

**Royal Commission**  
**into the Management of Police Informants**

**STATEMENT OF STEPHEN ANTHONY FONTANA**

1. My full name is Stephen Anthony Fontana. I am an Assistant Commissioner of Victoria Police.
2. I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 14 August 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.

**Educational background and employment history (question 1)**

3. I have been a sworn officer since 1975. Annexed to my statement is my CV, which sets out my employment history and education background.

**Involvement or association with any investigation which had dealings with Ms Gobbo (question 2)**

*Ethical Standards Division and Operation Nutation*

4. In the period from August 2000 to May 2004, I was the Detective Superintendent and officer in charge of the Ethical Standards Department Corruption Investigation Division. My diary for that period records a small number of references to Ms Gobbo. Ms Gobbo's name appears in diary notes of briefings that I had received about current investigations and in the context of her acting for a number of persons of interest.
5. For example, Operation Nutation was set up in response to the Oakleigh burglary in September 2003. I had some involvement in this investigation until I was promoted to Commander and took charge of the Corporate Management Review Division in May 2004. I have referred to Ms Gobbo in diary entries on 1 October 2003.

*Taskforce Petra/Driver and Taskforce Briars*

6. Between 2008 and 2011, I was the Assistant Commissioner in charge of the State Emergencies and Security Department.



7. In the period from June to August 2010, I was upgraded to Acting Deputy Commissioner of Crime to relieve Deputy Commissioner Sir Ken Jones. During this period, I fulfilled all of DC Jones' responsibilities, including oversight of investigations conducted by the Crime Department such as those being conducted by the Petra Taskforce and Briars Taskforce.
8. I attended a number of Petra and Briars Steering Committee meetings and received a number of briefings on those operations during the period that I was upgraded. I took diary notes of those briefings but have no independent recollection of them, save than for the two matters that I set out below:
9. First, with regard to the Petra Taskforce, I was upgraded in the period shortly after Carl Williams was murdered and there was a significant focus on the security of other witnesses, including Ms Gobbo (who I knew as Witness F).
10. Secondly, I recall that Ms Gobbo had commenced civil proceedings shortly before I was upgraded.
11. In the context of the civil litigation, I attended meetings in which the fact that the "human source file" in relation to Ms Gobbo needed to be reviewed was discussed. While I have no specific recollection of being told, it must have been around this time that I learned that Ms Gobbo had assisted police as a human source. However, other than the assistance she had provided against Paul Dale, I had no knowledge of the assistance she had provided. I refer to my answer to question 3, below.
12. At the time, the critical issues that required my attention related to the safety of those people who were witnesses in the Dale committal and the Victoria Police response to the writ. As I had no knowledge of the context or extent of Ms Gobbo's informing, it was not a focus of my attention at this time. I did not expect it would ever become a focus of my attention, as it was in the hands of other people and I was temporarily filling DC Jones' role and was focused on addressing what I had been briefed by DC Jones to attend to in his absence.
13. Having reviewed my diary entries for this period, it is evident to me that there were a number of matters that DC Jones and I had discussed in handover prior to him going on leave. In his absence, I would have done what I could to have ensured that the issues he had raised with me were attended to.



14. DC Jones returned from leave in around August 2010 and I returned to my role as Assistant Commissioner of Counter Terrorism Coordination and Emergency Management Command.
15. I had no further involvement in these taskforces until July 2012, when I took over as the Assistant Commissioner of Crime Command. Taskforce Driver (which had subsumed the investigations conducted by the Petra Taskforce) and Taskforce Briars were ongoing. I attended a number of steering committee meetings from July 2012 to early 2013, however, I do not recall Ms Gobbo being discussed, save than in the context of her being called as a potential witness by the Commonwealth Director of Public Prosecutions in contempt charges against Paul Dale. The Victoria Police position was that Ms Gobbo should not be called due to her ill health and risk to her safety. I was copied into a number of emails in relation to the Commonwealth matter but otherwise had little involvement in it.
16. In the same period, Operation Loris, which related to the inquest into the deaths of Terence and Christine Hodson, had also commenced. I had minimal involvement in the operation, however, my notes record a number of discussions in relation to the inquest in which Ms Gobbo was discussed. I do not recall the context of these discussions.
17. From time to time, I would attend management meetings in which "Witness "F"" would be mentioned. While I may have made a note of these discussions, I have no recollection of them save than to say that in a general sense, they related to her ongoing security and management.

