

Peter Fintan Lalor

Submission to Royal Commission into Police Management of Informants

Commissioner

PREAMBLE

1. My full name is Peter Fintan Lalor. I was in full time employment of Victoria Police as a sworn operational member from 1977 until my resignation in 2009. When I resigned, I was a Detective Sergeant stationed at Prahran CIB. I had formerly served in the Major Crime Squad, Armed Robbery Squad, and St Kilda CIB.
2. I am currently self-employed.
3. [REDACTED]
4. I am making this submission because I believe the course of justice was perverted by the misuse and manipulation of police informers resulting in:
 - (a) A number of innocent people having their reputations wrongfully destroyed,
 - (b) A dangerous criminal will be released back into the community earlier than he should be,
 - (c) The family of a murder victim has not seen justice as the killer of their son remains free, and
 - (d) Those responsible for these injustices have not been held to account
5. On or about 2006, I along with David Waters became the target of a Police Investigation into the murder of Shane Chartres Abbott. The investigation was the subject of Operation Briars and largely centred on the testimony of Mr Gregory [REDACTED] violent career criminal with a long history of providing unreliable evidence.
6. It is my submission that Operation Briars was overseen and used by a group of individuals led by Simon Overland to pursue an agenda that was totally inimical to the interests of justice. It was an egregious abuse of power by a small group of individuals who were sworn to uphold the law. It is the worst example of the abuse of office in the history of this State. It was an operation that was driven by ruthless ambition and an arrogant disregard for the laws of this State.
7. Operation Briars effectively derailed a murder investigation that blindsided homicide squad investigators and thwarted any chance of a successful prosecution of those responsible for the murder.
8. It was multi-million dollar scandal led, heralded and pursued by Simon Overland, that purposely ignored the long established principles of criminal investigation, usurped the laws of this State and served only one purpose, to advance the personal interests of a small group of individuals. At the height of the investigation there were fifty-five persons telephones whose calls were being intercepted.
9. The police operation has also enabled the early release of a Mr Gregory who is a psychopath and violent criminal with multiple murder convictions, and a danger to the community. In all probability this person will likely offend again upon his release.
10. The greatest victims of this scandal are the family of Shane Chartres Abbott and the State of Victoria. In the case of Shane Chartres Abbott's family they have been denied justice as the perpetrators of their son's murder have not been brought to justice. For the people of this State their trust in an organisation that has had a long and proud history of serving the people has been betrayed by the pursuit of self-interest. It is also noteworthy that my reputation has been besmirched, as my identity, and that of David Waters, as murder suspects, were leaked

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to the press by known members of Victoria Police. No charges have ever been laid and against Waters and I, but the Victoria Police, despite overwhelming exculpatory evidence, has not announced an end to this slander.

