

This document has been redacted for Public Interest Immunity claims made by Victoria Police.  
These claims are not yet resolved.

**ROYAL COMMISSION  
INTO THE MANAGEMENT OF POLICE INFORMANTS**

**NO. NP-319**

**STATEMENT OF ROWENA ORR QC**

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- 1 I make this statement in response to a letter from the Solicitors Assisting the Royal Commission dated 13 August 2019, which is annexed to this witness statement. By that letter, I have been asked to provide a statement addressing five specific questions by 20 August 2019. I have noted the four matters in the letter that I am asked to keep in mind when addressing the five questions. Each of those four matters concerns the work of the Victorian Government Solicitor's Office.
- 2 I make this statement based on my limited recollection of the matters I refer to below, which occurred more than nine years ago. I have not retained a copy of the brief from the Victorian Government Solicitor's Office to which I refer below.
- 3 As the Solicitors Assisting the Royal Commission are aware, I have excluded from my statement any matter of which I became aware by reason of any brief I have received from the Commonwealth Director of Public Prosecutions.

***Question 1: Provide details of how you learned, or were given reason to suspect or believe, that a person, who had ongoing legal obligations of confidentiality***

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*and privilege was providing information or assistance to Victoria Police, including when that occurred and in what circumstances that occurred.*

4 I am unsure when I first had reason to hold such a suspicion or belief. I believe I became aware at some point that Victoria Police, represented by the Victorian Government Solicitor's Office, was seeking, or had sought, injunctions to prevent the media reporting about the conduct of a person identified as "Lawyer X". I cannot recall how I became aware of this. Otherwise, I refer to paragraph 3 above and paragraph 5 below.

*Question 2: Detail how you learned, or were given reason to suspect or believe, that Ms Gobbo was providing information or assistance to Victoria Police, including when that occurred and in what circumstances that occurred*

5 I learned that Ms Gobbo had been providing information or assistance to Victoria Police in the course of receiving instructions in the matter of *Gobbo v State of Victoria & Ors.* To the best of my recollection, I was briefed by the Victorian Government Solicitor's Office on behalf of the defendants in that proceeding in or around May 2010. I believe I was briefed to advise and appear. To the best of my recollection, I held the brief until in or around July 2010. In the course of receiving instructions in this matter, I believe I was informed that Ms Gobbo had been providing information and assistance to Victoria Police.

*Question 3: Detail of when or how it became apparent to you that Ms Gobbo was or might be, a human source.*

6 I am unsure precisely what the Royal Commission means when it refers to a "human source". If that term is used to refer to a person who provides information or assistance to Victoria Police, I refer to and repeat my answer to Question 2

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above. If that term is used to refer to a person who provides information to Victoria Police on the understanding that it will be kept confidential and the person will not be asked to give evidence divulging that information, I refer to paragraph 3 above.

***Question 4: Details of your involvement in any matters in which the VGSO acted in which Ms Gobbo was:***

***a. a party to the matter;***

***b. a primary consideration or a key player in the matter;***

***c. proposed to be a witness, or was a witness in the matter;***

***d. the subject of documents subpoenaed, or sought to be subpoenaed***

7 As I have indicated above, I was briefed by the Victorian Government Solicitor's Office in or around May 2010 to advise and appear for the defendants in *Gobbo v State of Victoria and Ors*. I was briefed as one of two junior counsel in that matter, with a senior counsel also briefed. I held that brief for approximately three months, over which time I believe I attended conferences with my instructing solicitors and client on approximately two occasions, assisted the other junior counsel to draw a Defence to be settled by senior counsel, considered legal issues raised by the Statement of Claim and appeared at a Directions Hearing.

8 To the best of my recollection, this is the only matter in which I have been involved and in which the Victorian Government Solicitor acted that meets one or more of the criteria in the subparagraphs to Question 4, other than briefs I have received to represent the Commonwealth Director of Public Prosecutions.

***Question 5: Given the Commission's first two terms of reference, namely:***

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1. *The number of, and extent to which, cases may have been affected by the conduct of Nicola Gobbo as a human source.*

2. *The conduct of current and former members of Victoria Police in their disclosures about and recruitment, handling and management of Nicola Gobbo as a human source,*

*the Commission would be assisted by you providing any further details of any other matters within your knowledge potentially relevant to those terms of reference.*

9 To the best of my recollection, there are no other matters within my knowledge that are relevant to these terms of reference.

**Rowena Orr QC**