

I make this statement in response to a request from the Royal Commission Into Police Informers. This statement is produced in response to a Notice To Produce.

Due to time restraints, this response has been prepared without having read all relevant documents. In February 2019, I applied for access to these documents. I was granted restricted access to some relevant documents by Victoria Police on the 13<sup>th</sup> of May, 2019. I was granted access to the Victoria Police Loricated database on the 15<sup>th</sup> of May, 2019. I received access to SDU archived documents on the 22nd of May, 2019.

These documents include Source Reports (SCRs), Information Reports (IRs), Audio Recordings and Transcripts of Audio Recordings, as well as other material.

The size and content of these documents is voluminous, and, at the time of writing, transcriptions of audio recordings has not been completed. I have not yet had a chance to assess any documents released on the 22nd of May.

#### **Background and experience**

**1. Detail your educational background and employment history, including progression through the ranks and roles assigned.**

I am 59 years of age.

I completed the Higher School Certificate in 1977. After this I performed casual employment in retail sales, then 12 months employment as a clerk. I then entered the Victoria Police academy and graduated in November 1979.

I was a member of Victoria Police from 1979 until resigning in late 2014.

I was stationed at the following workplaces, performing the roles as listed:

1979 – 80 [REDACTED] Police Station – [REDACTED] General Duties

1980 – 82 [REDACTED] Police Station – [REDACTED] General Duties

1982 – 85 [REDACTED] Police Station – [REDACTED] General Duties

1985 – 89 [REDACTED] CIB – [REDACTED] Investigative Duties

1989 – 93 [REDACTED] Squad – [REDACTED] Investigative Duties

1993 – 96 [REDACTED] Police Station – [REDACTED] Supervision Duties

1994 – 12 month secondment to [REDACTED] District Support Group –  
[REDACTED] Investigative and Supervision Duties

1995 – 12 month secondment to [REDACTED] Taskforce –  
[REDACTED] Investigative and Supervision Duties

1996 – 2004 – [REDACTED] Squad – [REDACTED] Investigative and Supervision Duties.

2002 - 12 months full time study leave to attain an Advanced Diploma of Vietnamese Language at the Defence Forces School of Languages

2004 – 12 – DSU Pilot/Source Development Unit

2012 – 14 – [REDACTED] CIU - Investigative and Supervision Duties

**2. Detail your training and experience in respect to the handling and / or management of human sources.**

Whilst stationed at [REDACTED] including 12 month secondments to the [REDACTED] District Support Group and [REDACTED] Taskforce, I was involved in the management and deployment of a large number of Human Sources, regarding crimes including street and mid level drug trafficking, property offences and assaults. Whilst working as a supervisor at the [REDACTED] Squad over a 7 year period, I managed, deployed or had direct contact with approximately 25 Human Sources, regarding the investigation of crimes including commercial drug trafficking and serious assaults.

I was stationed at the DSU / SDU from 2004 to 2012, and handled and assessed numerous Human Sources during this period.

Source Handling Courses - [REDACTED]  
[REDACTED] Victoria Police Source Handling Courses.

**3. Provide details of your involvement, if any, in the development by Victoria Police of the SDU.**

In 2004 I was approached to be part of a 4 member Source Handling Team as part of the DSU Pilot Project, led by [REDACTED] Sandy White-O [REDACTED]  
I was not involved in the preliminary work in researching and setting up this unit. Learnings from the pilot project were integrated into the formalization of the SDU.

**4. Provide details of any national or overseas travel you undertook as part of the development of the SDU.**

None

**5. Provide details of your awareness of the involvement of officers of Victoria Police more senior in rank than you in the development of the SDU.**

Sandy White-O

Winters-DS

Inspector Cowlshaw

Commander Purton

Commander Moloney

Detective Superintendent Biggin

Assistant Commissioner Overland

Acting Commander Wilson

Deputy Commissioner Nancarrow

Deputy Commissioner Bill Kelly

**6. Provide details of your awareness, if any, of any policies and procedures adopted in other states or countries in relation to the management of human sources who are subject to legal obligations of confidentiality or privilege.**

None

Use of Ms Gobbo as a Human Source

**7. Provide details of any:**

**a. contact you had with Ms Gobbo prior to your work at the SDU;**

During a meeting with this Source, probably within the first few months, she brought to my attention that, a few years prior, she had acted for a person charged with drug trafficking, and that I was either the informant or a witness and gave evidence in Court in that matter. Upon being advised of this, I had a vague recollection of that matter, which I had not previously recalled. These details will be recorded in the relevant SCR and Audio Recording which I am yet to peruse. Apart from this, I had no other contact with this person prior to working at the SDU.

**b. knowledge you had of Ms Gobbo's use as a human source, prior to your work at the SDU.**

None

**8. Provide details of the management of Ms Gobbo as a human source, including:**

**a. the structure of that management;**

Source Management consisted of a nominated Handler and Controller. The handler was responsible for day to day contact and reporting of same to the Controller. All meetings were conducted [REDACTED] with regular attending of meetings by the Controller. In the earlier time of the DSU/SDU there was also an Inspector within the unit, however the person occupying this position was responsible for the SDU and other unit/s and therefore was not full time within the SDU office. I believe that eventually this did change to a full time position, however I can't recall exactly when this occurred. The Controller would regularly report Source matters to the Inspector and/or directly to the Superintendent.

**b. whether any procedures or processes were put in place to manage the use of information provided by Ms Gobbo; and**

Standard DSU/SDU practices were utilized. There were SOP's in place that were modified over time. The requirements included reporting of every single contact with the Source on a Source Contact Report (SCR), constantly briefing Controllers of such contacts, [REDACTED]

[REDACTED], submission of sanitized Information Reports to investigators, submission of SCRs to the Controller for checking and forwarding to the Human Source Management Unit (HSMU).

**c. whether any procedures or practices were put in place to manage the risks arising from the use of information provided by Ms Gobbo.**

I completed two formal risk assessments during the time this Source was registered. Having said that, risk against this (and all other Sources) was constantly being assessed at every contact, and was regularly discussed at length at SDU management meetings with Controllers.

After a lengthy initial period of Handling this Source, it became apparent that the task was a very labor intensive and demanding one. As a result, a policy of regularly rotating the Handler for this Source was implemented. [REDACTED]

**9. Provide details of the involvement or oversight by senior officers who had management, oversight or control of the SDU of the SDU's use of Nicola Gobbo as a human source.**

My recollection of the line management at the SDU consisted of:

PII [REDACTED] SDU - Source Controller and every day supervision of handling/management.

PII [REDACTED] Sandy White-O

Black-O [REDACTED]

Inspector SDU - Direct line management of SDU Controllers

Inspectors Cowlshaw, McWhirter, Hardie and Glow.

Superintendent CSD - Management of SDU

Superintendent Biggin

Local Source Registrar - Responsible for Source registrations within his command

Superintendent Thomas

HSMU Superintendent - Central Source Registrar - Oversight and governance of all registered Human Sources

Superintendent Porter

DDI MDID - Original request for assessment and management of the Source.

Detective Inspector Robert HILL

**10. Provide details of person(s) you believe were involved in the authorisation, and continued authorisation, of the use of Ms Gobbo as a human source, including the name of the person(s); the role of those person(s); and the basis of your belief.**

Superintendent BIGGIN - Officer in Charge of the Division within which the SDU was situated. Had regular contact with SDU Controllers and Handlers and at one time conducted an audit regarding the management and handling of this Source.

Assistant Commissioner OVERLAND - I was informed of his knowledge of this and I believe I was at meeting/s regarding this Source where he was present - my diary will confirm this.

Inspector HARDIE – (Deceased) - SDU Inspector

Inspector GLOW – SDU Inspector

Inspector McWHIRTER – Relieving SDU Inspector

I recall that there was a Human Source governance or steering committee at one time, I believe that this consisted of senior ranking commissioned officers, however I do not recall the names of these persons, or whether I ever knew all the names of persons involved.

**11. Provide details of your understanding of Ms Gobbo's motivations for becoming a human source, including:**

**a. her initial motivations for assisting Victoria Police; and**

I believe that the Source's Initial motivations included a desire to rid herself of contact with certain criminal individuals.

**b. her motivations for providing ongoing assistance to Victoria Police in that manner.**

I believe that the Source's ongoing motivations included the above (a) as well as wanting to be perceived by others as a person who "did the right thing", displacing her feelings of being used to that of being valued, distaste for her treatment by some male associates, using her contact with Handlers as a form of self therapy and stress relief. It is likely that other unstated motivations existed.



