

Royal Commission
into the Management of Police Informants

SUPPLEMENTARY STATEMENT OF ANTHONY JAMES HUPFELD

1. My full name is Anthony James Hupfeld.
2. I am a Detective Sergeant at Victoria Police, attached to the Bayside Sexual Offences and Child Abuse Investigation Team.
3. I have previously made a statement to the Royal Commission. I make this supplementary statement in response to a further request from the Royal Commission into the Management of Police Informants dated 11 November 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.

Involvement in the Kallipolitis trial in 2012

4. Faruk Orman and Angelo Venditti were committed to stand trial for the murder of Paul Kallipolitis. I was the police informant for the murder charge against Orman, while Detective Senior Constable Tim Bell was the informant for the charges against Venditti.
5. Orman's trial for the Kallipolitis murder was delayed while Orman appealed his conviction for the murder of Victor Pierce. I did not begin working on pre-trial matters for the Kallipolitis trial until around February 2012.
6. By that time, I was a Detective Senior Constable at the Homicide Squad. I had left the Purana Taskforce in April 2011. I continued with my duties at Homicide while attending to trial preparation, save for a period of a few weeks in mid-2012 when I was taken offline from my duties at Homicide to attend to subpoena response work.
7. As explained below, the charges against Orman were withdrawn during the Kallipolitis trial on 18 April 2013.

Pre-trial steps from early 2012

8. In late February and early March 2012, Orman's solicitors from Galbally & O'Bryan Lawyers served three subpoenas to produce on Victoria Police:
 - (a) 24 February 2012 (Subpoena 1) (VPL.6031.0004.5687);
 - (b) 28 February 2012 (Subpoena 2) (VPL.6031.0004.5698); and
 - (c) 1 March 2012 (Subpoena 3) (VGS0.5000.0053.0165).



9. The return date for all three subpoenas was 15 March 2012.
10. The subpoenas sought a lot of material and I worked to collate this over a number of months. The subpoenas also sought material from the Australian Crime Commission (ACC) and the Office of Chief Examiner (OCE) that had to be separately arranged by the ACC and the OCE themselves. There were a number of hearings in the Supreme Court before Justice Coghlan and later Justice Curtain about producing material and public interest immunity claims. Where transcripts of those hearings have been available, I have referred to them below.
11. On 2 March 2012, I emailed Subpoenas 1 and 2 to Detective Senior Sergeant Boris Buick¹. DSS Buick had been the lead investigator on the matter and had been the informant for Orman's conviction for the Pierce murder. Shortly after that, I emailed DSS Buick the requests that related to Ms Gobbo (Categories 1(f) and (g) and 21 of Subpoena 1), which sought material related to discussions and disclosures between ██████████ and Ms Gobbo. In my email, I asked whether DSS Buick could confirm that Victoria Police did not possess this material. DSS Buick replied to ask if he could make enquiries about this with other departments, and I agreed².
12. I have no record or recollection of discussing the subpoenas with DSS Buick in early March 2012. I assume that I discussed it with him because he was previously the lead investigator and because he was more senior. Looking at this email now, it appears DSS Buick might have asked what requests related to Ms Gobbo and then taken over searching for those records, but I cannot recall why he might have done this.
13. As described in my earlier statement, I was never told that Ms Gobbo was a human source and DSS Buick did not tell me this in the context of this subpoena. However, I was aware by this time that Ms Gobbo was assisting police in a sense, because I knew that she had provided a statement to police regarding the murders of Terence and Christine Hodson.
14. I have been shown an email sent on 5 March 2012 by DSS Buick to the general email address for the Officer in Charge of the Source Development Unit (SDU), in which DSS Buick requested assistance to locate any documents that respond to categories 1(f) and 1(g) of Subpoena 1³. I have not seen this email before being shown it by my lawyers

¹ VPL.6031.0004.5686; VPL.6031.0004.5687; VPL.6031.0004.5698.

² VPL.6031.0004.5226.

³ VPL.6079.0046.8373.



in preparing this statement. I do not recall DSS Buick making enquiries of the SDU about this and I do not believe that DSS Buick told me that he was doing so at the time.

