

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

From: Davey, Cameron
Sent: Tue, 9 Mar 2010 07:39:37 +1100
To: O'Connell, Shane
Subject: FW: Affidavit
Attachments: Dale - Shane O'Connell's confidential affidavit.doc

[Amended version](#)

Cameron DAVEY
Detective Senior Constable 29012

Petra Taskforce - Victoria Police
Level 6, 452 Flinders St, Melbourne, 3000
T: 03 [REDACTED] F: 03 [REDACTED] DX: 21 0007

From: rigipp [mailto:rigipp [REDACTED]]
Sent: Tuesday, 9 March 2010 7:37 AM
To: Davey, Cameron
Subject: RE: Affidavit

Cam,

Shane O'Connell's affidavit as discussed this morning.

Regards,

Ron

From: Davey, Cameron [mailto:[REDACTED]]
Sent: Tuesday, March 09, 2010 6:58 AM
To: rigipp
Subject: Affidavit

<<Dale - DAVEY confidential affidavit.doc>>

Ron, Please call me when you receive this - there are a couple of matter to discuss.

Thanks
cam

Cameron DAVEY
Detective Senior Constable 29012

Petra Taskforce - Victoria Police
Level 6, 452 Flinders St, Melbourne, 3000
T: 03 [REDACTED] F: 03 [REDACTED] DX: 21 0007

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IN THE MAGISTRATES COURT OF VICTORIA
AT MELBOURNE

B E T W E E N:


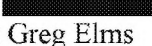
CAMERON DAVEY

- and -

PAUL NOEL DALE & RODNEY CHARLES COLLINS

**CONFIDENTIAL AFFIDAVIT OF
SHANE MICHAEL O'CONNELL**

Date of document:
Filed on behalf of:
John Cain
Victorian Government Solicitor
637 Flinders Street
MELBOURNE 3000

9 March 2010
Chief Commissioner of Police
Solicitors Code: 7977
DX: 300077
Tel: 
Fax: 
Ref: Greg Elms

I, **SHANE MICHAEL O'CONNELL**, Detective Senior Sergeant of the Victoria Police, stationed at the Petra Task Force, Crime Department in the State of Victoria,
MAKE OATH AND SAY AS FOLLOWS:

1. I am a Detective Senior Sergeant of the Victoria Police, stationed at the Petra Task Force, Crime Department. I make this Affidavit by and with the authority of the Chief Commissioner of Police who is the recipient of three subpoenas to produce documents to this Court in the abovenamed proceedings. I make this Affidavit from my own personal knowledge save as otherwise indicated.

2. I am the managing supervisor to Detective Senior Constable Cameron Davey and Detective Sergeant Solomon in the criminal charges against Paul Noel Dale and Rodney Charles Collins which are listed for committal hearing at the Melbourne Magistrates Court on 9 March 2010.

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3. I make this affidavit in support of a claim to set aside part of the subpoena to produce documents addressed to the Chief Commissioner of Police. In particular I refer to the subpoena issued on behalf of Paul Dale, dated 27 January 2010, with a return date of 1 February 2010. In that subpoena,
 - (a) item 4(vii) of the schedule which seeks all documents relating to any conversation, discussion or interview conducted with Ms Gobbo regarding her agreement to become a witness or make a statement in the prosecution of Paul Dale; and
 - (b) item 6(x) of the schedule which refers to all documents, including tape recordings and transcripts of any conversation conducted between any member of the Victoria Police and Carl Williams in relation to the investigation of Paul Dale and the Hodsons murder investigation.

4. In response to these items in the subpoena, I produce the following documents:
 - A. Audio recording of a conversation between myself and Nicolo Gobbo on 7 January 2009 (4 hours 45 minutes in length) and transcript;
 - B. Further audio recordings of conversations between myself and Witness F conducted since 7 January 2009 (approximately 48 hours in length);
 - C. My diary notes of discussions between myself and Nicolo Gobbo commencing 3 December 2008;
 - D. My diary notes of discussions between and myself and Carl Williams commencing 1 April 2008; and
 - E. Transcript of OPI examinations with Nicola Gobbo on 19 July 2007 & 17 August 2009.

A. Audio recording and transcript of a conversation between myself and Ms Gobbo on 7 January 2009

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5. An audio CD of this discussion between Ms Gobbo and myself on 7 January 2009 is provided to the court.

Now produced and shown to me and marked with the letters "SO'C-1" is a copy of audio CD of the discussion between me and Ms Gobbo conducted on 7 January 2009.