Examination of the audio recordings and contact reports will likely also assist me in identifying and recalling some further motivations.

I would further add that, when dealing with any Source, motivations quite often change with time and circumstance, and that I would never acknowledge knowing every single motivation for any Source.

**12. Provide details of any conversations you had with Ms Gobbo relevant to and/ or dealing with:**

**a. her Legal Professional Privilege (LPP) and confidentiality obligations or other duties in respect of her clients;**

I believe that these matters were discussed at meetings with the Source, and that therefore these matters are recorded on the Audio Recordings of those meetings and SCRs. I have been advised that the dates these matters were discussed include 1/10/05, 28/10/05 and 12/01/06. I will be able to elaborate on the details of these when I have reviewed this material, and will include this in a supplementary statement.

**b. acknowledgement by of her responsibilities as a Human Source;**

Numerous conversations with the Source reinforcing these. I will attempt to list them subsequently.

**c. assessment of risks associated with her use as a Human Source;**

Refer 8 c above. These were discussed with the Source as per Audio Recordings and SCRs, and with discussions with the Controller and at unit meetings.

**d. her motivations to act as a human source;**

Refer 11 a. and b. above. These were discussed with the Source as per Audio Recordings and SCRs.

**e. indications of criminal conduct or other adverse motivations on her part;**

None, the Source regularly asserted that they were not doing this. On many occasions the Source brought up matters where she stated or reinforced her intention not to commit any offence.

**f. matters of concern as to the use of Ms Gobbo as a human source such as her mental or physical health;**

The Source regularly discussed her health issues and her general well being. When medical matters arose I would always advise the Source to seek appropriate medical assistance, as well as to always prioritize her health over all else. On more than one occasion I believe that I urged the Source to take a break or holiday. The Source was a particularly astute individual who did at times exhibit signs of stress, however, I do not believe that the way that she acted made her an unreliable or unfit person to act as a Source.

I will be able to elaborate on the matters listed at 12 a. - f. above, when I have reviewed the relevant material.

**13. Provide details of any knowledge you had of Ms Gobbo providing information or intelligence to any person or organisation outside the SDU.**

I believe that the reason for SDU assessment and ultimate Handling of this Source occurred, at least in part, due to the Source interacting with various members of Victoria Police, and either passing on some information, or

alluding to the fact she wished to do so. I do not recall the details of these matters, perusal of SCRs may provide further detail.

Once SDU management began, I am not aware of information being passed on to any other person or organization.

**14. In relation to the following people:**

☐ Faruk Orman;

☐ Tony Mokbel;

☐ Mr Bickley

☐ Zlate Cvetanovski;



☐ Rob Karam;

☐ Pasquale Barbaro;

☐ Saverio Zirilli;

☐ Salvatore Agresta;

☐ Pasquale Sergi;

☐ Francesco Madafferri;

☐ Giovanni Pollmeni;

☐ John Higgs;

☐ Sharon Ropa;

☐ Tony Sergi;

☐ Ken Tang;

☐ Carmelo Falanga;

☐ Pino Varallo;

☐ Jan (John) Visser.

Any contacts with these individuals will be recorded in the Diaries, SCR's and Audio Recordings, as per the spreadsheet produced by <sup>Fox-O</sup>

Fox-O

**15. Provide details of:**

- a. information received from Nicola Gobbo in respect of those people;**
- b. the dissemination of any such information including the method of dissemination and the persons to whom it was disseminated.**

Any information received or disseminated regarding these individuals will be recorded in the Diaries, SCR's, IRs, Source Management Log and Audio Recordings. <sup>Fox-O</sup> has prepared a chart regarding contacts with each individual.

**16. Provide details of your knowledge or understanding during the time you were dealing with Ms Gobbo at the SDU of a lawyer's duty or obligation;**

**a. of LPP**

Not to divulge matters that are the subject of charges and are pending determination by a Court.

**b. confidentiality; and / or**

None

**c. to act in the best interests of his or her client.**

(referred to as lawyers' duties)

Within the law, to provide appropriate legal advice for the client in the circumstances.

