

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

**STATEMENT OF STEPHEN CRAIG GLEESON APM**

- 1) My full name is Stephen Craig Gleeson APM.
- 2) I hold the position of Superintendent in Charge of Victoria Police Prosecutions Court Branch.
- 3) I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 26 August 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.
- 4) In preparing my statement, I have not had access to my official diary covering the period from 1 March 2011 through to 26 May 2014. On 10 November 2014, I provided this diary to the Independent Broad-based Anti-corruption Commission (IBAC) and it was not returned to me. I have made numerous requests to IBAC for this diary to be returned and, although the diary itself was not returned to me, IBAC was able to provide copies of some pages extracted from that diary. I have recently been informed that IBAC cannot locate this diary. I have also recently been informed that Victoria Police cannot locate this diary.
- 5) In preparing this statement, I have also not had access to emails sent from an email account provided to me for a short period between February and May 2012, when I was working at the Department of Justice.

**Educational background and employment history (Q1)**

- 6) I graduated from the Victoria Police Academy in 1981. Details of my progression through the ranks and relevant training are contained in Annexure A to this statement.

**Involvement or association with any investigation which dealt with Ms Gobbo (Q2)**

- 7) I have not been involved or associated with investigations that dealt with Ms Gobbo.
- 8) In 2012, I undertook a case review with former Chief Commissioner, Mr Neil Comrie AO APM, of the management of Ms Gobbo as a human source during the period from

September 2005 to early 2009 (**Comrie Review**). The finalised Comrie Review was dated 30 July 2012 (**Comrie Report**)<sup>1</sup>.

- 9) As explained below, the Comrie Review was not a forensic-level investigation or a formal disciplinary or criminal investigation. The review was intended to consider the adequacy of the then-current policies and processes for human source management, should they be applied to Ms Gobbo's 2005 – 2009 registration. It was focussed on two key issues identified in the terms of reference set out at paragraphs 19) (a) and (b) below.

**How I learned, or was given reason to believe, Ms Gobbo was providing information (Q3)**

- 10) On 9 June 2010, I attended a conference with lawyers from the Victorian Government Solicitor's Office (**VSGO**). I was there to discuss matters to do with the 2009 Victorian Bushfires Royal Commission, which I then had carriage of. Superintendent Peter Lardner, who was then in charge of Victoria Police's Civil Litigation Division, was there to discuss separate matters with the same lawyers. We attended VGSO together.
- 11) As my diary records, Supt Lardner discussed with the VGSO lawyers issues about a civil writ Ms Gobbo had issued against Victoria Police, which related to Ms Gobbo providing information to Victoria Police. I otherwise had no involvement with and no knowledge about that proceeding. I was recently reminded of this meeting when reviewing my official diaries to prepare this statement.

**Awareness of others (Q4)**

- 12) In the course of preparing this statement I have reviewed a working document which I describe in more detail at paragraph 33) below, and which I prepared while reviewing documents for the purpose of the Comrie Review. Based on that document, I believe that the following people were aware of Ms Gobbo's role as a human source at around the time I was undertaking the Comrie Review:
- a) the police members responsible for introducing her to the SDU in 2005;
  - b) members and management of the SDU while Ms Gobbo was a human source, primarily between 2005 and 2009;
  - c) a Victoria Police psychologist, and possibly an ██████ psychologist;<sup>2</sup>

<sup>1</sup> VPL.0012.0002.1672. See also Exhibit 510.

<sup>2</sup> VPL.0100.0124.0805 at .0840, .0883, .0936

- d) various Crime Squad members including Gavan Ryan, Jim O'Brien,<sup>Green-O</sup> Dale Flynn and [REDACTED];<sup>3</sup>
- e) Supt Rod Wilson from the Ethical Standards Department;<sup>4</sup>
- f) D/S/Sgt Ron Iddles;<sup>5</sup>
- g) Members of the Crime Department's management, including Simon Overland, Jack Blaney, Tony Biggin, Graham Brown and Shane O'Connell;<sup>6</sup>
- h) members of the Petra Taskforce and members of the Petra Steering Committee involved in her transition to a witness in around late-2008 and into 2009; and
- i) Supt Lardner and Fin McRae, Director of Legal Services at Victoria Police, given that they had managed a writ brought against Victoria Police by Ms Gobbo in 2010;
- j) staff from the VGSO and barristers they had engaged in managing the legal proceedings brought by Ms Gobbo against Victoria Police;
- k) staff from the Victoria Police [REDACTED]

**Authorisation of the use of Ms Gobbo as a human source (Q5)**

- 13) As set out in the Comrie Report, I became aware during the course of the Comrie Review that the Local Source Registrar who authorised Ms Gobbo's use as a human source was Superintendent Ian Thomas.

**Personal contact with Ms Gobbo (Q6)**

- 14) I do not believe I have ever met Ms Gobbo.