6. A transcript has been made of the taped discussion. However, in areas the tape is inaudible and it is sometimes difficult to ascertain what is being said. I have not yet completely proof read the transcript due to the late service of the subpoena to produce this material and the fact the transcript took approximately 8 days to complete by one typist from the Purana Taskforce who has clearance to this sensitive material.

Now produced and shown to me and marked with the letters "SO'C-2" is a copy of the transcript of the audio CD of the discussion between me and Ms Gobbo conducted on 7 January 2009.

7. I have listened the audio CD and read the transcript and have provided a redacted copy of the transcript of the discussion to legal representatives for Mr Collins and Mr Dale. The redacted parts of the transcript contain extremely sensitive material which is either not relevant to the investigation of Paul Dale and the Hodson murder investigation or is the subject of a claim for public interest immunity.

8. The public interest immunity I rely upon for this document is:

- (a) informer privilege; and
- (b) disclosure of police methodology, namely, disclosure of information relating to Ms Gobbo's safety and security as a prosecution witness and her general welfare.

Circumstances leading to this discussion

9. In late 2008 Detective Sergeant Solomon and Senior Detective Cameron Davey of the Petra Task Force had spoken with Nicolo Gobbo, resulting in the

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compilation of a typed witness statement. Prior to 7 January 2009 this statement had remained unsigned.

10. Arrangements were made with Ms Gobbo to attend and meet with Cameron Davey on 7 January 2009 in order to sign her statement. Ms Gobbo requested to speak with me prior to meeting with Cameron Davey.
11. A room (██████████) was booked at the ██████████ and arrangements were made for Ms Gobbo to meet me at this location for witness security reasons.
12. I attended the ██████████ prior to Ms Gobbo. Upon arrival I ██████████ which I then ██████████. A short time later Ms Gobbo came into the room and engaged in a conversation with me.
13. In general terms, the purpose of the meeting between me and Ms Gobbo was to discuss witness management issues, including security, safety and issues relating to her well being as a witness in a murder trial. At the conclusion of the discussion Cameron Davey attended at ██████████ to have Ms Gobbo read and sign her statement. Prior to this occurring Ms Gobbo left the room and I ██████████. I was not present during further conversations between Cameron Davey and Ms Gobbo when her statement was signed.

Informer disclosures and witness security issues

14. In the course of the conversation between myself and Ms Gobbo the following matters are disclosed and which are the subject of a claim of “public interest immunity”:
 - (a) Nicolo Gobbo is identified as a police informer;
 - (b) Nicolo Gobbo was a registered police informer;
 - (c) Disclosures about her dealings with covert police members attached to a specialist unit dealing with high-risk registered police informers;

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(d) Disclosures to Victoria Police about criminal conduct, including reference to various drug trafficking activities, pill presses, murders, abductions, clandestine drug laboratories, drug importations, attempts to pervert the course of justice. These disclosures were made about persons which include Tony Mokbel, Horty Mokbel, Milad Mokbel, Mick Gatto, Rob Karam, [REDACTED] and [REDACTED]

15. On many occasions Ms Gobbo expressed her fear that should any of the abovementioned persons or their associates become aware that she is a police informer other than in respect of Paul Dale, her life and that of her family would be in grave danger. In the view of the Victoria Police, and in particular the Witness Security Unit, it is considered that Ms Gobbo is a police informer who is at the highest level of risk of death or serious injury.

Ongoing investigations

16. The disclosures pertaining to the alleged criminal activity of the persons named in paragraph 14(d), has been conveyed to the Purana Task Force for further investigation. To the best of my knowledge this information is the subject of ongoing investigations by police.

Witness security

17. There is detailed discussion about proposed management and witness security issues for Ms Gobbo and her family. There is reference to police methodologies and practices in relation to witness management and security. In particular I describe ways in which Ms Gobbo can be protected and the types of financial assistance that may be provided to her as she cannot continue to work as a barrister. For example, I discuss with her an indication that Victoria Police would be willing to financially assist her in respect of her chamber's rent. There is further discussion about her potential involvement with the Witness Security Unit of the Victoria Police.

Irrelevant material

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18. There is also material contained within the transcripts of unrelated telephone calls, involving Ms Gobbo that are in no way relevant to the current proceedings. There are also irrelevant disclosures by Ms Gobbo where she makes derogatory remarks about certain solicitors, members of counsel and provides general commentary about the Magistrates' Court and the judicial system in Victoria.

B. Further audio recordings of conversations between myself and Ms Gobbo

19. Following my discussions with Ms Gobbo on 7 January 2009, I met with her on many occasions and on 60 occasions [REDACTED]
[REDACTED]
20. These 60 conversations total approximately 48 hours. I have downloaded these recordings onto CD format and produce these to the court. There are 60 CD's and each records a single conversation I had with Ms Gobbo. Dates of these conversations are recorded on the CD.