**17. Provide details of your knowledge or belief as to whether any advice was obtained from hereinafter a legal practitioner or more senior officer in relation to lawyers' duties regarding Ms Gobbo, or more generally, human sources, during your time in the SDU.**

None.

**18. Provide details of your knowledge or belief as to whether LPP or obligations of confidentiality or a lawyer's duty to act in the best interest of her or his client, were breached by Ms Gobbo, in respect to each of the people listed in question 14.**

There was an incident shortly after the arrest of [REDACTED]. The Source had been advised that she could not act for [REDACTED] but insisted on doing so for her perceived reasons of her personal safety from other criminals. Post his arrest, and after meeting with [REDACTED] the Source provided information that [REDACTED] premises where a clandestine drug laboratory had been located. I passed this information on to Detective Inspector O'BRIEN at the Purana taskforce.

**19. Provide details of your knowledge or understanding, during the period that you were in the SDU, of the obligation on the part of Victoria Police to disclose to courts, the prosecution and the accused, any and what information obtained during the course of an investigation that was not included in a brief served on an accused.**

I believe that this is more applicable to the Investigator role. My understanding is that there is no obligation to advise a charged person that this information was supplied by a Source, and that the fact that a Source was even involved in the matter was not to be disclosed.

**20. Provide details of your knowledge or understanding, during the period that you were in the SDU, of the operation of the doctrine of public interest immunity (PII), concerning information provided by Ms Gobbo, and whether any advice was obtained or discussions were had in relation to this matter.**

The SDU operated in a PII environment, in that Source material relating to identities, information dissemination and methodology was all potentially subject to PII.

PII matters were regularly discussed within the SDU office. This included discussion around examples where, [REDACTED]

[REDACTED] involved, and thus have a derogatory effect on the argument for PII. I have no specific recollection of any advice being obtained about PII, however this may have occurred in cases involving other Sources.

**21. Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public**

**Prosecutions, the Commonwealth Director of Public Prosecutions) as to the use of Ms Gobbo as a human source, including in relation to each of those concerns:**

- a. who raised the concern, with whom it was raised and by what means (written or oral);**
- b. when the concern was raised;**
- c. what the concern was;**
- d. whether the obtaining of legal advice was raised; and**

e. what, if anything, was done about the concern.

No person raised any of these issues.

**22. Provide details of your awareness of any Victoria Police Standard Operating Procedure for the management of human sources, including:**

- a. details of what that procedure was;
  - b. whether the conduct of members of Victoria Police in relation to the use of Nicola Gobbo as a human source resulted in any failures to comply with that Standard Operating Procedure;
  - c. whether any breaches of that Standard Operating Procedure as detailed at sub-paragraph (b) placed Ms Gobbo in a position of unacceptable risk
- to:
- i. her personal safety;
  - ii. the individual rights of others by consequence of her position as a legal practitioner.

These matters were regularly discussed at management meetings. SOPs existed and were always followed. SOPs are produced by

**23. Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public Prosecutions, the Commonwealth Director of Public Prosecutions) as to the transition of Ms Gobbo from a human source into a witness, including:**

- a. who raised the concern, with whom it was raised and by what means (written or oral);

- a. when the concern was raised;
- b. what the concern was;
- c. whether the obtaining of legal advice was raised; and
- d. what, if anything, was done about the concern.

When the SDU was advised that the Source was going to become a witness, I was concerned that this transition would cause the Source's role and identity to be exposed, and that retribution against her would result in her murder. I believe that I recorded these details in my diary at the time. I discussed this matter with <sup>Sandy White-O</sup> [REDACTED] <sup>Black-O</sup> [REDACTED] who shared my exact concerns. As a result of speaking to the <sup>PII</sup> [REDACTED] I believe that I was advised that Superintendent Biggin was aware of this issue, and that the decision for the transition to occur had originated with Assistant Commissioner Overland. I am not aware of whether the matter of obtaining legal advice was raised.

I am unaware of any action that was taken regarding these concerns.

**24. Provide details of your awareness as to any discussions within the SDU or Victoria Police more generally regarding the use of Nicola Gobbo as a witness for the criminal prosecution of Paul Noel Dale in relation to the murders of Terrence and Christine Hodson, including:**

- a. what that assistance would be;
- b. whether there were any concerns raised as to the use of Ms Gobbo as a witness in that proceeding;
- c. who raised that concern; and
- d. whether anything was done about that concern.

