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States:

My full name is Simon James Overland. I am the Assistant Commissioner (Crime) in Victoria Police and I have held this position since February 2003 when I joined the organisation. Prior to this time I was employed by the Australian Federal Police.

During the course of my duties with Victoria Police I have come to know in a professional capacity Mr Raphael Epstein, an ABC radio journalist. I have dealt with Mr Epstein on a number of occasions, mainly on stories concerning the so-called 'gangland murders' in Victoria.

My first dealings with Mr Epstein were on the weekend of 13 and 14 December 2003. I was in Sydney on a personal visit and I was asked by Mr Kevin Loomes, Deputy Media Director Victoria Police to do an interview with Mr Epstein. In the course of arranging that interview Mr Epstein was provided with my mobile telephone number.

Since that time Mr Epstein has contacted me by mobile telephone on a number of occasions seeking to confirm information he had obtained relevant to the gangland murders or corruption issues in Victoria Police. I have also done a number of formal interviews with him.

At 12.30pm on Wednesday 26 May 2004 I received a telephone call on my mobile from Mr Epstein. In summary, Mr Epstein told me that he wanted to meet me to discuss the Hodson double murder. He had information that documents relating to Hodson were in the possession of people who ought not to have them. He indicated that he wanted to show me those documents. I agreed to meet him at 4.00pm at Degrares, a coffee shop situated in Degrares Place, Melbourne City. Mr Epstein asked if another journalist named Nick McKenzie could also attend this meeting and I agreed.

Mr McKenzie is also an ABC journalist and I had met him briefly while recording a formal interview for the ABC Four Corners program. I

understand that he was the co-producer of that story that related to corruption in Victoria Police.

At 4.00pm that day I met Mr Epstein and Mr McKenzie as arranged. Following are details of the diary entry I made after this meeting.

"Information re Hodson murders – police information in hands of Purana targets – not prepared to disclose what information is or who has received it – reveal sources.

I indicated need to consider their position – if this material evidence in a homicide investigation and they become complicit in hindering that investigation I would have to do all in my power to have them reveal that information.

Not prepared to reveal whether information or document.

Indicate if information, could come from public record – equally document could have been disclosed in legal proceedings.

Without knowing further detail impossible to verify impropriety or that is unlawful release.

Further discussion around these issues –

RE & NM to discuss with management and get back to me – may read information to me so as can attempt to id source."

This meeting lasted for approximately fifteen minutes. Messrs Epstein and McKenzie were not prepared to reveal details about the 'police information'. I pointed out that information could find its way into the public domain by a number of lawful means, particularly through the judicial process. This applied equally to documents and without having further details I could not possibly confirm the substance of their story.

I pointed out to them the difficulties for them in reporting on this information or document if it was unlawfully released official police information. I indicated they would be witnesses in a murder investigation and an unlawful disclosure investigation and that I would require them to provide full details about the information and those people whom to their knowledge had it in their possession. Mr Epstein indicated they would not provide this detail as it would disclose their source and would be a breach of their professional ethics. I indicated that as they had now conveyed this information to me I would have to do all in my power to make them disclose their information in its entirety, regardless of whether they reported it or not.

The discussion moved in circles for some time, as the journalist sought to confirm their story and I reiterated the above points. As the meeting progressed I understood that rather than showing the document or documents to me as had been indicated during the telephone call to arrange this meeting, Messrs Epstein and McKenzie were attempting to get me to verify their story. I refused to even speculate without significantly more detail about the 'police information' to which they referred.

The meeting concluded on the basis that the two journalists were going to discuss the situation and issues I had raised with them with their managers. Mr Epstein indicated that he might read parts of the information to me so that I could attempt to identify the source. He indicated that he understood that even if I did identify the information as being from official sources that I may not confirm this to him, however he also appeared to understand that I could make no further enquiries without more detail.

At this time I understood that the journalists were asserting that confidential police information was in the hands of people who ought not to have it, including possibly Purana targets. I understood this to be a reference to targets of the Purana Taskforce, which has been established by Victoria Police to investigate the 'gangland murders'. The Purana Taskforce is under my control as part of the operations of the Crime Department.

During this meeting I had received a telephone call on my mobile telephone from Acting Assistant Commissioner Steve Fontana, head of the Ethical Standards Department (ESD). I indicated to Mr Fontana that I could not talk and that I would call him back.

At 4.40pm I returned Mr Fontana's telephone call. I advised him of the above detailed contact with Messrs Epstein and McKenzie. He indicated to me that Mr McKenzie had contacted one of his officers, Murray Gregor, about the same matter. Mr Gregor had reported that contact to Mr Fontana. Mr Fontana indicated that Mr McKenzie was to call Mr Gregor back and disclose some details of the information for the purpose of confirming its authenticity. We agreed to talk again after that had occurred.