Now produced and shown to me and marked with the letters "SO'C-3" is the 60 audio CD's of the discussions between me and Nicolo Gobbo conducted since 7 January 2009.

21. These conversations predominantly pertain to issues relating to her welfare, safety and witness security. At this time I was managing witness security for Ms Gobbo in the lead up to the committal proceeding. The only disclosure that I can recall she made in relation to the investigation of Paul Dale and the investigation of the Hodson murders was a disclosure that after Paul Dale had been arrested and remanded in custody, he had requested Ms Gobbo represent him on a bail application. She informed me that she had visited Paul Dale in Barwon Prison and advised him that she could not represent him due to a conflict of interest. That she then emailed Tony Hargreaves advising him of that fact. Further, that she had a copy of that email on her computer. I conveyed this information to Cameron Davey for further investigation. To the

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best of my recollection there are no other disclosures pertaining to the investigation of Paul Dale and the investigation of the Hodson murders.

22. There are 48 hours of audio recordings which, if a transcript was required, would take several months to prepare.

C. My diary notes of discussions between me and Ms Gobbo

23. A redacted copy of my diary notes have been provided to solicitors for Mr Collins and Mr Dale. I enclose a copy of my diary notes with the yellow highlighting representing that information which has been disclosed to the defence.

Now produced and shown to me and marked with the letters "SO'C-4" are the diary notes of discussions between myself and Ms Gobbo.

24. That material which is not highlighted I claim as outside the scope of the subpoena, namely the information does not disclose details of discussions that I had with Ms Gobbo. This other information generally pertains to supervision of the general investigation of Paul Dale and the Hodson murder investigation. It also includes matters entirely irrelevant to this case, such as disclosures by lawyers for Carl Williams about information he may be willing to provide to police as to criminal activities by others. Further, there are details of disclosures by other police informers.

D. My diary notes of discussions between me and Carl Williams

25. A redacted copy of my diary notes have been provided to solicitors for Mr Collins and Mr Dale. I enclose a copy of my diary notes with the yellow highlighting representing that information that has been redacted from the notes.

Now produced and shown to me and marked with the letters "SO'C-5" are the diary notes of discussions between me and Carl Williams.

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26. That which is highlighted is material that I claim as outside the scope of the subpoena, namely the information does not disclose details of discussions that I had with Carl Williams. The other information in the notes which has been redacted is information which pertains to supervision of the general investigation of Paul Dale and the Hodson murder investigation. It also includes matters entirely irrelevant to this case, such as a corruption investigation for unlawful disclosure of confidential police information. There is further information about Operation Opera (an OPI investigation) and Operation Dander (Petra Task Force investigation of further unlawful disclosures of police documents), general OPI discussions and investigations generally which are entirely unrelated to the investigation of Paul Dale and the Hodson murder investigations.

E - Transcript of OPI examinations with Nicola Gobbo on 19 July 2007 & 17 August 2009

27. On 19 July 2007 and 17 August 2007 Nicola Gobbo was the subject of a compulsory OPI examination. Transcripts of that examination have been provided to me by the OPI. A redacted copy of the transcripts has been provided to the solicitors for both accused.

Now produced and shown to me and marked with the letters "SO'C-6" is a copy of transcript conducted on 19 July 2007.

Now produced and shown to me and marked with the letters "SO'C-7" is a copy of transcript conducted on 17 August 2007.

28. The yellow highlights identify those parts of the transcripts which have been redacted. These redacted sections have not been provided to the defence for the following reasons.

29. **Unrelated matters:** This includes reference to Ms Gobbo's involvement with Tony Mokbel, Horthy Mokbel, informer disclosures about alleged criminal activities by the Mokbels, her fear of being killed if it become known that she was an informer, threats from Andrew Veniamin, a relationship between Carl Williams and **Solicitor 2** role with Heliotis QC in the Mokbel drug

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trafficking trial, the charging of David Miechel, disclosure that [REDACTED] was a police informer and her disclosure to Purana Task Force of her giving evidence before the OPI.

- 30. The basis for redacting this information is that it is either irrelevant to the investigation of Paul Dale and the Hodson murders or it discloses informer privilege matters or information which, should it be known to certain individuals, would result in death or serious injury to Ms Gobbo.

Conclusion

- 31. I request that this Honourable Court set aside the subpoenas in part to the Chief Commissioner of Police in accordance with the matters raised in this affidavit and the affidavit of Detective Senior Constable Davey.

SWORN by the said SHANE MICHAEL)
 O'CONNELL on the 9th day of March 2010)

Before me: