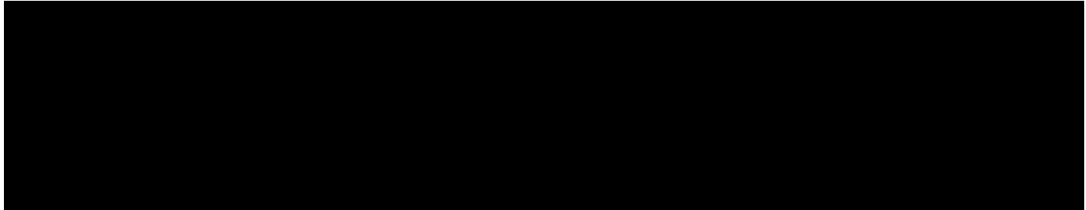


**ROYAL COMMISSION INTO  
THE MANAGEMENT POLICE INFORMANTS**

**SUBMISSIONS ON BEHALF OF ANDREW HODSON AND MANDY LEONARD**

**I. Executive Summary**

1. These submissions are in relation to the Royal Commission's inquiry into its first Term of Reference, specifically the extent to which the unsolved murders of Terrence and Christine Hodson in 2004, and cases arising as a result of their murders, may have been affected by the conduct of Nicola Gobbo as a human source (and Victoria Police's failure to disclose Ms Gobbo's status as a human source). Those cases include:
  - a. the withdrawal of burglary charges against Paul Dale in 2004;
  - b. the withdrawal of murder charges against Paul Dale and Rodney Collins in 2010;
  - c. the acquittal of Paul Dale in 2013 on charges of giving false evidence before the Australian Crime Commission in 2008;
  - d. the findings of the Coronial Inquest into the death of the Hodsons in 2015; and

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2. As came to light in *AB & EF v CD* [2017] VSC 350, over at least the period of time covering the events set out above, Victoria Police and Ms Gobbo hid the full extent of her activities as an informer, maintaining 'publicly that Gobbo's sole assistance to police was in the prosecution of Dale concerning the Hodsons' murders,'<sup>1</sup> and even

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<sup>1</sup> *AB & EF v CD* [2017] VSC 350 [219].

then only to the limited extent that she had made covert recordings of conversations with Dale and had given a witness statement.

3. Several media publishers have published articles regarding Ms Gobbo's role as a police informer and her possible involvement in the murder of the Hodsons, some of which are cited in or annexed to these submissions.
4. Until the conduct of Ms Gobbo and Victoria Police are examined and exposed by this Royal Commission, those media articles are the only publicly available source of information about Ms Gobbo's involvement in the murders of the Hodsons. Much remains unknown, including:
  - a. The role of Ms Gobbo, if any, in respect to the leak or distribution of the "Blue File" or other information which led to the murder of the Hodsons, the Blue File being the name by which Terrence Hodson's informer file maintained by Victoria Police had become known.
  - b. What information, if any, Ms Gobbo was passing between her respective clients.
  - c. What information obtained from her clients Ms Gobbo was reporting to Victoria Police.
  - d. The role or knowledge of Victoria Police, if any, in respect to Ms Gobbo's actions as a police informer in regard to:
    - i. the murders of the Hodsons;
    - ii. the Dublin Street burglary; and
    - iii. the provision of legal advice to each of Carl Williams, Terrence Hodson, Tony Mokbel, Azzam Ahmed, Abbey Haynes and Paul Dale in relation to at least the two matters set out above.
  - e. What information, if any, Ms Gobbo gave to Victoria Police regarding:
    - i. the Dublin Street burglary;

- ii. the Blue File;
  - iii. Terrence Hodson's role as an informer; and
  - iv. the murders of Terrence and Christine Hodson.
- f. What Victoria Police told Ms Gobbo, if anything, about their knowledge of the threat to Terrence and Christine Hodson, such as the disappearance of Hodson's Blue File.
5. The Hodsons' murders remain unsolved.

## **II. Cases related to the unsolved murders of Terrence and Christine Hodson**

6. On or about 6 September 2001, Terrence Hodson became a police informer.
7. In 2002, Detective Sergeant Paul Dale joined the Victoria Police Major Drug Investigation Division ("MDID") and became the informer controller of Hodson.

### ***Dublin Street burglary charges and murders of the Hodsons***

8. On 27 September 2003, a burglary was committed on a drug house at Dublin Street, Oakleigh. The house had been under MDID surveillance as part of an investigation into a commercial drug manufacturing operation. Another MDID police officer, Detective Senior Constable David Miechel, and Terrence Hodson were arrested at the scene.
9. This led to an investigation into police corruption at the MDID. Andrew Murray Gregor from Ethical Standards Division ("ESD") of Victoria Police approached Hodson to assist the ESD with investigations into Paul Dale. Terrence Hodson provided a witness statement to the ESD investigators alleging that Miechel and Dale were involved in planning the burglary, and agreed to be a prosecution witness against Dale and Miechel.

10. On 5 December 2003, Hodson, Dale and Miechel, were charged with offences relating to the Dublin Street burglary. Hodson was scheduled to enter a plea of guilty on 19 August 2004. Dale and Miechel were awaiting a committal hearing listed on 4 October 2004.
11. On 16 May 2004, Terrence and Christine Hodson were murdered in their home with gunshot wounds to their heads.
12. The charges against Dale were withdrawn after the deaths of the Hodsons.
13. Miechel was found guilty by a jury and was sentenced to 15 years' imprisonment for burglary, theft and drug trafficking.
14. At the time of the Hodsons' murders, Ms Gobbo may have acted for some or all of these individuals thought to have some connection to the Dublin Street burglary: Carl Williams, Terrence Hodson, Tony Mokbel (believed to be the owner of the drugs produced at the drug house), Azzam Ahmed (believed to have ran the drug house), Abbey Haynes (believed to have resided at the drug house) and Paul Dale.<sup>2</sup>
15. In an article entitled "Let Down by the Police" by Anthony Dowsley and Patrick Carlyon published in the Herald Sun on 4 December 2018 (see Annexure 'A'), the following paragraph appears:

*"She [Ms Gobbo] would be later suspected of having distributed a so-called "Blue File" to the underworld, thereby endangering the Hodsons. This file, kept at the St Kilda Rd police headquarters, contained the intelligence Terry Hodson had provided to his handlers – exposing him as*

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<sup>2</sup> James Campbell, 'How I taped Paul Dale', *Sunday Herald Sun* (online, 27 November 2011) <<https://www.heraldsun.com.au/ipad/how-i-taped-paul-dale/news-story/f2ba947917bdef297f3c3b3347e5e7c6>>; Anthony Dowsley and Patrick Carlyon, 'Let Down by the Police', *Herald Sun* (Melbourne, 4 December 2018) 8.

*a snitch. It went missing after the burglary and Dale was suspected of stealing the file."*

16. According to Dowsley and Carlyon, Ms Gobbo was recorded by the Australian Federal Police in a telephone conversation with Tony Mokbel in February 2004 (three months before the murder of the Hodsons) talking about their mutual friend "Pauline" who had some documents for him to see. They state that it is thought by Victoria Police that "Pauline" is a reference to Paul Dale and that the "documents" were a reference to the Blue File, and that Ms Gobbo met Dale on 27 February 2004 and that Mokbel had possession of the Blue File the next day.
17. It is not clear why the audio recording of the telephone conversation between Ms Gobbo and Mokbel was not revealed to ESD, Victoria Police and/or Terrence Hodson soon after it was made. Had that occurred, Terrence and Christine Hodson would have been able to appreciate the extent of the risk to their lives. Thus disclosure would potentially have enabled the lives of Terrence and Christine Hodson to be saved by entering witness protection.
18. More generally, it is possible that Ms Gobbo holds essential information relevant to the mishandling of informants in Victoria, including and in particular, Terrence Hodson.
19. If Ms Gobbo was indeed involved in the dissemination of the Blue File, then this raises significant questions as to Victoria Police's handling and management of Ms Gobbo as an informer. Those questions include whether or not Victoria Police knew or ought to have known that Ms Gobbo had a copy of the Blue File, had distributed it, or at least whether she knew that there was a risk of this occurring.

### ***Murder charges***

20. Dale and Rodney Collins were charged with the murders of the Hodsons on 13 February 2009 and 20 March 2009 respectively. A key prosecution witness was Carl Williams. Williams had alleged in witness statements to Victoria Police that Dale had asked him in 2004 to hire a hitman to kill Terrence Hodson prior to Dale's committal for the Dublin Street burglary.<sup>3</sup>
21. Carl Williams was murdered on 19 April 2010. Following his death, the prosecution withdrew the murder charges against Dale and Collins due to insufficient evidence.
22. Another prosecution witness against Dale was Nicola Gobbo. As stated above, Ms Gobbo giving evidence against Dale is the only assistance that Victoria Police and Ms Gobbo have publicly acknowledged, and that remains the case in relation to the Hodsons' murders. Her evidence against Dale included a covertly recorded conversation between her and Dale at a Melbourne café in December 2008.<sup>4</sup>
23. James Campbell reported in the Herald Sun on 27 November 2011 that Ms Gobbo's police statement claimed that she passed messages between Dale and Hodson in the weeks after Hodson was arrested over the botched burglary of a drug factory.<sup>5</sup> Ms Gobbo said that Dale was desperate find out whether Terrence Hodson had a made a statement implicating Dale in the Dublin Street burglary.
24. Ms Gobbo had acted for Terrence Hodson and arranged for Mr Hodson to visit the ESD. In her dual roles as Mr Hodson's lawyer and a police informer, she might have shared information with individuals who were exposed to prosecution by reason of the

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<sup>3</sup> Andrea Petrie, 'Ex-cop paid Williams for Hodson hit, court hears', *The Age* (online, 15 September 2011) <<https://www.theage.com.au/national/victoria/ex-cop-paid-williams-for-hodson-hit-court-hears-20110915-1kas5.html>>.

<sup>4</sup> Daniel Fogarty, 'Barrister withdrawn as Dale case witness', *The Sydney Morning Herald* (online, 22 November 2011) <<https://www.smh.com.au/national/barrister-withdrawn-as-dale-case-witness-20111122-1nrtg.html>>.

<sup>5</sup> Campbell (n 2).

information provided to Ms Gobbo from Terrence Hodson, thereby placing Terrence Hodson at great risk.

25. The failure to identify Ms Gobbo as an informer, inter alia, to Terrence Hodson and the failure to investigate her actions leading to the murders may have affected the prosecution's decision to withdraw the murder charges against Dale. Had the prosecution been informed of Ms Gobbo's involvement as a police informer, or been provided with documents regarding her activities as a police informer, it is possible that the prosecution may have taken a different view in respect to the prosecution of Paul Dale.


*Australian Crime Commission false evidence charges*

26. Dale was later charged with giving false evidence to the Australian Crime Commission ("ACC") during examinations that took place on 7 March 2007 and 26 November 2008. Ms Gobbo was to be a key prosecution witness, but midway through the committal hearing in November 2011, the Commonwealth Director of Public Prosecutions withdrew the subpoena for Ms Gobbo to give evidence because of fears for her safety. Dale was later acquitted by a jury at trial on 28 March 2013.
27. It is not clear what evidence Ms Gobbo was going to give in this proceeding.
28. It is difficult to be certain, due to the confidentiality of the ACC's investigation, but it is also possible that the ACC's investigation and hearings were less effective as a result of Victoria Police's failure to disclose Ms Gobbo as being a police informer or the failure of Ms Gobbo to be examined at the ACC.

*Coronial Inquest into Hodsons' deaths*

29. A Coronial Inquest into the Hodsons' deaths was subsequently conducted from May to November 2014 and the determination delivered on 31 July 2015. The Coroner's Findings were inconclusive regarding the person or persons responsible for the murders.
30. Ms Gobbo (who was given the pseudonym 'Witness F' in that inquest) was excused from giving evidence at the Coronial Inquest at the request of the Chief Commissioner of Police on the basis of the potential risk to her safety.
31. It is not clear whether it was made known to the Coroner that Ms Gobbo was an informer, and it is not clear whether Victoria Police provided all relevant documents to the Coroner. There was no acknowledgement by the Coroner in the Findings that Ms Gobbo was an informer. It is possible that the Coroner may have taken a different view in respect to whether Ms Gobbo should have been excused from giving evidence.
32. Indeed, the Coroner raised a significant number of questions regarding the connections between various witnesses that might be explained by the involvement of Ms Gobbo. In the absence of the Chief Commissioner of Police providing documents to the Coroner regarding Ms Gobbo's involvement as a police informer, and without Ms Gobbo actually giving evidence at the Coronial Inquest, the Findings are potentially unsafe and would need to be reviewed.

*Andrew Hodson and Mandy Leonard*

33. Andrew Hodson and Mandy Leonard are the adult children of Terrence and Christine Hodson.
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35. Andrew Hodson and Mandy Leonard have significant interest in the inquiry of the Royal Commission into the conduct of Nicola Gobbo and Victoria Police with respect to the murder of their parents.

**Robinson Gill Lawyers**

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<sup>6</sup> An article by John Silvester in *The Age* suggests that the material exists: John Silvester, '3838: The genie they want back in the bottle', *The Age* (online, 16 February 2019) <<https://www.theage.com.au/national/victoria/3838-the-genie-they-want-back-in-the-bottle-20190214-p50xs1.html>> 2 (see Annexure 'B').

**ANNEXURE 'A'**

**Anthony Dowsley and Patrick Carlyon, 'Let Down by the Police',  
Herald Sun (Melbourne, 4 December 2018) 8**



## LET DOWN BY THE POLICE - Herald Sun/Sunday Herald Sun/Home Magazine (Melbourne, Australia) - December 4, 2018 - page 8

December 4, 2018 | Herald Sun/Sunday Herald Sun/Home Magazine (Melbourne, Australia) | ANTHONY DOWSLEY & PATRICK CARLYON | Page 8

TERRY Hodson described himself as a “dead man walking” in his final days. His wife, Christine, who was shot dead alongside him as they watched TV in 2004, feared what was coming, too.

“I’ll haunt them,” she told daughter Mandy.

Yet it’s Mandy who is haunted. By the discovery of her parents’ bodies, which she recalls in flashbacks, in sepia tones. And the sight of her mother’s open casket, her face frozen in a permanent scowl.

Her brother, Andrew, feels just as traumatised. Together, the siblings have lodged a legal claim that argues that Victoria Police failed to protect their parents. Had Terry Hodson known all the dangers, they say, he would have made different choices.

Their point highlights one of the dozens of tiny details that smudge the tragedy of the Hodson deaths. Among them is the confusing place of their father’s lawyer — **Lawyer X**.

Along with sister Nikki, Andrew and Mandy wonder why the lawyer has never answered for her proximity to the chief suspects in their parents’ deaths. “She seems to have her finger in every little thing,” Nikki says.

“And no accountability.” Terry and Christine Hodson were under police protection when they were murdered in their Kew East home. Terry Hodson was an upcoming star witness in a trial against two accused corrupt cops — David Miechel and Paul Dale.

The two former officers handled Hodson, who was a police informer. After Hodson and Miechel were caught burgling a drug house under police surveillance, Hodson told investigators that Dale was part of the plot, and Dale was charged.

At the time, **Lawyer X**’s clients included Carl Williams, Terry Hodson, his son, Andrew, Tony Mokbel (whose drug house was burgled), Azzam Ahmed (who ran the drug house), Abbey Haynes (the drug house sitter) and — if you believe him — Paul Dale. It is clear that **Lawyer X** communicated often with Dale.

She would be later suspected of having distributed a so-called “**Blue File**” to the underworld, thereby endangering the Hodsons. This file, kept at the St Kilda Rd police headquarters, contained the intelligence Terry Hodson had provided to his handlers — exposing him as a snitch. It went missing after the burglary and Dale was suspected of stealing the file.

**Lawyer X** was recorded in a phone call she made to Tony Mokbel in February 2004, three months before the Hodsons were murdered.

In the conversation, tapped by the Australian Federal Police but not disclosed to the Victoria Police for six years, **Lawyer X** told Mokbel that she had been in touch with their mutual friend "Pauline" who had some documents for him to see (which police say is the **Blue File**).

Police have alleged she was referring to Dale, her drinking buddy and dinner partner, who she met on February 27. The following day, Mokbel had possession of Hodson informer papers. **Lawyer X** does not appear to have been questioned about the tapped conversation.

But the police theory goes that Paul Dale paid gangland boss Carl Williams to have Terry Hodson killed so that he could not testify against him in court.

**Lawyer X** used burner phones to communicate with Dale (56 times) and Ahmed. She arranged contact between Dale and Williams 10 days before the Hodsons were killed.

As one investigator told the Herald Sun: "Her fingerprints are all over these murders". Another said "It's pretty serious s-t." Hodson didn't trust her either. His doubts now seem well founded. Even back in 2003, **Lawyer X** was unofficially also a police informer, according to court documents released yesterday. She had begun meeting with a detective sergeant from the Purana (gangland) Taskforce from mid-2003. They met six times, she says, from that time until after the Hodson deaths. Her justification, in a recent letter to police command, does not readily tally with her choices at the time.

"What lead (sic) me to do that was my own frustration with the way in which certain criminals (Carl Williams) were seeking to control what suspects and witnesses could and could not do or say to police via solicitors who were not in my view, acting in the best interests of their clients because of the undue influence and control of "heavies' such as Williams." The Hodsons' deaths cruelled the burglary charges against Dale, but not against Miechel, who has only this year been released from jail.

Then premier Steve Bracks wanted to call a royal commission immediately after the Hodsons were killed. His confidence in the force had been shaken by the murders.

But he did not go ahead after receiving police advice that it would "effectively delay" committal hearings of outstanding criminal cases. Gangland bloodshed had peaked in the 12 months before the Hodsons were killed in May 2004 — they were deaths 10 and 11 in that period.

In 2008, a belated taskforce, Petra, informally interviewed **Lawyer X** about her proximity to the various participants tangled in the Hodson tragedy. From 2007, Carl Williams had provided the first of three statements to police implicating Dale in the Hodson murders. In December 2008, say police, **Lawyer X** called them to say that Dale wanted to meet her. She would wear a wire to a subsequent meeting, though she says she did not want to.

Dale was recorded at an Albert Park cafe. They spoke about Williams' first statement to police, which Dale described as "very accurate". "Some things that came out that clearly only me and him

know," Dale said.

**Lawyer X** and Williams became headline acts in the murder case against Paul Dale over the execution of Terry Hodson and another against the alleged shooter, professional hitman Rodney Collins, for the murders of Terry and wife Christine.

Legal wranglings delayed the hearings. Over that time, **Lawyer X** showed a growing resistance to testifying in court. By November 2009, she was demanding \$20 million as a condition of giving evidence.

She would never reach the stand. On April 19, 2010, Matthew Johnson bashed Carl Williams to death.

Investigators did not give up.

It was only now they received a critical piece of evidence — the abovementioned audiotape of the **Lawyer X-Mokbel** conversation.

The Herald Sun revealed the existence of this tape in December 2014. Police argued in a confidential submission that the tape was evidence of Dale's theft and dissemination of the **Blue File**.

The submission, however, did not explain why the taped conversation — which could have saved the Hodsons' lives in 2004 — did not surface for six years.

The Hodson family have always felt that Victoria Police let them down. Some former and serving police officers share the sentiment.

The children believe that had their father known that the **Blue File** was in the open, his judgment would have been far more considered. One police officer describes security at the time for a protected witness as "pathetic".

Hodson had been a police informer since 2001 and knew the grave risks that went with playing both sides. He had declined repeated offers for the family to enter witness protection.

Daughter Nikki has unfairly blamed herself. A new mother, she did not want to go into hiding.

Hodson used and sold drugs to the day he died. He was also was a family man despite his criminal lifestyle. He wanted to keep his family together. What's left of his family is convinced that had he known about the **Blue File**, Terry Hodson would have insisted that the entire family go into witness protection."

**ANNEXURE 'B'**

**John Silvester, '3838: The genie they want back in the bottle',  
*The Age* (online, 16 February 2019)**

ANALYSIS NATIONAL VICTORIA NAKED CITY

# 3838: The genie they want back in the bottle

By [John Silvester](#)

February 16, 2019 – 12.15am



There were about 50 of them at the secret meeting - the men and women who had cracked Melbourne's underworld war and were not afraid to chase corruption in their own organisation.

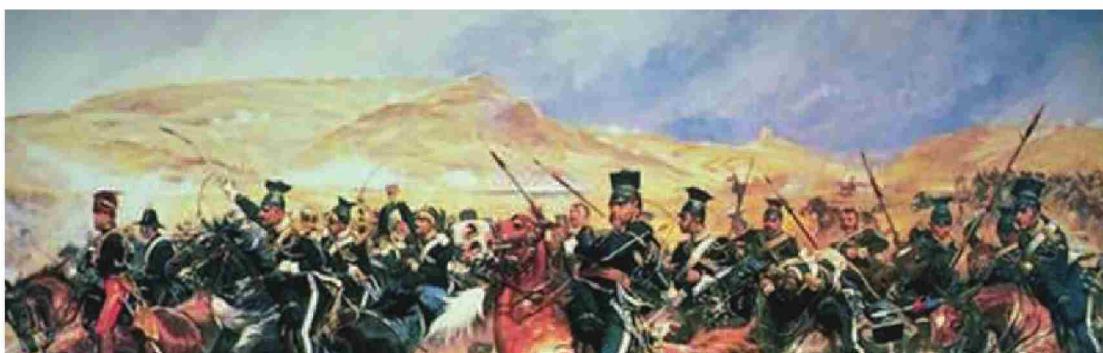
There were investigators from three elite taskforces - [Purana](#), [Briars](#) and [Petra](#) - as well as specialists in handling witnesses, retired cops and senior police up to the rank of assistant commissioner.

It was a crisis meeting of sorts, but the mood was surprisingly upbeat. The government had days earlier announced [a royal commission](#) into the handling of a police agent, a gangland lawyer [known as 3838](#).

At the police meeting many expressed disappointment that they had been unaware of the protracted and losing legal battle waged by the police department to stop the Office of Public Prosecutions informing some of the lawyer's former clients.

At the meeting some asked why they had not been given the chance either in the Supreme or High courts to defend their actions.

A senior officer told them the court action was only ever about trying to protect 3838 from gangsters, who traditionally have zero tolerance for betrayal. The royal commission, he said, would be the chance to explain why they used the lawyer's inside knowledge in some of the state's most sensitive investigations.





Someone had blundered: *The Charge of the Light Brigade* as depicted by Richard Caton Woodville, 1894.

The meeting was told that all dealings with her were taped, the notes were intact and the Informer Management Unit's so-called "sterile corridor", where a human source officer was the bridge between informer and investigators, was maintained.

Whether their optimistic appraisal is based on fact or simply the rev-up before the equivalent of the [Charge of the Light Brigade](#), will be a matter for the royal commission.

At the heart of the controversy is a clear philosophical divide between two arms of the criminal justice system - lawyers and police. Lawyers claim the barrister's obligation to maintain confidentiality meant police should never have used her information. Police argue they broke no laws in using her as a source and had an obligation to use any material they could to stop the [underworld war](#).

What we now know is she was not alone. Police say there were up to seven other informers who have provided information, which may breach professional privilege. While they are not all lawyers, Melbourne solicitors and barristers who work in the criminal law have been in a flat spin since the news broke.

Some are concerned they could have been [registered without their knowledge](#) years earlier, even though they had not provided confidential information. Others fear that violent clients who were found guilty might jump to the conclusion that their lawyers conspired with the police against them. They may add two and two and reach for a .38 pistol.

The main issue will be whether some of 3838's clients did not get fair trials, or were forced to plead guilty on the back of tainted evidence.

While the nature, value and legitimacy of her information will be examined by the royal commission (there are already murmurings that the July deadline for an interim report may be too tight), what is established is that she was spectacularly ill-suited to being a double agent.

For years she refused police security, preferring to hide in plain sight, and while the underworld knows her name she had managed to live a relatively normal life in open society.

This has now changed. Former colleagues shun her, she is blackballed by some relatives and parents in her social circle are turning away, not wanting their children in potential danger. Her way of life is collapsing.







Drug dealer and killer Carl Williams is arrested, November 2003. He came to believe that 3838 was a snitch. ANGELA WYLIE

Since losing the High Court case in December, police have been trying to perform a massive magic trick. They are attempting to make 3838 disappear, at least from the public records. Many of the online stories that can track her have gone, property records with her name have been sealed and photos buried. Legally, they are trying to put a very identifiable genie in a very anonymous bottle. Like a Soviet leader who is out of fashion, it is as if she didn't exist.

So this is what we can say without increasing the risks or breaching suppression orders (gulp).

Her family is the template of a successful migrant dynasty, succeeding in the restaurant and legal trades. A student at an elite girl's school, her father died when she was a teenager. She was determined to experience all sides of Melbourne University life, dabbling in student newspapers and embracing left-wing politics while passing her law degree.

Even then she either gravitated to bad company or began to make a series of poor choices when it came to her social network.

Around the halfway point of her degree, she struck what could have been a career-ending hurdle. In 1993 police raided her Rathdowne Street home and seized methamphetamines valued at \$82,000, half a kilo of cannabis and prohibited weapons. While two men faced more serious charges, she pleaded guilty to possession and use. No conviction was recorded, allowing her to embark on her legal career.

In 1995, while still a student, she was registered as a police informer. But the system was so flawed that this fact was only discovered accidentally in late January, when a file was found in a cardboard box in police storage.





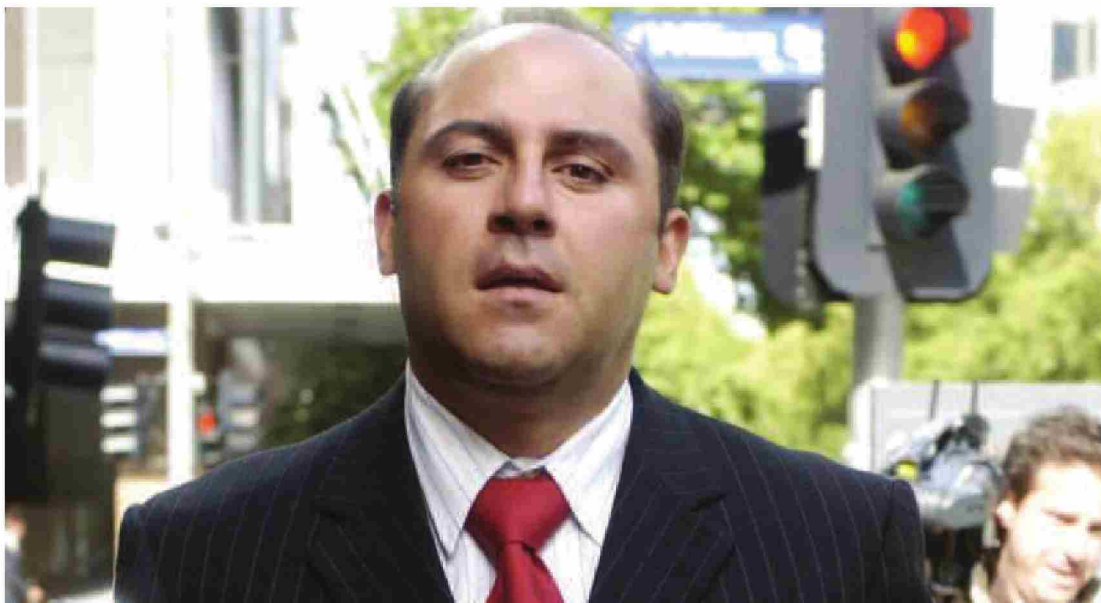
3838 registered as a police informer not once but several times. ILLUSTRATION: JO GAY

Now police have told the royal commission she was also used as an informer in 1999 and five other witnesses who may have breached professional privilege have been identified.