*Operation Loricated*

18. On 22 October 2012, I attended a meeting with Acting AC Doug Fryer from Intelligence and Covert Support Command in relation to Witness F. We discussed the findings of the Comrie Review and the implementation of its recommendations. AC Fryer briefed me about the fact that the holdings of the SDU with regard to Witness F were to be reviewed.
19. I do not recall the circumstances in which I learned that the Comrie Report had been commissioned or the circumstances that led to Former Commissioner Comrie being engaged to conduct the review. This occurred before I took the position as AC of Crime. After I took over that position, I would have attended briefings in which the Comrie

*Steph Loric*

Report was discussed. The discussion with AC Fryer that I refer to above is one such briefing.

20. At the time, I had not read the Comrie Report. However, I knew from this briefing and from others, and from what I learned when upgraded to Acting DC Crime in 2010, that Ms Gobbo had been a human source. However, I still did not know the extent of Ms Gobbo's informing and there had been no reason for me to think about this since I returned to my permanent role in 2010.
21. From those briefings, I knew that the Comrie Report was highly critical of Victoria Police's management of Ms Gobbo. Implementing the recommendations of the Comrie Review was a priority, including the reconstruction of the SDU activity in relation to Human Source 3838.
22. In January 2013, a Steering Committee was established to manage the implementation of the 3838 Document Review Project. This project became known as Project Loricated. I was the Chair of the Steering Committee. In the period from January 2013 to around March 2014, I attended a series of meetings of the Project Loricated Steering Committee. Minutes were taken of those meeting.
23. The Loricated review was thorough and involved not only reconstruction of the source material, but also analysis of it, including grouping the information into various themes. The purpose of doing so was to ensure that all issues were appropriately identified and properly dealt with.
24. By June 2013, the review had progressed to a point where the key risks were beginning to emerge and were reported to the Steering Committee. The Steering Committee had instructed that this material should be properly analysed and presented to the DPP or IBAC for appropriate further action. While I was not personally involved, I am aware from the Steering Committee minutes that Director of Legal Services Findlay McRae and AC Fryer had briefed the DPP about these issues by June 2013.

*Operation Bendigo*

25. From the time that I took over as AC Crime, Ms Gobbo's management and safety was the subject of ongoing discussion and assessment. Risks to the safety of Ms Gobbo and her family increased at times where there was increased media interest, which often coincided with Court matters, such as the coronial inquest into the murder of Terence and Christine Hodson.



26. On Sunday 30 March 2014, concerns surrounding Ms Gobbo's safety were significantly heightened because the Herald Sun intended to publish an article revealing that she had been a human source between 2004 and 2009. I learned of the Herald Sun's intention to publish the article that evening. After speaking with DC Ashton, I called Detective Inspector Ian Campbell, who was Ms Gobbo's Victoria Police liaison and directed him to advise Ms Gobbo of the article and to offer her immediate protection, which he did.
27. I had a number of telephone conversations with Mr McRae about the proposed article and Victoria Police's response. By around 9pm, we had a copy of the proposed article, which I discussed with Mr McRae. He advised that we could apply to the Supreme Court to seek an injunction that evening and I instructed him to do so. I did not attend the Supreme Court but continued to provide instructions to Mr McRae over the telephone and had multiple conversations with DC Ashton and DI Campbell about the status of the hearing and Ms Gobbo's safety. Ultimately, Victoria Police and the Herald Sun reached a negotiated agreement and the story was amended in a way that Victoria Police considered was adequate to protect Ms Gobbo's safety.
28. The publication of the article escalated the risks to Ms Gobbo's safety significantly. I established an incident management team to discuss her security. As Ms Gobbo had a poor relationship with [REDACTED] it was necessary for Crime Department resources to be deployed to manage her safety. The incident management team met regularly over the course of 31 March and 1 April and the initial Victoria Police response is recorded in a memo from Detective Superintendent De Santo dated 31 March 2014,<sup>1</sup> and in the minutes of the "F" Incident Management Team meetings that took place on 1 April 2014.<sup>2</sup>
29. While arrangements for Ms Gobbo were the highest priority within Victoria Police, I also attended a number of meetings on 1 April about the Victoria Police response to the issues identified through the Operation Loricated review.
30. On 1 April 2014 at 12.05pm, I had a meeting with Mr McRae, Inspector Mark Galliot, Stuart McKenzie and another person (David) that I do not now recall in relation to the Witness F file. My notes state that:

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<sup>1</sup> VPL.6109.0006.1617.

<sup>2</sup> VPL.0100.0011.0001



OPP John Champion is across issues with Witness F & took into account re Mokbel.  
Will need to review any other files identified.

Discussed Loricated files on Legal Issues. To be reviewed by Fin's office.

IBAC briefing today.

Advice is being sought from counsel re injunction to protect name & media re payment  
of settlement - suggest Supt John Cooke as witness for application.

31. In the margin of my note, I made a reference to Carl Williams, who was discussed at the meeting. The murder of Carl Williams was discussed in the context of the risk to Ms Gobbo following her identification as a human source. Based on the reporting, we were of the firm view that the risk to her safety had heightened significantly. We were concerned she would be killed.
32. At 4.35pm, Mr McRae and I attended a meeting at IBAC with Stephen O'Bryan, Alastair McLean and Rob Sutton. During the meeting, Mr McRae and I briefed IBAC on the history of Ms Gobbo's involvement with Victoria Police. I took a note of the meeting, which I have transcribed below:
  - Background given re closure of Human Source Management Unit by former AC Pope & subsequent allegation against him re affair with Witness F.  
Also background re closure of Petra Task Force & Gobbo evidence for ACC perjury trial [*arrow into margin:*] she was not put up for trial – life at risk
  - Settlement with Witness F – loss of career - we admitted liability & settled
  - Media by Neil Mitchell (3AW) – need a Royal Commission
  - Issues
    - We moved her from capacity of a human source to witness, which should not have happened – bad practice
    - How we managed source witness – did she breach lawyer client privilege
    - Did we know or believe she overstepped the mark
    - Is that misconduct?
  - OPI report 2007
  - Driver Task Force review of Petra & death of Williams
  - Comrie Review of human source management
  - Disbanded and remodelled unit
  - Robinson review of witness protection
  - Operation Loricated Review



(OPI briefed re Comrie report & loricated they also spoke to project manager Steve Gleeson

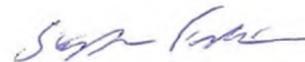
- Briefed re Loricated work & database
- Brief re Mokbel extradition
  - Fin made inquiries & briefed John Champion (OPP) re information provided by Witness F – OPP had not been brief & he decided it is not relevant to the brief - greater public interest may be motivation
- Questions for legal fraternity / AG
- Loricated Themes – will hold off on criminality but will look at own client issues
- Member advice re bail
- Provided advice on Purana matters to human source unit telling them how the brief should be put together
- Will analyse information – where criminal trials corrupted - issue between VicPol & DPP
- Re Human Source Management – treating as a practice issue rather than misconduct issue
- Discuss Governance for Project Loricated
- Internal report to CCP re action taken & outcomes
- It will then be forwarded to IBAC - for information or invite IBAC to review
- Discuss issues re witness protection for witness F

