

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

In relevant respects, although I cannot conclude that his prosecution has in fact miscarried, his situation remains very similar to the majority of the “case-study” individuals. Put shortly, it appears to me that arguably at least, Mr Cvetanovski appears to be in a similar position to those persons, and the possibility of miscarriage exists.

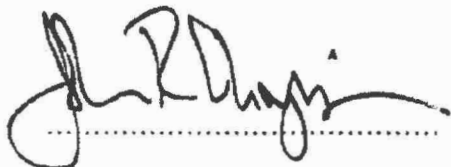
From the materials it appears likely that Lawyer X represented Cvetanovski during the extended period <sup>Mr Cooper</sup> was <sup>PII</sup> [REDACTED] Victoria Police, after his arrest. Further, it appears she was representing <sup>Mr Cooper</sup> at a similar time. Whilst apparently legally representing <sup>Mr Cooper</sup>, Cvetanovski and <sup>Mr Agrum</sup> and whilst most likely engaging in a seriously conflicted situation, she appears likely to have been informing to police against the interests of her clients <sup>Mr Cooper</sup> and <sup>Mr Agrum</sup> as a registered informer. I am unable to say what she may have told police against the interests of Cvetanovski whilst acting for him. Critically however, <sup>Mr Cooper</sup> went on to provide key evidence against Cvetanovski, as well as many others.

I note that <sup>Mr Cooper</sup> was arrested on 22 April 2006, and Cvetanovski’s house was searched on 26 April 2006. It was on 26 April when he appears to have suggested Nicola Gobbo was his legal representative and he asked for the opportunity to contact her.

It seems to me to be at least arguable that in circumstances where <sup>Mr Cooper</sup> provided the key evidence that led to the conviction of Cvetanovski, at the time of his trial, that had he known of the true role of Lawyer X/Source 3838, it is very likely he would have sought to explore the circumstances that led to the provision of the key evidence against him. Furthermore, it is clear to me that he would have wanted to know the true circumstances. Had he known of the role of his lawyer the time, and of her involvement in the arrangements Victoria Police entered into with <sup>Mr Cooper</sup> he would have been able to exercise an informed choice as to whether to argue the evidence of <sup>Mr Cooper</sup> should have been excluded from his trial.

I pause to make clear that in my view absent the evidence of <sup>Mr Cooper</sup> the Crown would most likely have had no case to mount against Cvetanovski. The evidence of <sup>Mr Cooper</sup> was critical to the success of the prosecution case.

It follows that in the interests of consistency my opinion is that I am required, for the same reasons as I set out in my Report to the Attorney-General, to disclose to Mr. Cvetanovski relevant aspects of the true role and activities of Source 3838.



**JOHN R CHAMPION SC**

Director of Public Prosecutions

29 July 2016

Exhibit RC1914 Extract of Prosecution's Memorandum relating to  
Zlate Cvetanovski, 29 July 2016, tendered 5 August 2020

Remainder of this document can be accessed at <https://www.supremecourt.vic.gov.au/case-summaries/ab-ef-v-cd-proceedings>