**Information & assistance received (Q7 & Q8)**

- 15) In reviewing material for the Comrie Review, I became aware that Ms Gobbo provided wide-ranging information relating to high-level criminals, potential corruption and other issues. I am not in a position to verify the correctness of the information or how or if the information might have been used.

<sup>3</sup> VPL.0100.0124.0805 at .0889, .0842, .0900, .0864, .0844.

<sup>4</sup> VPL.0100.0124.0805 at .0935.

<sup>5</sup> VPL.0100.0124.0805 at .0938.

<sup>6</sup> VPL.0100.0124.0805 at .0937.

**Concerns raised as to use of a legal practitioner (Q9) and Ms Gobbo (Q10) as a human source**

- 16) In late November 2011, the Director of Legal Services at Victoria Police, Mr McRae approached me to discuss undertaking a review into the management of Ms Gobbo as a human source by the Source Development Unit (SDU). I recall that Mr McRae discussed with me advice prepared by a barrister, Gerard Maguire, which raised concerns about a practising lawyer acting as a human source. I recall that Mr McRae showed me some extracts of that advice at that time. I recall that I subsequently read Mr Maguire's advice in full, but I cannot recall when.
- 17) I had some prior involvement in considering issues to do with human source management because:
- a) as an Inspector in 2001, I worked with Superintendent Terry Purton to conduct a Review of the Victoria Police Drug Squad. There was a team of around 12 to 15 assisting myself and Supt Purton with that review. The Final Report was completed in around September 2001<sup>7</sup>. The Review focused in part on human source management because a number of the corruption issues in the Drug Squad stemmed from corrupt relationships between human sources and members of that squad; and
  - b) during the period that I managed the Victoria Police Civil Litigation Division (2003 – 2009), I managed at least two and possibly three civil claims which concerned informers or protected witnesses. These matters did not involve informers or protected witnesses bound by professional obligations. I do not have access to these files.
- 18) Mr McRae asked me to approach Mr Comrie because I had recently worked with Mr Comrie in completing the Victorian Government Floods Review. By late-2011, Mr Comrie had a full time role as the Victorian Bushfires Royal Commission Implementation Monitor and so had limited availability. However, subject to finalising appropriate terms of reference, Mr Comrie agreed to take on this informer case study, which I was to conduct with his oversight.
- 19) I discussed the terms of reference for the review in January 2011 with Assistant Commissioner Jeff Pope, Superintendent Neil Paterson and Mr McRae. I recall that an initial draft of the terms of reference were quite broad and would have involved reviewing a number of different human source files<sup>8</sup>. The initial draft terms of reference specified that the review works were to commence in early February 2012 and conclude by 30 April

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<sup>7</sup> VPL.0005.0050.0001

<sup>8</sup> See, eg, VPL.6023.0095.7154; VPL.6023.0095.7155.

2012, providing for a maximum period of about 12 weeks. Given my experience with undertaking works of this nature (i.e. review works and case studies), and the timelines involved, I wanted to tighten the terms of reference to focus on addressing the key issues of concern. The key issues that emerged in discussions with Mr McRae, AC Pope and Supt Paterson were:

- a) The process and associated issues whereby a human source may transition to become a witness including the adequacy of controls and risk recognition arrangements and mitigation for such instances; and
  - b) The adequacy of existing human source policies, procedures, instructions and control measures, including actual management and operational practices utilised, having regard to the particular professional standing of 3838.
- 20) I also requested to include some form of comparative analysis of what might be in place in other jurisdictions to see how the Victoria Police control measures compared.
- 21) The review was to afford focus to the then-current 2012 policies, rather than the policies in place while Ms Gobbo was managed. This was because AC Pope and Supt Paterson told me that after Victoria Police had ceased managing Ms Gobbo as a human source, the relevant human source policies had already changed, or were being changed. In a review considering the adequacy of policy, it would not have been useful to assess historic policies that had already been, or were in the process of being, changed.
- 22) I recall having general conversations with Mr Comrie at this time about the overall direction of the review and about the need to keep the scope of the review questions focused. However, due to confidentiality requirements, I could not discuss the specifics of the case with Mr Comrie at this point.
- 23) The terms of reference were finalised on 7 February 2012<sup>9</sup>.
- 24) It was clear from my conversations with Mr McRae and AC Pope that the review was not intended to be a forensic-level investigation of what had taken place with Ms Gobbo or a prescriptive criminal or disciplinary investigation. Rather, the review was intended as an assessment of the adequacy of the then-current (2012) processes and policies for human source management, by applying those to the case of Ms Gobbo (2005 to 2009). It was always proposed that I would undertake the review by myself, under the oversight of Mr Comrie.

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<sup>9</sup> VPL.6023.0142.2794; VPL.6023.0142.2795.

- 25) I have set out below the general approach that I took to completing the Comrie Review. I describe aspects of this approach in more detail from paragraph 29) below:
- a) I began by:
    - i) reading what I understood to be the entire 3838 file on Interpose. I understood that Ms Gobbo's management had not been initially recorded on Interpose (because Interpose did not exist at that time), but I was assured that the full file had been migrated to Interpose. I describe these assurances below;
    - ii) locating and considering prior reviews, including the CMRD review, and the current and superseded policies, guidelines and instructions for the management of human sources;
    - iii) locating and considering other reference material related to human source usage and management;
  - b) I had no prior experience with Interpose before undertaking this review and I received some training in Interpose to enable me to navigate the system;
  - c) **Officer Hotham** from the Human Source Management Unit (**HSMU**) was appointed to be my key go-to person for information for the review, and assisted with arranging Interpose training for me. **Officer Hotham** also provided the then-current (2012) policy and process documents relevant to human source management;
  - d) once I began reviewing the Interpose material, it became evident to me relatively early on that Interpose was not a complete account of material related to Ms Gobbo's management. It was apparent that Interpose did not contain all of the material, or associated media;
  - e) because I considered that Interpose did not contain all of the material or media, and because of some of the concerns that I describe below, I considered there was real potential for this file to be required for consideration by other forums in the future. As a result rather than wait for the completion of the Comrie Review, I made requests early on for the HSMU to commence works to locate the missing material and reconstruct the file.
- 26) It was clear to me that there was a range of identifiable concerns within the material I was reviewing which needed further consideration beyond the process and policy focus of the Comrie Review, but which I recognised that I was duty bound to report on. This is why the Comrie Report itself recommended considerable additional investigation work be



done (in addition to the works which I have described at paragraph 25)e) above) and why I separately raised issues that went beyond the scope of the Comrie Review in a letter addressed back to Victoria Police dated 22 June 2012 (see below).

- 27) I had also identified significant concerns about the safety of the source, and undertook the review and constructed the report such that Ms Gobbo could not be identified. Further, within the Comrie Review I suggested that any additional enquiries give due regard to her safety as an overarching consideration.
- 28) AC Pope informed me shortly after I began the review that there was a separate ongoing review of the SDU. I had no involvement in that review, and I did not know what that review involved. Around the same time, AC Pope also instructed me not to speak with members of the Petra Taskforce or Briars Taskforce as part of the Comrie Review. I do not believe that AC Pope told me a reason for this, but I believed there would have been a reason for why this was the case. As indicated earlier, my key contact at HSMU had been nominated as **Officer Hotham**

#### Process of the Comrie Review

- 29) Between February and April 2012, I read the contact reports, source management logs and allied material that was on the Interpose system. I updated DS Paterson, AC Pope and Mr McRae about my progress in this regard by separate emails on 15 March 2012.<sup>10</sup> I am reminded by this email that on the same date, I met with Mr John Nolan of the OPI, and that I '*outlined to John the scope for the Comrie review*'.
- 30) I commenced the review in an office of the Legal Services Department at Victoria Police, however, due to periodic interruptions this accommodation was problematic. To overcome this I relocated to a dedicated office at the Department of Justice building, within a small suite of offices where Mr Comrie also had a dedicated office.
- 31) From my review of the material I have described in paragraph 29) above, I was aware that most but not all interactions with Ms Gobbo had been audio recorded. The recordings were not linked to the Interpose file and I ultimately highlighted this as a risk and a shortcoming within the Comrie Report. While carrying out my review, I made enquiries to have the audio recordings searched for critical evidence, including an Acknowledgement of Responsibility (AOR). In the Comrie Report I also identified that had the audio recordings been linked to interpose then it would have been useful to listen

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<sup>10</sup> VPL.6072.0004.1941 attaching VPL.6072.0004.1943, noting the email sent to AC Pope and Mr McRae was forwarded to DS Paterson on the same evening.

to them to cross validate certain material. The written material contained on the Interpose file itself took some months to read, and I understood that some of the daily interactions extended to more than six hours per day. Even if I had ready access to these recordings, given their protracted nature I did not have time to listen to them within the timelines of my works.

- 32) Because of the large volume of material and the disjointed state of the documents, I created two key working documents. First was a document that set out the sequencing and time period dealt with for each contact report relating to Ms Gobbo and when the Handler submitted, and the Controller adopted, the contact report related to that contact. This document showed there were often extensive delays between when contact occurred and when a contact report was submitted and adopted. It also served to identify certain missing reports that were not on Interpose. This document was ultimately included as Annexure A to the Comrie Report<sup>11</sup>. I describe discussions I had about the dates associated with the contact reports at paragraph 46) below.
- 33) The second working document was a summary chronology, which included my rough initial impressions and comments on what I was reviewing. By the time I completed the review of the Interpose material in late April 2012, this working document was around 150 pages long<sup>12</sup>. The summary document also functioned as my memory prompt for matters to include in the Comrie report: not only the key issues to address, but also the out of scope issues to refer back to Victoria Police or other oversight bodies.
- 34) From early in the process of reviewing the material, I identified concerns including those that were beyond the scope of the process and policy review I was undertaking:
- a) There seemed to be important documents missing from the file, such as an AOR.
  - b) There appeared only to be a few completed risk assessments, and they appeared rudimentary.
  - c) There were long delays between source contact and contact reports being submitted by handler and then later adopted by a controller, and some not adopted at all.
  - d) A number of SDU members appeared to be taking different approaches to how they dealt with Ms Gobbo and how they dealt with obtaining or receiving information that Ms Gobbo seemed to have received in a professional capacity.

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<sup>11</sup> VPL.0100.0001.0672 at 0672-0684.

<sup>12</sup> VPL.0100.0124.0805.



- e) It also appeared that some SDU members were doing concerning things, such as allowing Ms Gobbo to review briefs of evidence or to provide advice about her clients.
- 35) It was not part of the review to pursue these issues in detail, and it would have been inappropriate to do so. Any one of these issues might take many months to investigate fully and doing so was beyond the boundaries of the process and policy review I was conducting. I was also not in a position to investigate these issues completely during the review, especially when I was doing the review by myself. However, I always intended to and recognised that I was obliged by statute to raise any concerns about perceived inappropriate activity. I did this in a letter to AC Pope dated 22 June 2012 (see below).
- 36) I understood at the time that the material had previously been kept on a standalone SDU computer system and that all relevant material had been transferred to Interpose at a later stage. I asked for hard copy files at the time but was informed that there was no hardcopy file, and that the complete account had been fully migrated to Interpose. I recall I was told this by AC Pope and possibly others. I recall having discussions with HSMU personnel about this, but I cannot recall precisely who.
- 37) In around March or April 2012, the office of Deputy Commissioner Ashton requested that I provide him with a briefing about the review. At around this time I met with Deputy Commissioner Ashton with Mr Fin McRae. I provided my initial observations of concern with what appeared to be significant breaches of solicitor / client confidentiality, together with the assessment of briefs and critiquing of same by Ms Gobbo. In the days following that briefing, I reviewed additional material and recognised that Deputy Commissioner Ashton had been involved in the Petra steering group as an OPI employee. I recognised that given his prior involvement in the matters it would be inappropriate that I brief him further. I made this known to AC Pope and Fin McRae. I received no further requests to brief DC Ashton, and did not brief him further.
- 38) Mr Comrie was formally engaged in April 2012. As recorded in an email I sent AC Pope, Mr McRae and Mr Comrie on 17 April 2012<sup>13</sup>, Mr Comrie returned from a period of leave around that time. Up until that point, I had discussed generalities of the review and human source management with Mr Comrie, but confidentiality requirements had prevented me discussing the specifics of the case.
- 39) Once Mr Comrie was formally engaged and back from leave, we spoke on an almost daily basis about the direction and specifics of the review and issues that arose. Mr Comrie

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<sup>13</sup> VPL.0100.0040.0596.

advised on the review process and how I might approach the out of scope issues. I essentially wrote the entire report section by section, discussing them with Mr Comrie as they were written. Mr Comrie also introduced me to key contacts with overseas investigative bodies. Mr Comrie then later assessed and finalised the report as a whole.

- 40) On 30 April 2012, I sent a detailed progress update to AC Pope, Mr McRae and Mr Comrie<sup>14</sup>. By this point, I had finished reviewing the Interpose material and intended to speak with those in charge of the relevant units, including SDU and the HSMU, to clarify some issues about source management and to obtain further relevant materials. I had also yet to get access to Petra Taskforce materials relating to Ms Gobbo's transition from human source to witness.
- 41) I describe in paragraphs 42) to 46) enquiries that I made with Superintendent Tony Biggin, Detective Inspector Andy Glow, Supt Sheridan and Senior Sergeant Chris Corbell. I am reminded of these enquires by review of my emails over the period of the Comrie Review. I do not consider this is a complete account of enquiries that I actually undertook during this period. I also made calls to and received calls from other parties (and, I expect, the same parties, on other occasions) about the materials I was reviewing, however, in the absence of my diary for the relevant period I cannot now provide details of these interactions.
- 42) In May 2012, I spoke with Supt Biggin. On 2 May 2012, I sent him some questions to prompt discussion about the SDU's management of Ms Gobbo<sup>15</sup>. My diary records that I met with Supt Biggin on 3 May 2012 for around an hour and discussed Ms Gobbo's management. I recall that this meeting took place at the office I was using at the Department of Justice.
- 43) Supt Biggin sent me written responses on 9 and 10 May 2012<sup>16</sup>. I had concerns with Supt Biggin's responses because they appeared to be inconsistent with what I had read in the contact reports relating to Ms Gobbo. However, I did not go back to him with these concerns or challenge him with them because it was not the purpose of the review to single out individuals or make findings about what specific individuals had done (or not done).

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<sup>14</sup> VPL.6023.0003.0750; VPL.6023.0003.0751.

<sup>15</sup> VPL.0100.0040.1017.

<sup>16</sup> VPL.6072.0051.7429 attaching VPL.6072.0051.7430; and VPL.6072.0004.2828 attaching VPL.6072.0004.2829.

- 44) In late May 2012, I discussed the role of ██████████ in Ms Gobbo's matter with the then-officer in charge of the ██████████ D/Insp Glow. I recorded what we discussed in a file note<sup>17</sup>.
- 45) I discussed human source management processes in detail with Supt Sheridan, who was then in charge of the Covert Services Division, which included the SDU. I flagged and discussed with him issues that I had seen in reviewing the material in Ms Gobbo's source file. I recorded what we discussed on 30 May 2012 in a file note<sup>18</sup>.
- 46) In early June 2012, I also spoke with SS Corbell, who was in charge of the Interpose Business Support Unit, about the migration of the SDU materials onto Interpose. In a briefing note he sent me on 6 June 2012<sup>19</sup>, he confirmed that because of a process he referred to as "tombstoning", the dates for the submission and adoption of the contact reports would have been correctly preserved when the material was migrated to Interpose. He answered further queries I had on 12 June 2012<sup>20</sup>.
- 47) It was not part of the review process to speak directly to the handlers and controllers who had managed Ms Gobbo. As I have indicated, this review was not a forensic-level investigation or a criminal or disciplinary investigation. It was clear that more extensive investigation needed to be done to locate, chronologically arrange and analyse all missing documents and information, which is why the report recommended further work and investigation to understand and deal with these issues. It was, however, important to speak with managers in the manner which I have described above because if the managers were not aware of the problems and issues that were readily apparent, then that would be a concern in itself.
- 48) I note again that I was also informed early in the process by AC Pope that there was a separate ongoing review into the SDU.
- 49) Once I had reviewed material, I also did not think it was appropriate to then speak with the particular members because what I had seen in the file could potentially have given rise to disciplinary or even criminal proceedings. I was acutely aware that my interviewing members about serious issues in the context of a limited review and in the absence of all relevant material could have compromised any future investigations or proceedings. Extensive investigations and personal interviews were also well beyond the

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<sup>17</sup> VPL.6072.0004.3229; VPL.6072.0004.3230.

<sup>18</sup> VPL.0100.0001.0472.

<sup>19</sup> VPL.6023.0008.8095.

<sup>20</sup> VPL.6072.0004.3829; VPL.6072.0004.3832.

scope of this systems and process focused review. It was also beyond the scope of the review for me to personally interview senior officers about the source to witness transition issues. If it was necessary to investigate these issues, then given the standing of those potentially involved, this function may well have been a responsibility for an external oversight body.

- 50) It was clear to me that there were important documents missing from the Interpose file for Ms Gobbo, despite AC Pope assuring me that the entire file had been migrated to Interpose. I believe AC Pope told me this on the basis of what he had been told by the HSMU and SDU. For example, a number of contact reports were missing, I could not locate any AOR on the file and I could not locate an SDU briefing note given to the Petra Taskforce. As I have detailed, supportive media such as recordings were also not linked to interpose to enable the cross checking or validating of records.
- 51) I was conscious of the future potential for consideration of these matters and rather than address the absence of key material in the final report, I engaged with the HSMU management so that action could be initiated. I sent an email about these issues and the HSMU's audit processes to the officer in charge of the HSMU, **Officer Hotham** on 10 and 15 May 2012<sup>21</sup>. **Officer Hotham** responded to my queries by email on 15 May 2012, noting that further searches would be done<sup>22</sup>. I also met with **Officer Hotham** to discuss these issues on 24 May 2012. **Officer Hotham** informed me that Ms Gobbo's AOR may have been verbally delivered during a recorded conversation. I set out our discussion in a file note<sup>23</sup>.
- 52) I followed up with an email to **Officer Hotham** on 25 May 2012 to obtain the AOR. **Officer Hotham** then forwarded my request to Detective Inspector John O'Connor, who was the officer in charge of the SDU, to locate the AOR in the SDU's records<sup>24</sup>. I ultimately did not obtain a copy of any hard copy or verbal AOR for Ms Gobbo.
- 53) I have been shown an email from Officer Peter Evans to Detective Inspector John O'Connor sent on 19 July 2012. In his email, Officer Evans says he cannot find the AOR in recordings, but he had spoken to Officer Sandy White about the missing AOR. Officer Sandy White had said he had presented a written AOR to Ms Gobbo and she had refused to sign it<sup>25</sup>. I do not believe I was ever informed of this when I was undertaking the

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<sup>21</sup> VPL.0100.0040.0624; VPL.0100.0040.0634.

<sup>22</sup> VPL.0100.0040.0923.

<sup>23</sup> VPL.0100.0001.0387.

<sup>24</sup> VPL.6023.0007.0384.

<sup>25</sup> VPL.6078.0008.6903.

Comrie Review because I would have recorded this explanation for the missing AOR in the Comrie Report if it had been given to me at the time.

#### Review of Petra Materials

- 54) One of the Comrie Review's terms of reference was to consider issues surrounding a human source's transition to being a witness. On 28 May 2012, I emailed AC Pope and Mr McRae requesting access to materials from the Petra Taskforce Steering Committee<sup>26</sup>. I wanted to understand the rationale behind the transition and see what material the Committee had access to when making the decision. That day, 28 May 2012, I also emailed Supt Biggin to obtain relevant documents and information about the meetings when Ms Gobbo's transition was discussed<sup>27</sup>. Supt Biggin updated me by email the next day, but complete documents had not been located<sup>28</sup>.
- 55) On 30 May 2012, Supt Biggin emailed me and mentioned documents that I had not previously been given and that were not contained in Ms Gobbo's Interpose file, including a controller's log and a SWOT analysis (strengths, weaknesses, opportunities, threats) relating to Ms Gobbo's transition to a witness<sup>29</sup>. In light of Supt Biggin's correspondence and my need to address the term of reference related to the witness transition, I continued to make enquiries about what documents and material had been made available to the Petra Steering Committee when deciding to transition Ms Gobbo from a human source to a witness. It confirmed my view that, despite previous assurances, the Interpose file was not a complete file of all of the records relating to Ms Gobbo.
- 56) A few weeks later, on Friday 15 June 2012, I was ultimately given access to two folders of Petra Steering Committee materials. I reviewed the files, prepared a summary document<sup>30</sup> and returned the folders on Monday 18 June 2012. As the summary indicates, there were numerous documents missing from the file such that I could not with any certainty understand the decision-making around transitioning Ms Gobbo from human source to witness. As stated in the Comrie Report, I ultimately did not receive sufficient information to allow me to make firm conclusions about the decision-making around Ms Gobbo being transitioned to a witness.

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<sup>26</sup> VPL.0100.0040.0700.

<sup>27</sup> VPL.0005.0013.1119 at .1121.

<sup>28</sup> VPL.6072.0004.2960.

<sup>29</sup> VPL.6072.0051.7819.

<sup>30</sup> VPL.0100.0001.0389 at 0389-0403.



57) However, the folder did contain an Issue Cover Sheet dated 5 January 2009 attaching a briefing note prepared by Officer Black dated 31 December 2008, which contained a SWOT analysis of Ms Gobbo transitioning to a witness<sup>31</sup>. As I commented in the summary<sup>32</sup>, the briefing note was concerning because the briefing note contained similar information to an SDU contact report from 5 December 2008, but the briefing note omitted certain critical comments about the risk to Victoria Police and the possible effect on existing convictions. I noted this issue in my out of scope issues letter to AC Pope on 22 June 2012 (see below).

#### Legal advice

58) I sought legal advice from Stephen Lee and David Ryan at the VGSO to assist with the Comrie Review. I sent a letter asking a number of questions about Victoria Police's duties when dealing with sources who had their own professional duties, such as lawyers, parliamentarians, judicial officers, priests or psychiatrists<sup>33</sup>. The copy of my letter to the VSGO is undated, but I believe I submitted the letter around late-April or early-May 2012.

59) Mr Lee and Mr Ryan issued a written advice on 6 June 2012<sup>34</sup>. Among other things, the advice made clear to me, in strong terms, that if Ms Gobbo had passed on legally privileged information, existing convictions could be affected and Victoria Police could suffer significant reputational damage. The advice did not address circumstances related to a lawyer's obligation to act in their client's best interests.

#### "Out of scope" issues letter and Comrie Report

60) It was apparent to me from early in the review process that there were serious issues beyond the scope of the Comrie Review's process and policy review that I needed to disclose. After consulting with Mr Comrie, I prepared a letter dated 22 June 2012 to AC Pope setting out the key "out of scope" issues that I believed needed further investigation<sup>35</sup>. As stated in the letter, I understood that these matters required substantial further investigation, including consultation with parties outside of Victoria Police, such as the Office of Police Integrity (OPI) and the Director of Public Prosecutions (DPP).

61) On 21 June 2012, I was meeting with the Chief Commissioner on other matters when he asked me questions about the out of scope issues<sup>36</sup>. I recall that I informed the Chief

<sup>31</sup> VPL.0100.0035.0001.

<sup>32</sup> VPL.0100.0001.0389 at 0399.

<sup>33</sup> VPL.0100.0001.0373.

<sup>34</sup> VPL.0005.0014.0002 (noting this is an unsigned version).

<sup>35</sup> VPL.0100.0105.0001 at 0005-0008.

<sup>36</sup> VPL.6023.0009.8742.



Commissioner that there would be a separate report addressing these matters, and that I would be recommending that some of these matters may require investigation by the OPI, given the seniority of some of the members concerned and the nature of the issues involved.

Comrie Review and follow up meetings

- 62) The Comrie Report dated 30 July 2012<sup>37</sup> was presented to the Chief Commissioner with a cover letter outlining the Comrie Review's process and recommendations<sup>38</sup>.
- 63) I recall that I met with the Chief Commissioner to take him through the Comrie Report and my letter dated 22 June 2012 containing the out of scope issues. I recall that the meeting was for around 30 minutes and that the Chief Commissioner already had a general understanding of the matters before I briefed him on the report.
- 64) I am confident that the Comrie Report addressed its terms of reference and met its goals of providing a process and policy review of the management of Ms Gobbo as a source. I am also confident that I appropriately raised all of the out of scope issues that I became aware of while I was conducting the review.
- 65) On 31 August 2012, Mr McRae and I met with Vanessa Twigg from the OPI. I do not have access to a record of this meeting, as it would be in my official diary that is missing. However, I recall that at that meeting, I gave an overview of the Comrie Review and the out of scope issues covered in my letter to AC Pope. I believe that as an example, I mentioned that Tony Mokbel's extradition process was one matter that may be affected, and that Ms Gobbo may have reviewed and critiqued briefs of evidence relating to her clients. I believe that I gave a version of the out of scope issues letter to Ms Twigg, but I cannot be certain. I am not aware of what OPI then went on to do with this information.
- 66) I believe that around the time of the meeting with the OPI, Mr McRae and I also met with the DPP, John Champion SC, and Bruce Gardner from the Office of Public Prosecutions (OPP). I do not have access to a record of this meeting, as it would be in my official diary that is missing. I recall that I briefed them about the overall findings of the Comrie Review as well as the out of scope issues. Again, I believe I also mentioned that Tony Mokbel's extradition process was one matter that may be affected, and that Ms Gobbo may have reviewed and critiqued briefs of evidence relating to her clients.

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<sup>37</sup> VPL.0012.0002.1672. See also Exhibit 510.

<sup>38</sup> VPL.0100.0001.0389 at 0405-0407 (noting that this is an unsigned version).

- 67) I recall that Mr Champion and Mr Gardner wanted to receive further material only once Victoria Police understood whether or how individual cases might be affected. I was aware at this time that Victoria Police were doing further works to gather, assess and analyse all relevant material, as recommended in the Comrie Report.
- 68) Although I do not have access to my own notes of this meeting, I have been shown a file note prepared by Mr McRae<sup>39</sup> dated 4 September 2012. This note accords with my recollection of the meeting (though I note the file note does not list me as an attendee).

Further operations and investigations

- 69) *Operation Loricated*: Apart from some minor discussions around setting the terms of reference, I was not involved in the process of reconstructing Ms Gobbo's human source file, which I understand was known as Operation Loricated.
- 70) *Operation Bendigo*: After the conclusion of the Operation Loricated works, Mr McRae asked me and Supt Lardner to undertake further reconciliation works and search for material across Victoria Police that might be relevant to analysing issues to do with Ms Gobbo's management. I understand this process was known as Operation Bendigo. As part of this process, Supt Lardner and I prepared key documents including a presentation and flowchart of these issues to assist this process<sup>40</sup>.
- 71) I recall that, as part of this process, I became aware of a document mentioning allegations that Ms Gobbo had had a historical sexual relationship with AC Pope. I recall this in turn mentioned that AC Pope may have registered Ms Gobbo as a human source in 1999. I believe that I sent out requests for any registration documents to be located but I cannot recall whether or not documents confirming Ms Gobbo's 1999 registration were found. I believe that this was the first I knew of either the allegation against AC Pope or any suggestion Ms Gobbo was acting as a human source prior to the period addressed in the Comrie Review, being 2005 to 2009.
- 72) Around that time, Mr McRae also asked me to identify suitable prosecutions for use as case studies to consider if Ms Gobbo's use as a human source may have affected historical prosecutions. My recommendations are set out in a document titled 'Operation Bendigo – Document Management Working Group – Potential Legal Conflict Examples'<sup>41</sup>.

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<sup>39</sup> VPL.0005.0003.2555.

<sup>40</sup> See, for example, VPL.6072.0042.6846.

<sup>41</sup> VPL.0100.0124.0143.

- 73) During the time that I was involved in work for Operation Bendigo, Supt Lardner and I provided an updated briefing to IBAC (Rob Sutton). Details of this would be in my missing diary. I cannot recall precisely when this was, but I recall that this in turn led to further discussions I had with IBAC, referred to at paragraph 75) below.
- 74) From there, Detective Inspector Monique Swain was in charge of reviewing how those prosecutions might have been affected. Apart from attending some early meetings to give the group an overview of the Comrie Report and answering the occasional query, I was not involved in this operation.