33. The increased safety risks to Ms Gobbo in this period led to the establishment of Operation Bendigo. Operation Bendigo also had oversight of the Victoria Police response to the Comrie Review and was responsible for coordinating Victoria Police interaction with external agencies, including IBAC and the DPP.
34. I was a member of the Operation Bendigo committee and attended a number of meetings. Minutes of the various meetings were taken, which accurately record what was discussed.
35. It was a high level steering committee that comprised senior members of Victoria Police. We all had the opportunity to put forward our views on issues that came up at the Committee. My role on the Committee was to contribute to decision making and to highlight issues relating to the safety of Ms Gobbo and her family. Through Committee meetings, I was aware of the continued progress of implementation of recommendations



of the Comrie Review and interactions with the IBAC and the DPP, however, I was not directly involved in the Committee's response to those matters.

36. On 4 April 2014 and 7 April 2014, I met with Ms Gobbo in relation to arrangements for her security and protection. I refer to those meetings in detail in my answer to question 6, below.
37. Operation Loricated was completed by May 2014 and a completion report was finalised on 21 May 2014.<sup>3</sup> While Operation Loricated had concluded, it was recognised that there was an ongoing body of work that needed to be done by Victoria Police to deal with disclosure issues, ongoing management of Ms Gobbo and to ensure that we had covered off on all matters arising from the Operation Loricated project. All of these matters were conducted through Operation Bendigo.
38. Throughout the middle of 2014, I continued to attend Operation Bendigo Steering Committee meetings and was copied to numerous emails. I was aware that Operation Bendigo was continuing to review materials for legal professional privilege and conflict issues.
39. Throughout this period, Victoria Police remained gravely concerned about the safety of Ms Gobbo and the safety of her children. Victoria Police considered its statutory obligations with regard to the safety of Ms Gobbo's children and formally reported our concerns to the Department of Human Services so that they could conduct a formal assessment. Representatives of Victoria Police continued to meet with Ms Gobbo in this period and continued to try to ██████████ to ██████████ witness protection and she was informed that Victoria Police had reported its concerns to DHS. Notwithstanding this, Ms Gobbo still refused to consider entering witness security.
40. I continued to receive updates on discussions with Ms Gobbo during this period. For example, on 15 July 2014, Assistant Commissioner Linford forwarded me an email chain between DI Campbell and Ms Gobbo.<sup>4</sup> AC Linford had set out her views on the issues raised by Ms Gobbo, which I agreed with.



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<sup>3</sup> VPL.0002.0001.0209.

<sup>4</sup> VPL.6023.0142.8110.



41. Crime Department Inspectors continued to check in on Ms Gobbo on a regular basis and I received updates from time to time. For example, on 8 October 2014, I received an operational update from DI Campbell in relation to Ms Gobbo.<sup>5</sup>

*Request for Informer Reward*

42. On 30 October 2014, Ms Gobbo wrote a letter to Chief Commissioner Ken Lay.<sup>6</sup> In it, Ms Gobbo advised that she will not enter into witness protection and stated that she felt betrayed and traumatised by her role being made public through media reporting. The letter also stated that Ms Gobbo intended to apply to the Rewards Committee in relation to the assistance that she had provide as a human source.
43. I do not recall when I received a copy of this letter. On 15 December 2014, I was copied to an email from AC Linford that attached a draft response.<sup>7</sup> Based on my subsequent emails, I believe that the response was hand delivered to Ms Gobbo by DI Campbell on 17 December 2014.<sup>8</sup> Ms Gobbo was offended by the response, which led to her refusing to engage with any Victoria Police representative, save for DI Campbell.
44. Throughout December 2014 and January 2015, there was increased media interest and reporting on the “Lawyer X” matter. As a result, the risk to Ms Gobbo and her family remained high. I instructed DI Campbell and the other Inspectors handling Ms Gobbo to contact her on a daily basis in this period.
45. The media reporting and concerns surrounding Ms Gobbo’s safety continued to build after the IBAC report prepared by Mr Kellam was completed in February 2015 and in relation to an FOI request received from a journalist by the Commonwealth Director of Public Prosecutions. I assisted to coordinate the Victoria Police response to these issues and I continued to receive updates from Inspector Campbell in relation to his contact with Ms Gobbo.
46. On around 7 July 2015, I received a letter from Ms Gobbo dated 30 June 2015.<sup>9</sup> The letter was addressed to me and sets out in some detail the reasons why she considered that she was entitled to a reward for the assistance that she had provided to Victoria Police over a number of years as a human source. In a general sense, the matters that