15. On 6 March 2012, I spoke with a barrister, Gerard Maguire, about responding to the subpoenas. Mr Maguire often advised Victoria Police on disclosure matters and had been involved in responding to disclosure issues during the committal proceedings. Mr Maguire emailed a blank subpoena response table for Subpoena 1 to me later that day⁴.
16. My diary records that on 7 March 2012, I met with Mr Maguire and Shaun LeGrand and Philip Dodgson from VGSO to discuss the subpoena issues. I do not recall what was discussed but, based on Mr Maguire's email from the day before, I assume we worked through the responses for the categories in the subpoena response table.
17. I have been shown a copy of a memorandum of attendance prepared by Mr Maguire, which records a conference on 7 March 2012 with me, Mr LeGrand, Mr Dodgson and [Officer Hotham]. [Officer Hotham] I know [Officer Hotham] name now, but I do not recall meeting him and I am not certain that I have. I have no record or recollection of him being at this meeting or otherwise being involved in responding to the Orman subpoenas. If [Officer Hotham] was at the conference with Mr Maguire, I would have recorded that in my diary.
18. On 9 March 2012, DSS Buick forwarded me an email from Detective Inspector Stuart Bateson, confirming that he and his team did not have material related to Ms Gobbo and [REDACTED]. DSS Buick sent me another email shortly after, stating that there were no notes about contact between Ms Gobbo and [REDACTED] or Ms Gobbo and investigators, save for some transcripts that had been provided⁵.
19. That same day, 9 March 2012, Mr Maguire sent me updated subpoena response tables for Subpoenas 1, 2 and 3⁶. The response table for Subpoena 1 indicates that there was no material that satisfied the requests in categories 1(f) and 1(g) for materials related to Ms Gobbo and [REDACTED].
20. As my diary records, I continued to collate materials for the subpoena on 11 to 14 March 2012 and I spoke with Gerard Maguire on 12 and 13 March 2012. I also spoke with those

⁴ VPL.6117.0009.2680; VPL.6117.0009.2681.

⁵ VGSO.5000.0033.0363.

⁶ VPL.6031.0004.1843.

⁷ VPL.6117.0009.2928.

⁸ VPL.6117.0009.3021; VPL.6117.0009.3022; VPL.6117.0009.3034.

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- who were coordinating the subpoena response for the ACC (Jo Smith), for the OCE (Jenny Pavlou) and for Corrections (Debra Coombs).
21. On 15 March 2012, Justice Coghlan heard argument about the subpoenas. Mr Maguire appeared for the Chief Commissioner and a confidential affidavit was provided to the Court. The transcript⁹ indicates that the matters were adjourned for a week. My diary records that part of the request directed to Corrections was about prison visits by "Witness F". This is a reference to Ms Gobbo, as I knew that she had become a witness for matters against Paul Dale and that she was referred to as Witness F in that context.
 22. There was further subpoena argument before Coghlan J in the Supreme Court on 22 March 2012 and 4 April 2012. The transcripts are available¹⁰. My diary notes for these days record that the main issues were call charge records, the release of transcripts of OCE examinations and ACC recordings.
 23. My diary records that I continued to make subpoena enquiries and attend to trial preparation during the next few weeks.
 24. On 16 April 2012, there was a hearing before Justice Curtain, who was ultimately the judge for the Kallipolitis trial. Mr Maguire appeared for the Chief Commissioner. The transcript¹¹ indicates that there were a number of categories of Subpoena 1 where there was no responsive material – including categories 1(f) and 1(g), which were the categories that related to Ms Gobbo's contact with [REDACTED]
 25. The transcript also indicates that the claims of public interest immunity were supported by a confidential affidavit that had been sworn by Acting Senior Sergeant Sean Audley¹³. I am informed by my lawyers that a copy of this confidential affidavit cannot be located. I do not recall the specific contents of the affidavit, but in general terms it related to removing personal information such as names and details and some information relating to [REDACTED]. I do not recall Ms Gobbo being part of that material. I supplied Mr Maguire with the information and he drafted the affidavit.
 26. On 1 May 2012, there was a further hearing before Curtain J. The transcript¹⁴ indicates that the argument was still about notes of contact between investigators and [REDACTED]

⁹ OPP.0002.0011.5033.

¹⁰ OPP.0002.0011.5053; OPP.0002.0011.5107.

¹¹ VGSO.5000.0033.0238.

¹² VGSO.5000.0033.0238 at 0255-0257.

¹³ VGSO.5000.0033.0238 at 0258.

¹⁴ OPP.0002.0011.4896.

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as well as the content of an information report about investigators' contact with [REDACTED]

27. On 8 May 2012, there was a further hearing before Curtain J. My diary records that her Honour ruled on what information reports should be made available to the defence.
28. On 17 May 2012, I spoke to Officer Graham Evans regarding an information report referred to as IR100, which was one of the information reports to be provided to the Court and the defence. My lawyers have informed me a copy of IR100 has not been located. My recollection is that IR100 contained information that [REDACTED] gave to Purana investigators soon after he began cooperating with police, but I do not recall precisely what it contained.
29. The next day, 18 May 2012, Officer Graham Evans gave me a confidential affidavit. I am informed by my lawyers that a copy of the confidential affidavit cannot currently be located. My diary records that this confidential affidavit related to IR100, but I do not believe that I ever read this affidavit or knew what it contained.
30. The confidential affidavit was relied on at a hearing before Curtain J later that day. The transcript¹⁵ indicates that Mr Maguire handed up unredacted versions of the information reports with highlighting for her Honour to inspect, and that her Honour then ruled on the proposed redactions to each information report. In respect of IR100, the transcript indicates that the claim for the redactions related to the identity of a human source¹⁶. I do not now recall whether this human source was Ms Gobbo. The transcript also indicates that DS Hatt's original diary was given to Curtain J so that her Honour could assess proposed redactions to his notes¹⁷.
31. There was also a hearing on 29 May 2012, but my diary records that I was on leave at the time and I do not believe I attended. The transcript indicates the trial date was vacated, DS Hatt's diary was returned and that processes were put in place for those examined by the OCE to object to their transcripts being produced¹⁸.
32. On 15 June 2012, there was a brief mention before Curtain J. The transcript indicates that Mr Maguire provided final redacted versions of the information reports to the Court, the prosecution and the defence¹⁹.