BACKGROUND

History of involvement with Nicola Gobbo

11. For the record both at a professional and social level I had very little direct contact with Nicola Gobbo. I was aware of her status as a prominent defence lawyer during the late 1990s through to the early years of the 21st century. The only recollection of dealing with her professionally was in relation to a matter that I was involved in whilst I was performing duties as a Detective Sergeant at the Prahran Criminal Investigation Branch, the details of which, due to the passage of time, are a little sketchy. What I can recall is that she was acting for a client that I was dealing with who, from memory, was an owner/manager of a night club that was operating in Chapel Street Prahran.
12. My next encounter with Ms. Gobbo was when I was seeking legal advice from Tony Hargreaves, a solicitor, following my second appearance before the Office of Police Integrity (OPI) into my alleged involvement in the murder of Shane Chartres-Abbott. This hearing was in September of 2007. Prior to my appearances before the OPI I had instructed Tony Hargreaves as I had briefed him to act for me as my solicitor. At the time Mr. Hargreaves was on a retainer with the Police Association for the purposes of providing legal advice to members of the Police Association. Mr. Hargreaves in turn instructed a barrister, whose name I cannot recall, to represent me at the hearings.
13. It was only at my second appearance before the OPI that I was accused of being complicit in the murder of a Shane Chartres- Abbott. The basis of the allegation centred largely on the testimony of a ^{Mr Gregory} where he alleged that I met with him at a hotel in Carlton for the purposes of supplying him with the address of Shane Chartres-Abbott in the knowledge that ^{Mr Gregory} was going to murder that person. It was further alleged by ^{Mr Gregory} that I had arranged for him to surrender himself into my custody on the day of the murder. This it was alleged was for the purpose of providing ^{Mr Gregory} with an alibi that would account for his movements on the day of the murder. It was also alleged that I received a sum of money from ^{Mr Gregory} for my assistance. For the record, I deny all of those allegations.
14. As I was leaving the offices of the OPI, following the conclusion of that hearing, Inspector Gawn served me with a document dated 12th September 2007 and signed by Luke Cornelius, Assistant Commissioner of Police Ethical Standards Department notifying me of my suspension from Victoria Police on grounds that it was reasonably believed that I had committed an offence punishable by imprisonment. At the time of service Inspector Gawn apologised to which I reply don't worry about you are only doing your job.
15. I am not sure when and by whom it was revealed that members of the Briars Task Force wanted to interview me into the allegations that I was complicit in the murder of Mr. Chartres-Abbott. It was following that request and before I had scheduled a date and time for that interview that I arranged to meet with Mr. Hargreaves at his office to seek advice from him in relation to the request for an interview. I am not sure when that meeting with Mr Hargreaves occurred but I recall that it was shortly after my second appearance before the OPI and prior to the interview with Briars Task Force Detectives.
16. At the meeting with Mr. Hargreaves I was asked what I knew of ^{Mr Gregory} I told Mr Hargreaves what I had told the second OPI hearing which was that in 28 years of police service that I had by my estimation only six (6) contacts with ^{Mr Gregory} four (4) of which were incidental with the other two (2) being organised – I knew him to be a notorious criminal who had been convicted for the [REDACTED] whom he had left for dead in the course of [REDACTED] Mr Hargreaves said that he knew someone who might be able to shed more light on the character of ^{Mr Gregory} Mr. Hargreaves then rang Nicola Gobbo and spoke to her about ^{Mr Gregory} I was present during that conversation and could hear Ms Gobbo describe ^{Mr Gregory} in the following terms:

'He is a career criminal with convictions for murder, he is a manipulative pathological liar who cannot be trusted and been known to give perjured evidence.'

17. The next contact I had with Ms. Gobbo could be best described as fleeting. It was I believe in 2010. I had organised to meet with David Waters to catch up with a mutual friend in Richmond. Prior to meeting David indicated that he had to meet with someone at a nearby building site. We went to a building site in Richmond where we met with Ms Gobbo. Dave walked off with her to another part of the site where they were engaged in conversation for about 10 – 15 minutes. At the end of that time we left the site and caught up with our friend. I was not party to any part of the conversation between Ms. Gobbo and David and I could not say what was discussed between the two.
18. Aside from those contacts with Ms. Gobbo there appears to be other instances where she was involved with Operation Briars.

The first of those instances that I am aware of is a visit Ms Gobbo had with Mr Gregory whilst he was in custody, on or about 2006, at a time that he was providing information to Victoria Police in relation to the Chartres Abbott murder [REDACTED]

The other instance or instances I am aware of is Mr Gregory disclosure whilst giving evidence in chief at the trial of Goussis, Perry and Shea where he had indicated that his motivation for providing information to Police in relation to the murder of Chartres Abbott was in part due to conversations he had had with Ms. Gobbo.¹

