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IN THE MAGISTRATES COURT OF VICTORIA
AT MELBOURNE

BETWEEN:

CAMERON DAVEY

- and -

PAUL NOEL DALE & RODNEY CHARLES COLLINS

AFFIDAVIT OF SHANE MICHAEL O'CONNELL

Date of document:	12 March 2010
Filed on behalf of:	Chief Commissioner of Police
John Cain	Solicitors Code: 7977
Victorian Government Solicitor	DX: 300077
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	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 was 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, there are 2 items in particular of which I am able to provide documents:
- (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 was to produce the following documents, parts of which was subject to claims of irrelevant material or public interest immunity:
- 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.



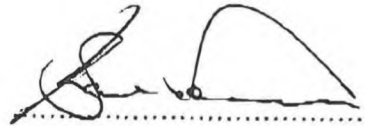
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- 5. On 9 March 2010, at the commencement of the committal hearing, legal practitioners for the Mr Dale and the Chief Commissioner had further discussions in order to narrow the dispute between the parties as to the disclosure of documents.
- 6. It was accepted by legal practitioners for Mr Dale that it was impracticable to listen to or obtain transcripts of the audio recordings of conversations between myself and Ms Gobbo conducted since 7 January 2009 (approximately 48 hours in length) (see paragraph 4B above).
- 7. It was agreed between the parties that counsel for the Chief Commissioner of Police, Mr Gipp, would peruse the remaining documents (listed in paragraph 4 above) and would isolate any references to the identities of informers and disclosures by informers.
- 8. I have been advised by Mr Gipp that he has again examined the documents referred to in paragraph 4 above and has isolated those documents which refer to the identities of informers and disclosures by informers.

Now produced as a **CONFIDENTIAL EXHIBIT** and shown to me and marked with the letters "S'O-1" is a copy of those documents which have reference to the identities of informers and disclosures by informers.

- 9. I request that this Honourable Court set aside the subpoenas in part to the Chief Commissioner of Police in accordance with the informer privilege matters raised in this affidavit.

SWORN by the said **SHANE MICHAEL O'CONNELL** on the 12th day of March 2010)



Before me:



IMOGEN RYRIE
DEPUTY REGISTRAR
MAGISTRATES' COURT OF VICTORIA