDU to cease contact with Ms Gobbo.
190. On 12 August 2010, in compliance with the terms of settlement, I gave a verbal instruction to Assistant Commissioner Jeff Pope to ensure that members of the Petra Taskforce and the SDU had no further contact with Ms Gobbo.
191. On 16 August 2010, I followed this verbal directive with a written direction to A/C Pope. I requested confirmation from A/C Pope that this directive had been followed by 23 August 2010.
192. Later on 16 August 2010, by return letter to the Minister, I provided a response to the questions raised in his letter of 11 August 2010. My letter stated that:

I have appointed an Assistant Commissioner into the new role in charge of the Intelligence and Covert Support Department. Since that appointment some 12 months ago, Assistant Commissioner Pope is progressively working through reviewing all the processes and procedures surrounding Victoria Police's positioning in these high risk undertakings. This includes a review of the management of such witnesses. In addition I have given immediate directions in regard to the management of any further dealings with Ms Gobbo.

The primary intention at all times has been to ensure the safety of Ms Gobbo. initially this was for the purposes of assisting in a very serious

and significant criminal prosecution, but now relates exclusively to her safety. Regrettably she has persisted in refusing to accept our best advice, but none the less we continue to do all we can to have her appreciate the seriousness of our concerns and to act accordingly.

193. On 25 August 2010, I received confirmation from Assistant Commissioner Pope that my directive of 16 August 2010 had been actioned.
194. I was not involved in the provision of any instructions in relation to the proceeding, nor did I review the defence filed, attend the mediation, or participate in settlement negotiations. These tasks were completed by the VGSO, in conjunction with junior and senior counsel, on instruction from Mr McRae.
195. In previous investigations, in particular the Ombudsman's Investigation under the *Whistleblowers Protection Act 2001* in 2012, there were questions raised as to whether this settlement, both in terms of its financial amount, and speed at which it was reached, was appropriate. I make the following comments.
196. Victoria Police were represented by the Victorian Government Solicitors Office, along with experienced counsel. They reviewed Ms Gobbo's claim, considered potential outcomes, and prepared a response consistent with their obligations as model litigants. This approach, including the level of compensation, was authorised by the Minister's office, who relied on both the advice of the VGSO and Counsel, and further, separate advice from Counsel briefed by his own Department. It is from this perspective that I consider the civil settlement both considered and appropriate.

I have provided the above answers in response to the Commission's terms of reference, and in particular, in compliance with the Notice to provide a statement served on me on 8 March 2019.

Simon James Overland

19 September 2019