¹⁵ OPP.0002.0011.4956.

¹⁶ OPP.0002.0011.4956 at 4960-4961.

¹⁷ OPP.0002.0011.4956 at 4957.

¹⁸ OPP.0002.0011.5072.

¹⁹ OPP.0002.0011.4998.

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33. On 3 September 2012, there was a directions hearing before Curtain J. My diary records that the trial date was to be rescheduled as Mr Shireffs was unavailable and that the ACC and OCE matters were ongoing. My diary records that I had met with Mr Maguire a few days before, on 30 August 2012, to finalise the redactions to IR100. I have been shown a memo from Mr Maguire about this hearing, noting that the revisions to an IR were completed and resolved and that the OCE transcripts needed to be reviewed further²⁰.
34. I have also been shown an email from 9 October 2012 from Mr Maguire to Richard Ellis from VGSO indicating that Orman's solicitor, Paul Galbally, was content that issues with IR100 were resolved and that the subpoenas had been complied with²¹.

Lead up to trial

35. My diary records that on 7 December 2012, the date for the Kallipolitis trial was set for 8 April 2013 for four weeks.
36. One ongoing issue in the lead up to the Kallipolitis trial was [REDACTED] By 2012 and 2013, [REDACTED] was clearly impatient with waiting to [REDACTED] as part of his agreement to [REDACTED] was a [REDACTED] and was often difficult to manage, as he wanted arrangements that [REDACTED] would not agree to for reasons of his own safety and [REDACTED] By 2012, he had been [REDACTED] for a [REDACTED], and he would often call me or DS Hatt to complain about his [REDACTED] or because he wanted something or just wanted to talk.
37. For example, on 1 August 2012, I received a call from [REDACTED] when I was on a rest day. As my diary records, [REDACTED] said he was "out", that he would refuse to [REDACTED] and that he was in the process of engaging a solicitor [REDACTED] to formally withdraw [REDACTED] While [REDACTED] had made similar threats at other times, this was his most serious threat to pull out of cooperating.
38. For this reason, as my diary records, DS Hatt and I met with [REDACTED] fairly regularly during 2012 to 2013 to check on his welfare and talk over his issues. I recall that I attended a couple of times with DSS Buick and possibly once with DSC Nigel L'Estrange. Ms Gobbo was never present for any of these discussions and I do not recall Ms Gobbo ever being a topic of conversation.

²⁰ VGSO.5000.0033.0424.

²¹ VGSO.5000.0033.0023.

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39. In the month before the trial, ██████ asked that his existing agreement for his assistance be ██████ in ██████ in a ██████. On 21 March 2013, I met with prosecutors and the Director of Public Prosecutions (DPP), John Champion QC, to discuss obtaining ██████. I recall that the DPP supported the ██████, but that there was a process within the OPP that needed to be followed for the ██████ to be formally granted. As my diary records, that process commenced from then. I also met with ██████ on 26 March 2013 to discuss ██████.

40. I believe that ██████ was signed in the lead up to the Kallipolitis trial.

Kallipolitis trial

41. On 8 April 2013, the trial began. Michele Williams QC and Jane Warren appeared for the prosecution. Michael O'Connell SC was Orman's defence counsel.

42. During the early parts of the trial, there were a number of successful objections to evidence by the defence. Once this evidence was excluded, the case rested more heavily on ██████.

43. From early in the trial, this led to discussions about the Director of Public Prosecutions granting a nolle rather than completing the trial and losing the case. My diary records that on 10 April 2013, I met with the DPP, John Champion QC, and prosecuting counsel where they discussed granting a nolle.

44. My diary records that on ██████ April 2013, ██████ was ██████ about the ██████ of ██████. The transcript records that ██████ testified that prosecutors had arranged an initial agreement in 2006 when Ms Gobbo was acting for ██████ and that the ██████ had been given shortly before the trial, at ██████ request²².

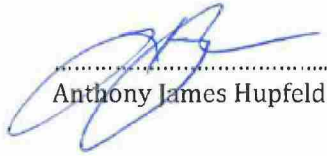
45. About ██████ days into the trial, on ██████ April 2013, a solicitor from the OPP identified inconsistencies between the location information from call charge records and ██████ evidence about where an important conversation took place. This undermined ██████ which was a serious problem because of the other evidence that had been excluded. My diary records that I made enquiries that afternoon to understand whether the inconsistencies could be explained in a way consistent with his evidence, but they could not.

²² OPP.0002.0011.5377 at 5412.



46. The next morning, I briefed my superior officers about the problem and then met with the prosecutor, Ms Williams QC and Ms Warren to brief the DPP, Mr Champion QC. As my diary records, a nolle was granted and the trial ended that afternoon.

Dated: 7 January 2020



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Anthony James Hupfeld