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<sup>5</sup> VPL.6069.0054.0294

<sup>6</sup> VPL.0012.0002.2533

<sup>7</sup> VPL.6109.0055.8416 attaching VPL.6109.0055.8417 and VPL.6109.0055.8428

<sup>8</sup> VPL.6109.0055.8738

<sup>9</sup> VPL.6109.0031.5643



Ms Gobbo referred to in the letter were matters that I was aware of through Operation Loricated and Operation Bendigo. Ms Gobbo referred to 386 people who were arrested and charged based on information she provided to Victoria Police and over \$60m in property and assets seized or restrained. I had no doubt that Ms Gobbo had provided a lot of information to Victoria Police but in terms of her claims as to outcomes, I thought that these numbers may have been exaggerated and wanted to investigate those matters further.

47. Following receipt of Ms Gobbo's letter, I tasked Detective Superintendent Paul Sheridan with obtaining a report into the matters raised by Ms Gobbo in her request for reward. Detective Inspector Monique Swain was tasked with preparing the report.
48. On 17 September 2015, I responded to Ms Gobbo's letter, stating that I had allocated it to a Detective Inspector to put together a report outlining the assistance she provided and said advised her that she would be advised of the outcome in due course.<sup>10</sup>
49. On 10 December 2015, I received the report prepared by DI Swain, which I read.<sup>11</sup> While I was aware of the extent of Ms Gobbo's informing through Loricated and Bendigo, and was aware that issues around legal professional privilege and confidentiality existed, the information contained in DI Swain's report – particularly in relation to the [REDACTED] matter – caused me concern. Issues surrounding [REDACTED] were already known to me but as I read that part of DI Swain's report, it "jumped out" at me.
50. The Application for Informer Reward was discussed at the Bendigo Steering Committee. My view was that it was not appropriate to deal with this application while there were other ongoing issues surrounding these matters that were unresolved. To the best of my recollection, once the DPP formed the view that that it needed to disclose certain matters to potentially affected persons, I made a recommendation to the Bendigo Steering Committee that Ms Gobbo's application be pended while that process ran its course.

*AB v CD proceeding*

51. In around February 2016, I learned that the DPP had formed the view that he needed to disclose matters to the affected persons identified in the seven case studies that were

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<sup>10</sup> VPL.6109.0045.3187.

<sup>11</sup> VPL.0100.0011.1459



prepared by Victoria Police and are referred to in the Kellam Report. This was discussed by the Operation Bendigo Steering Committee and it was agreed by the Committee that Victoria Police should oppose disclosure in the form proposed by the DPP.

52. The reason the Steering Committee adopted this position was that Victoria Police had a duty of care to the human source. It had to do everything it could do to protect the identity of human sources so as to preserve their safety and security. If Victoria Police could not protect their safety, it would impact on the willingness of other people to become human sources in the future.
53. In the context of this case, Victoria Police had serious concerns about the risk to Ms Gobbo's safety, particularly in circumstances where Ms Gobbo had refused to enter Witness Protection in the past. However, it was not just about Ms Gobbo. It would not have mattered who the source was, the view within Victoria Police was that it needed to maintain the integrity of the human source system and take all steps to fulfil its duty to protect a human source. As identified in paragraph 52 above, Victoria Police was also aware that failing to fulfil this duty may deter others from agreeing to become human sources in the future. At the same time, Victoria Police acknowledged and respected that the DPP had its own processes and had made its own decisions. It was necessary for there to be a process to resolve what were two conflicting points of view.
54. Ultimately, Victoria Police and the DPP formed the view that the conflict should be resolved in Court. I swore a number of affidavits about the integrity of the witness protection scheme and about risks to Ms Gobbo's safety and gave evidence at the trial. It was considered that I was the appropriate person to swear the affidavits given my role as AC Crime and that I had been involved in the management of aspects of Ms Gobbo's safety.
55. At the same time, there were a number of other matters before the Courts, including matters relating to FOI requests and appeals lodged by Rob Karam and Tony Mokbel. I also swore a number of affidavits in those proceedings about risks to Ms Gobbo's safety.
56. As AC Crime, I had regular meetings with the DPP and his executive team. However, I do not recall discussing details of this case, or matters related to specific disclosure relevant to Ms Gobbo at these meetings. In preparing this statement, I have reviewed a