At 5.10pm I telephoned Mr Steve Linnell, Director Media and Public Relations for Victoria Police. He was with Mr Loomes and I advised them both of the detail of my contact with Messrs Epstein and McKenzie.

At 5.20pm I received a telephone call from Mr Fontana. He advised that Mr Gregor had spoken again with Mr McKenzie and some detail of the information had been provided. Mr Gregor had tape-recorded that conversation and Mr Fontana was to listen to the tape and call me back.

At 5.45pm I received another telephone call from Mr Fontana. Mr Fontana read me details of the call between Messrs McKenzie and Gregor. I did not record the details at this time. We agreed to wait and see whether Mr Epstein came back to me with further information and that we would discuss the situation on the next day.

At 7.05pm I received a telephone call on my mobile telephone from Mr Epstein. He indicated that he would read me details of the 'police

information' in the possession of the ABC. Mr Epstein then read the following to me.

[REDACTED]

[REDACTED]

[REDACTED]

Mr Epstein would not confirm whether this 'police information' was information known to the ABC, a physical document in its possession, or whether an employee of the ABC had sighted a physical document. He indicated that to do so would disclose the source of the information. This information appeared to be the same information provided to Mr Gregor by Mr McKenzie.

At 9.15am on Thursday 27 May 2004 I met with Commander Terry Purton (Commander State Crime Squads), Detective Superintendent Whitmore (Violent Crime Investigation Division) and Detective Senior Sergeant Bezzina (Homicide Squad and in charge of the investigation into the Hodson murders). I advised them of the events of the following day concerning the claims made by Messrs Epstein and McKenzie. I provided Detective Sergeant Bezzina with a transcript of the information read to me by Mr Epstein and asked him to attempt to identify a source police document as a matter of priority.

At 10.00am Detective Senior Sergeant Bezzina returned to see me with Detective Sergeant Solomon. They told me that the Purana Taskforce had disseminated certain sensitive intelligence information to them that indicated that in late April/early May 2004, Carl Williams, a major target of the Purana Taskforce had a number of conversations, including with journalist Adam Shand about a police document. It appeared that this document might be the source document referred to by Messrs Epstein and McKenzie as it appeared to contain similar information.

At 11.00am I went to the Purana Taskforce area in the Crime Department where I made further enquiries regarding the sensitive intelligence information. I became aware of other sensitive intelligence

[REDACTED]

During briefings from Purana Taskforce members I had been made

[REDACTED]  
indicated a suspicion that [REDACTED] was responsible for [REDACTED] or unfavourable to police, particularly concerning allegations of police corruption.

I also obtained copies of two articles by [REDACTED] that had appeared in the [REDACTED] newspaper on [REDACTED]. The first article appeared to refer to and quote [REDACTED] although it did not specifically identify him. The second article appeared to be based on information similar to that provided to me by Mr Epstein.

At 11.45am I met with Acting Assistant Commissioner Fontana and Commander Moloney (Ceja Taskforce) to discuss the information provided by Messrs Epstein and McKenzie. The focus of this discussion was on identifying any source document and the possible role being played by [REDACTED]. Mr Fontana and Moloney were able to provide me with significant background information about [REDACTED] and his antecedents. This information was unknown to me, although apparently it is reasonable common knowledge amongst longer serving senior Victoria Police.

A precis of that information is as follows. This is based on my diary note and I cannot attest to the complete accuracy of this information, however I believe the substance to be correct.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr Moloney also advised that there was information that Mokbel was in possession of a document with Hodson's name and informant number on it. I understood this to be a reference to Tony Mokbel, another person of interest to the Purana Taskforce.

At some time this day I also had a conversation with Detective Superintendent Biggin the head of the Major Drug Investigation Division (MDID). I don't recall what time we spoke and I did not make a diary entry. He was also attempting to track down a source document for the information provided by Messrs Epstein and McKenzie. I was aware that he made ISIS searches across Major Drug Investigation Division databases but could not find a matching source document. I understand he continued to make efforts to identify a source document.

At 3.00pm I briefed Deputy Commissioner Kelly about this information. We subsequently had a conversation with Deputy Commissioner Nancarrow where we discussed the significance of this information and the potential operational options.

At 6.50pm I received a telephone call on my mobile telephone from Mr Epstein. He was anxious that another news outlet might scoop their story and was enquiring about progress. I advised him there had been no other media interest in this story and that we were still working to confirm the information he had provided.