I had limited knowledge of this investigation, however, I understood that the intention was for the Source was to provide information and interact with the target of the investigation with a view to give evidence of these occurrences. I



am aware of one interaction where the Source met with Dale and recorded the conversation, which will be recorded in the SCR. I was not privy to the intricate details of what was planned or considered regarding future interactions.

Regarding concerns, particularly for the Source's safety, refer to response to Question 23.

**25. Provide details of your awareness as to any discussions within the SDU or Victoria Police more generally regarding the use of Nicola Gobbo as a witness for the criminal prosecution in relation to the murder of Shane Chartres-Abbott, including:**

- a. what that assistance would be;**
- b. whether there were any concerns raised as to the use of Ms Gobbo as a witness in that proceeding;**
- c. who raised that concern; and**
- d. whether anything was done about that concern.**

Pending checking of SCRs, I do not recall any details of knowledge regarding this matter.

**26. Provide details of the disbanding of the SDU, including your understanding of:**

- a. the reasons for its disbandment;**
- b. the procedures undertaken to disband it.**

I was never provided with a full explanation of why this occurred. When the advice came of the decision, I was on leave. A few days later, I attended at the office in order speak to Inspector O'CONNOR and Superintendent SHERIDAN about this.

Recently, I have been advised that 10 minutes before this decision was announced to Superintendent BIGGIN, a senior member of Victoria Police management advised BIGGIN that the reason for disbanding the SDU was because of corruption. If this is so, I totally vehemently and totally refute this. Further, if that is the case, I ask the question, why was this matter not investigated, and why were members of the SDU neither spoken to nor formally interviewed about this ?

I have formed the view that the SDU's use of a Lawyer as a Source may have caused some embarrassment to Victoria Police, and was therefore shutdown. If this is the case, it exhibits a total lack of fairness, in that every single detail of our conduct was recorded and reported in minute detail, and yet I was not once spoken to about this matter.

**27. Provide details of any other human source who, to your knowledge, has provided information or assistance to Victoria Police who were subject to legal obligations of confidentiality or privilege, including:**

- a. the name of the human source;**
- b. if registered, the number of the human source;**
- c. the nature of the legal obligations of confidentiality or privilege;**
- d. the nature of the information or assistance provided by the human source.**

None

**28. Detail any training, including any retraining, you have received in relation to:**

- a. your obligation of disclosure to accused persons, prosecution agencies and the courts;**

- the right of an accused person to silence;
- the right of an accused person to a legal practitioner;
- LPP;
- public interest immunity; and
- professional and ethical decision making.

Regarding right to silence and a legal practitioner, Detective Training School, and on the job training/experience, including whilst giving evidence.

Regarding PII, as above, as well as [REDACTED] Source Management Course and learning from discussions with Controllers/Handlers.

Regarding professional and ethical decision making, none

**29. Are there other matters relevant to the Commission's terms of reference about which you are able to provide assistance to the Commission?**

I was called as a witness in a compulsory hearing conducted by IBAC in late 2014. At the time, I had no opportunity to refresh my memory of events that had occurred some years prior, nor did I have an appreciation of exactly what the hearing would entail. I had little independent recollection of the relevant matters at the time of questioning. At this hearing, certain propositions were put to me regarding the handling of this Source. These questions were formulated by quoting selective passages from documents in isolation, and in an environment where it was difficult to be able to read the documents in detail.

When reflecting on this evidence, shortly after the IBAC hearing, I independently recalled some further details that show that some of my answers were incorrect. This has now been confirmed to me by reviewing

some of the SCRs, a process which is ongoing at the time of writing. I am particularly referring to my answers regarding the Source giving Information about current clients that was subject to LPP, when in fact these matters were not in that category. I am also referring to the fact that, according to Source meeting transcripts, I did indeed discuss the need not to disclose LPP matters with the Source, a fact which has now been pointed out to me by Fox-O only a few days ago. I have not yet had the opportunity to listen to all these audio tapes and read all the relevant transcripts. This will be done as soon as practicable.

The conclusions in the Comrie report as to the SDU conduct, systems and documentation are not correct. In so far as the Kellam report adopts the Comrie report in these issues, it is also incorrect.