letter from DC Patton to the DPP in which he suggested that I attend a meeting with the DPP to discuss Ms Gobbo's safety. Having reviewed my notebooks, I do not believe that such a meeting took place.

57. I continued to sit on the Operation Bendigo Steering Committee until December 2018.

**Use of Ms Gobbo as a human source (questions 3-8)**

Question 3

58. To the best of my recollection, I learned that Ms Gobbo was providing information or assistance to Victoria Police in around June 2010, when I was upgraded to Acting Deputy Commissioner of Crime to relieve DC Sir Ken Jones. I believe that I learned that Ms Gobbo was providing information or assistance through my attendance at Taskforce Petra and Taskforce Briars meetings. I refer to my answer to question 2, above.

59. My diary records that on 24 June 2010 at 11am, I attended a meeting at the Legal Services Department with Mr McRae, Superintendent Peter Lardner, Superintendent Danye Maloney, Gerry Ryan and Stuart McKenzie in relation to the civil writ. In the margin, I wrote "Petra" and "Witness "F"" and my diary states, amongst other things, that:

*Human Source Unit file to be reviewed*

- *Will ID Petra material.*

60. I infer from this note that I knew at this time that Ms Gobbo had been a human source. However, I knew nothing the level of information or assistance she had provided.

Question 4

61. I do not know which other members of Victoria Police (or members of any other organisation) were aware, prior to the end of 2012, that Ms Gobbo was providing information or assistance to Victoria Police, other than DC Jones and the members of the Petra and Briars Steering Committees.

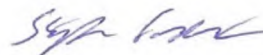
Question 5

62. I do not know who authorised and continued to authorise the use of Ms Gobbo as a human source.

*Susan Forder*

Question 6

63. I met with Ms Gobbo on 4 April 2014 and on 7 April 2014, following the "Lawyer X" story breaking. The purpose of the meetings was to [REDACTED] Ms Gobbo to [REDACTED] into witness protection.
64. The meeting on 4 April 2014 was attended by Ms Gobbo, Detective Superintendent Walsh, Detective Inspector Ian Campbell and me. As it was the first time that I had met with Ms Gobbo, we spent some time building rapport with her. It was a long meeting. My diary records that we were with her for over four hours. She presented as intelligent and articulate, but it was clear that the media reporting had left her scared, vulnerable and anxious. Ms Gobbo explained to us why she did what she did and my impression of her was that she would have been a difficult person to manage. When she was talking to us, it was clear that she had blurred the lines between her professional and social life. She told Detective Superintendent Walsh and me a whole lot of information that she had given to police over the years but my thought at the time was that while she had provided a lot of useful information, she was prone to exaggeration. While we were keen to listen to what Ms Gobbo had to say, the historical information she may or may not have provided was not of interest to us for the purpose of this meeting. We were meeting with her to discuss her safety, confirm the interim measures in place for her safety, and to ultimately [REDACTED] witness protection.
65. While Ms Gobbo was polite and listened to what Detective Superintendent Walsh and I had to say, it was clear that [REDACTED] witness protection. Notwithstanding this, we left the first meeting with a number of matters that Detective Superintendent Walsh and I were to consider further.
66. After the first meeting, an [REDACTED] on Ms Gobbo's behalf. The [REDACTED] reflected the requirements that Ms Gobbo had made during our meeting on 4 April.
67. The meeting on 7 April 2014 with Ms Gobbo was attended by Detective Superintendent Walsh, Detective Inspector Brian Clarke and me. It went for around 90 minutes. During the second meeting, we advised Ms Gobbo that the [REDACTED] had met and had [REDACTED] on the basis that [REDACTED] would not be able to [REDACTED] her due to the [REDACTED]. Notwithstanding