At 9.00am on Friday 28 May 2004 I met with Messrs Linnell and Loomes to discuss the media management of this issue. We agreed that because of the seriousness of the matter we should speak with ABC management to attempt to dissuade publication and encourage co-operation as to the source of the information. A meeting was

arranged with Mr Marco Bass, State Director of News for the ABC for that afternoon.

At 2.15pm I received a telephone call on my mobile telephone from Mr Epstein. He indicated that he and Mr McKenzie wished to meet to provide further details about the information. I agreed to meet them at 3.15pm at Degraeves.

At 3.15pm I meet Messrs Epstein and McKenzie at Degraeves. Mr Epstein told me that the document sighted by the ABC was an Information Report (IR) of about 2 or 3 pages. It was a Major Drug Investigation Division document created approximately May 2002 and that [REDACTED] The journalists appeared to want me to confirm the authenticity of the document. I refused to confirm the information as authentic without sighting the document or being provided with full particulars.

Immediately on leaving this meeting I had a telephone conversation with Acting Assistant Commissioner Fontana and advised him of this additional information. A short time later he telephoned me to advise me that his staff had located what appeared to be the source document for the information provided by Messrs Epstein and McKenzie. The source document was from the Informant Management file for Hodson held by ESD. I subsequently obtained a copy of IR 44 from Superintendent Biggin. I understand that my copy of the IR came from a copy of the Informant Management File held by MDID and is labelled as an 'Original'.

At 5.20pm, with Messrs Linnell and Loomes I met with Mr Bass. We discussed the consequences of the ABC broadcasting this story concerning the IR. I indicated that it might prejudice investigations into the homicides and the alleged unlawful release of information. I again requested access to the source document and the identity of any witnesses in possession of the document. This request was declined.

I indicated that the journalists were now witnesses and Mr Bass inquired as to what legal avenues were open to make them divulge confidential information about their sources. I indicated that I thought there were a number of possible avenues but that the ABC would need to take their own legal advice.

Mr Bass indicated that ABC management needed to have further discussions about this issue. He undertook to provide 24 hours notice of broadcast so that Victoria Police could put management and briefing arrangements in place.

I did not indicate to Mr Bass that I believed we had located the source document being referred to by the ABC.



On Sunday 30 May 2004 I travelled to Darwin to attend the Australasian Crime Commissioner's Conference.

About 3.00pm (EST) on Monday 31 May 2004 I received a telephone call from Mr Linnell. He advised that Mr Bass had just contacted him to indicate that the ABC was running the story on the IR on the 6.00pm radio news with follow up on the PM program and television news.

On Tuesday 1 June 2004 I conducted a number of media interviews about the story broadcast by the ABC. About 6.00pm (EST) I spoke by telephone with Herald Sun journalist Mr Geoff Wilkinson. During this conversation he indicated that he had seen the IR referred to in the ABC story as the Herald Sun had a copy. I asked if they were prepared to provide a copy to Victoria Police and he undertook to explore this possibility.

At 6.30pm I telephoned Mr Hardiman from the Ombudsman's office and advised him of my conversation with Mr Wilkinson. At 7.10pm I spoke to Mr Wilkinson again and he indicated agreement to providing a copy of the IR. I advised Mr Hardiman of this at 7.20pm and subsequently made arrangements for the document to be collected by members of ESD that evening.

About 3.40pm on Monday 7 June 2004 I received an SMS message on my mobile telephone from Mr Epstein. I did not reply to that message and subsequently learnt that he had spoken with Detective Senior Sergeant Bezzina about issues relevant to the investigation of the Hodson murders.

About 10.15am on Tuesday 8 June 2004 I received another SMS message from Mr Epstein requesting that we speak. I replied indicating that I could not speak to him as he is a witness in double homicide and unlawful release of information investigations.

Apart from formal press conferences I have not spoken to him since that time. I have had no further contact with Mr McKenzie.

Subsequent to these events I have tasked Superintendent Biggin with reviewing Victoria Police procedures and policy for the handling of Information Reports. I believe the evidence to date from this incident indicates that the current system does not balance sufficiently the operational need for access to information with appropriate information security and audit protocols. Any reform to the current system will be guided by the Ombudsman's Inquiry into this matter, however I do not believe we can wait to start this process until the Inquiry is completed.

I have also tasked the Purana Taskforce to commence an investigation of [REDACTED] To date that investigation has not commenced because of other operational priorities.



The information contained in this statement is, to the best of my knowledge, true and correct. Subject to discussions about operational and legal issues I am prepared to swear formally this statement.



Simon Overland  
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Victoria Police

28 June 2004