#### Kellam Review by IBAC

- 75) In June 2014, I was contacted by investigators from IBAC to ask that I assist Murray Kellam and Andrew Kirkham in their investigation regarding the use of Ms Gobbo as a human source. They requested that I speak with them regarding my work on the Comrie Review and assist them on an ongoing basis with their review. On 13 June 2013, I obtained the Chief Commissioner's permission by email to assist Mr Kellam and Mr Kirkham<sup>42</sup>. After this, I discussed issues to do with the Comrie Report with IBAC on a number of occasions.
- 76) I was also examined by IBAC on 10 November 2014.

#### **Awareness about disclosure in relation to Ms Gobbo (Q11)**

- 77) Given the content of material I examined during the Comrie Review, I formed the view that disclosure issues needed to be raised. These issues were raised with the DPP in the meeting referred to in my response to Questions 9 and 10.
- 78) I believe that there is an ongoing process of reviewing existing cases. However, I do not have any involvement in, or knowledge of, that ongoing review.

#### **Other human sources with obligations of confidentiality or privilege (Q12)**

- 79) I have no knowledge of these matters.

#### **Training (Q13)**

- 80) My recollection of the relevant training or retraining I have received on these specific topics is as follows:
- a) Obligation of disclosure – during the Academy, the prosecutor's course and during the course of my duties, particularly in my roles within the Legal Services Department;

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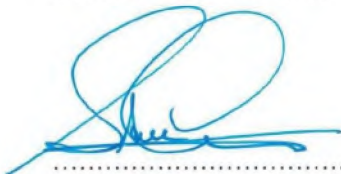
<sup>42</sup> VPL.6072.0051.2678.

- b) The right of accused person to silence and to a legal practitioner – during the Academy, prosecutor training and in the course of my duties;
  - c) Legal professional privilege – during prosecutor training as well as in my position managing Victoria Police’s Civil Litigation Division and the Bushfire Royal Commission;
  - d) Public interest immunity – during promotional training and in the course of my duties, both while managing the Civil Litigation Division, the Bushfire Royal Commission, and in my prosecution roles; and
  - e) Professional and ethical decision making – generally an aspect of all training including training received upon each promotion. Further, the 2018 Investigation that I led into the falsification of preliminary breath tests afforded focus to ethical decision making and this included extensive engagement with an academic subject matter expert.
- 81) In relation to each of the matters I have described in response to this Q13, I add that I am aware for complex or obscure matters there are avenues available to request clarifying legal advice. I have routinely done this, on a range of issues, from the rank of sergeant onward.

**Other information (Q14)**

- 82) I have nothing further to add.

Dated: 6 November 2019



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Stephen Craig Gleeson APM

**Annexure A**

1. A summary of the major roles I have undertaken and my progression through the ranks is as follows:
  - (a) 1981 – 1989: Constable and Senior Constable, general and specialist duties at various workplaces;
  - (b) 1989 – 1993: Senior Constable, Prosecutions Division;
  - (c) 1993 – 1995: Sergeant, Force Response Unit;
  - (d) 1995 – 1996: Acting Senior Sergeant, Internal Investigations Department;
  - (e) 1996 – 1998: Senior Sergeant, Internal Investigations Department;
  - (f) 1998 – 2000: Senior Sergeant, Acting Inspector - General Policing - production of organisational restructure reports concerning Local Priority Policing / State-wide Management Model / Service Delivery Model;
  - (g) 2000 – 2001: Senior Sergeant (Regional Reliever) – Region 4;
  - (h) 2001: (January to August) - Inspector, Corporate Management Review Division;
  - (i) 2001: (August to December) - Inspector, Review of the Victoria Police Drug Squad;
  - (j) 2001 – 2003: Inspector, Staff Officer to Deputy Commissioner, Specialist Operations;
  - (k) 2003 – 2009: Acting Superintendent and Superintendent, Civil Litigation Division;
  - (l) February 2009 – 2011: Superintendent, Victoria Police Liaison Officer to the Bushfires Royal Commission;
  - (m) 2011: Department of Justice (Victoria), Government Review of the 2010 – 2011 Victorian Floods (with Mr Neil Comrie);
  - (n) 2011 – 2012: Human Source 3838 Case Review (with Mr Neil Comrie);
  - (o) 2012 – 2013: Superintendent / Acting Director Information Management Standards and Security Division;
  - (p) 2013 – 2014: Superintendent, North West Metropolitan Regional Emergency Response Co-ordinator;
  - (q) 2014 – 2016: Department of Premier and Cabinet – working with Mr Neil Comrie as Hazelwood Mine Fire Implementation Monitor;
  - (r) 2016: – June 2018: Superintendent in Charge, Prosecutions Division;
  - (s) June 2018: Secondment to Ethical Standards Department to lead investigation into falsification of preliminary breath tests (with Mr Neil Comrie).
  - (t) 2019: Superintendent in Charge, Prosecutions Division

2. I have undertaken Victoria Police qualifications and training including additional training upon each promotion level as well as the Prosecutors' Course (1989).
3. I also hold a Graduate Certificate, Applied Management, Charles Sturt University (2002).