By 1998, as a very young barrister, she had started to construct a brand. In a business dominated by middle-aged men in suits she was a flashy dresser, with a reputation as a hard worker and player. In a profession that frowns on self-promotion, she was happy to drip-feed gossip columnists with naughty girl stories dubbing her a “hotshot legal eagle”.

Soon after she became a barrister, Melbourne’s underworld went to war on October 13, 1999, when drug dealer Carl Williams was shot and wounded by gangsters Jason and Mark Moran. It was around this time that she registered as an informer for a second time - four years before the Purana Gangland Taskforce was established.

Just months after the taskforce began, she started to secretly meet one of its key investigators. She says she told him of how Williams was trying to control witnesses and of “solicitors perverting the course of justice and conspiring with criminals to try to ensure a number of gangland murders would remain unsolved”.



Tony Mokbel: Ambushed in prison. Always wanted to get out of jail, but not in an air ambulance.

AAP

Around that time she considered leaving the Criminal Bar to open a juice bar in Asia. Instead she went back to her old ways, working and socialising with heavy crooks while secretly talking to police. In September 2005 she again became a registered informer: “My breaking point came when I was threatened by Tony Mokbel to ensure that a first-time offender, who was operating pill presses and manufacturing tens of thousands of MDMA pills for him, kept his mouth shut and pleaded guilty.”

Certainly according to another police source, codenamed Witness B, there was such an event, but it was more than two years earlier.

In April 2003, after a Mokbel drug lab was raided in Rye, Witness B and Tony's brother Horty Mokbel went to a side street near the St Kilda Road Drug Squad office to wait for the arrested men to be released: “[3838] was there as well, she was coming in and out of the station and she would come and speak to Horty and me around the corner.”

Witness B claimed Drug Squad [detective Paul Dale](#) rang 3838 with the tip that one of the arrested men was considering talking.

“She said that Dale must have realised that [the suspect] was about to start talking about the Rye drug job and who was involved and he wanted to give up everyone. [She] said that Dale then rang her to get her to come and talk to [the suspect]. [She] said that on that day she convinced [the suspect] not to roll [talk].”

One of the challenges for the royal commission is to establish when 3838 was acting as a barrister, with an obligation to provide confidential and sound legal advice, and when she was acting as a co-conspirator, trying to shut down police investigations and stop witnesses talking.

Certainly the interested parties, including police and senior prosecutors, were surprised when Premier Daniel Andrews announced a royal commission. In the otherwise glacial world of legal process, it was supposed to be short and sharp, reporting by the end of the year.



A Mokbel drug lab goes up in smoke. PAT SCALA

That aim has already been blown apart by the news that police had up to seven other informers who may have broken privilege. If the inquiry drills back to a cocaine bust nearly 20 years ago, it has the capacity to blow the lid on what was then widespread drug use and improper associations. And if 3838's initial claim that she provided information on "solicitors perverting the course of justice and conspiring with criminals" is true, the commission could expose the underbelly of both the law enforcement and judicial systems.

Perhaps the royal commission will hear how a well-respected lawyer, tipped off by one gangster, spread the word through the underworld that 3838 was wearing a police wire. Sound legal advice? Or conspiracy to pervert the course of justice?

You be the judge.



### John Silvester

G+

John Silvester is a Walkley-award winning crime writer and columnist. A co-author of the best-selling books that formed the basis of the hit Australian TV series Underbelly, Silvester is also a regular guest on 3AW with his "Sly of the Underworld" segment.

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