this, there were a number of safety related matters that Ms Gobbo, Detective Superintendent Walsh and I agreed would be put in place at the second meeting, which are recorded in an email sent by Detective Superintendent Walsh on 7 April 2014.<sup>12</sup>

68. I have been shown an extract from the Source Management Log which suggests that I may have attended a corporate event at the AFL in April 2006 at which Ms Gobbo was also present. I have no record of attending this event in my diary. In fact, I have no recollection of ever attending an AFL corporate event at all and do not recall meeting Ms Gobbo until 2014, as I set out above.

Questions 7 and 8

69. I have no personal knowledge of the information or assistance provided to Victoria Police by Ms Gobbo, save for information that I learned through Operation Loricated and Operation Bendigo, as I set out in my answer to question 2, above.

**Concerns in relation to Ms Gobbo (questions 9-11)**

Question 9

70. During the handover meetings when I relieved DC Jones in 2010, he raised a range of concerns with me relevant to the management of the Petra and Briars Taskforces. For example, I specifically recall him raising concerns with me about Corrections Victoria and Carl Williams. I have a vague recollection of DC Jones raising concerns about the use of Ms Gobbo as a witness and a human source but I do not recall the specifics of that conversation.
71. While I have no specific recollection, I may have had discussions with Brian Hardiman about the use of lawyers as a human source in around 2001. I refer to my answer to question 12, below.
72. Save than the specific matters referred to above, I do not recall any concerns being raised about the use of a legal practitioner as a human source until after the Comrie Report was handed down. I refer to my answer to question 2, above.

Question 10

73. I refer to my answer to question 9, above.



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<sup>12</sup> VPL.6109.0005.5992

Question 11

74. I am aware of any such discussions.

**Other relevant matters**Question 12

75. I am aware of two instances where lawyers have acted as human sources, which I set out below.

*Operation Hemi*

76. Operation Hemi was a major investigation into police corruption and commercial drug trafficking that was conducted in around 2001. The investigation was led by Detective Inspector Peter De Santo and culminated in around July 2001 with the arrest of Detective Senior Constable Stephen Paton and Detective Sergeant Malcolm Rosenses and three non-police offenders. As I was in charge of the Corruption Investigation Division of the ESD, I had oversight of the investigation.

77. From time to time, I would receive briefings from Brian Hardiman, who was the Deputy Ombudsman Police Complaints at that time. In particular, I recall a discussion with Mr Hardiman about a [REDACTED] – who was assisting police. The assistance he was providing appeared to be based on information that had been provided to him by his client.

78. As part of Operation Hemi, I prepared a report into the allegations of police corruption within the drug squad. This report recommended the establishment of a taskforce to further investigate these allegations. This recommendation was accepted and the Ceja Taskforce was established in response.

79. As I had previously worked as a Detective Inspector at the Drug Squad, it was not appropriate for me to play a role in the Ceja Taskforce. Superintendent Danye Maloney was seconded to ESD to lead the Taskforce. A number of my crew were assigned to Superintendent Maloney to assist in this review.

*Mr MacCallum*

80. On [REDACTED]<sup>PII</sup> 2014, I received an email from Detective Acting Inspector Boris Buick in relation to Mr MacCallum.<sup>13</sup> The email set out the circumstances in which DI Buick

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<sup>13</sup> VPL.6109.0005.5743



met Mr MacCallum and his subsequent introduction to the DSU. It is evident from the email that DI Buick sent the email to me in light of the "Lawyer X" media reporting that I refer to in my answer to question 2, above.

81. I forwarded the email to AC Tracey Linford and DC Ashton. I also had a discussion with Mr McRae about the issue, forwarded the email to him and told him that I would ask Detective Superintendent Greg Hough to meet and discuss the issue with him, which I did.<sup>14</sup>
82. Mr MacCallum was <sup>PII</sup> [REDACTED]. Following <sup>PII</sup> [REDACTED], I spoke to <sup>PII</sup> [REDACTED] <sup>PII</sup> [REDACTED], who had introduced Mr MacCallum to Victoria Police, regarding his safety.
83. I had no further involvement in this matter.

*Operation Bendigo*

84. Operation Bendigo looked at whether there were other legal practitioner who may have been used as human sources. A number of legal practitioners were reviewed but none were registered or used as human sources.

Dated: 29 November 2019



Stephen Anthony Fontana

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<sup>14</sup> VPL.6023.0041.4503.



**Annexure A**

## Career history:

- I commenced recruit training at the Victoria Police Academy (Glen Waverly) in March 1975, graduating in August.
- From 1975 – 1985, I was a Constable and then a Senior Constable at Port Melbourne and Dandenong Police Stations (1975-1979), Stolen Motor Vehicle Squad, Crime Department (1979-1981), Elsternwick and Springvale Criminal Investigation Branches (1981 – 1983), TRIO Task Force (1983-1985).
- From 1985 – 1988, I was a Sergeant at the Caulfield Crime Car Squad (1985-1986), H District, District Support Group (1986), Bao Ve Investigation Group (1987), Homicide Squad (1987), Russell Street Criminal Investigation Branch (1987 -1988), Rape Investigation and Evaluation Group (1988).
- From 1989 – 1994, I was a Senior Sergeant at Management Services Bureau, Research and Development Department (1988-1991), Spectrum Task Force (1991-1994), and Elsternwick Police Station as Officer in Charge (1994).
- From 1995 – 1997, I was an Inspector at Special Operations Group (SOG) Review Project (1995), Drug Squad, Clandestine Laboratory Enforcement Unit (1995), Project Guardian (1996), Drug Squad, Clandestine Laboratory Enforcement Unit (1997).
- From 1998 – 2000, I was a Chief Inspector at the Ethical Standards Department – Complains Investigation Division.
- From 2000 – 2004, I was a Superintendent at the Ethical Standard Department – Corruption Investigation Division.
- From 2004 – 2007, I was the Commander at the Corporate Management Review Division.
- From 2008- 2011, I was the Assistant Commissioner at the State Emergencies and Security Department (formerly known as the Counter Terrorism, Coordination and Emergency Management Department).
- From June 2011 – July 2012, I was the Assistant Commissioner, Regional Commander – North West Metropolitan Region.
- From July 2012 – May 2018, I was the Assistant Commissioner, Crime Command.
- Since May 2018 I have been the Assistant Commissioner (Chief Information Officer).



## Education and training

### Tertiary:

- 2007, Company Directors Course Diploma, Australian Institute of Company Directors
- 2005, Executive Master of Public Administration, University of Melbourne through the Australia and New Zealand School of Government
- 2002/3, Graduate Certificate in Applied Management, Australian Institute of Police Management, Police Executive Leadership Program
- 1999, Graduate Diploma of Public Administration (Policing) with Distinction, Charles Sturt University

### Police Executive Leadership and Other Development

- 2014, ANZSOG Executive Fellows Program, Australia & New Zealand School of Government
- 2010, Acacia Executive Leadership Program, Australian Institute of Police Management
- 2008/9, Leadership in Counter Terrorism Course, Australian Institute of Police Management
- 2009, Victoria Police Rotary Leadership Mentoring Program
- 2006, Cranlana Colloquium.



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