19. I refer the Commissioner to an affidavit prepared by Superintendent Rodney Graham Wilson, dated 2nd November 2007.² In that affidavit Mr. Wilson refers to a meeting that he attended that was held on the 12 September 2007. Present at that meeting was Ron Iddles, Steve Waddell, Simon Overland and Luke Cornelius. The purpose of the meeting was to discuss the progress of the Briars Investigation.
20. Mr Wilson then refers to being made aware that I had been informed of the meeting of the 12th and that I was aware of the matters that had been canvassed at that meeting including the following:
- Ron Iddles being the lead investigator
 - Simon Overland wanting me charged with murder
 - An argument had occurred between Overland and Iddles, where Overland was not happy with Iddles not being prepared to make an arrest and lay charges.
- Mr. Wilson concluded the affidavit by stating that he had no knowledge of where I had sourced the above information.
21. The information that I had received was that Simon Overland believed that there was enough evidence to charge both myself and David Waters but Ron Iddles was not of the same mind and was refusing to lay charges at that point in time.
22. I can now attest that the information Rod Wilson received on the 14th September 2007 was captured on a telephone intercept of a conversation that I had with a colleague after leaving the 2nd OPI hearing. Furthermore, I can reveal that the information I had received in relation to the meeting of the 12th September and referred to in Mr Wilsons affidavit came from David Waters who had in turn sourced his information from a conversation he had earlier with Ms. Gobbo [REDACTED]

¹ Supreme Court transcript dated [REDACTED] 05/2014 – Page [REDACTED]

² Sworn Affidavit by Rodney Graham Wilson, dated 2nd November 2007

Mr Gregory

23. I believe that the [REDACTED] of Mr Gregory, a person with a long criminal history, [REDACTED] in the conduct of Operation Briars and other operations falls under paragraph [REDACTED]

24. Summary of Mr Gregory criminal convictions

- [REDACTED]
- May 2006 Murder (Caine)
- May 2006 Murder (Moran)
- October 2007 Murder (Chartres-Abbott)

In relation to the [REDACTED] conviction Mr Gregory was convicted of [REDACTED] where [REDACTED] [REDACTED]. During the course of that investigation [REDACTED] and the undersigned were tasked by members of the [REDACTED] Squad to arrest [REDACTED]. We arrested [REDACTED] on the sands of the [REDACTED] where he was ultimately handed over to the [REDACTED] squad for questioning.

Summary of Mr Gregory [REDACTED]

25. [REDACTED]

2005

26. Following a guilty verdict of his involvement in the murder of Lewis Caine, Mr Gregory cut a deal with Victoria Police for a lighter sentence by providing information in respect of his involvement in the murder of Lewis Moran implicating the following persons and enters a plea of guilty to the charge of murdering Lewis Caine:

- Provided evidence at the trial of Evangelos Goussis in relation to the murder of Lewis Moran;
- Provided evidence at the trial of [REDACTED] in relation to the murder of Lewis Moran; &
- Provided evidence at the Trial of Tony Mokbell in relation to the murder of Lewis Moran

27. Mr Gregory also provided information to investigators that Carl Williams was involved with Mr Gregory in carrying out the murder of Lewis Caine.

28. In addition to the information above Mr Gregory also provided additional information implicating Tony Mokbell in the murder of Michael Ronald Marshall who was murdered in South Yarra in October 2003.

29. ^{Mr Gregory} testimony implicating Mokbell in the murders of Moran and Marshall was used as part of Victoria Police' application to the Greek authorities for Mokbell's extradition from Greece to Victoria.
It should be noted that it was ^{Mr Gregory} testimony that was the centre piece of both cases against Mokbell and his involvement in these two murders. It should also be noted that in relation to the prosecution of Mokbell for his alleged involvement in the Moran's murder the jury found Mokbell not guilty after ^{Mr Gregory} evidence was totally discredited – whilst I do not have access to the transcript of ^{Mr Gregory} cross examination I would urge the Commission to source that document as I believe that it sheds light on ^{Mr Gregory} lack of integrity as a Crown witness.
30. With the acquittal of Mokbell for the Moran murder a decision was made not to prosecute Mokbell for the Marshall murder.
31. In 2006, Justice Teague, in sentencing ^{Mr Gregory} for the murders of Lewis Caine and Lewis Moran made the following comments:

*'I turn to the matter to your cooperation with the authorities. It is to be added to the plea of guilty, which itself is a factor of significance. The courts have often spelt out the reasons why extensive co-operating can merit a very substantial reduction in the punishment that can be imposed. It is often difficult to assess the relative advantages to the administration of justice and hence to the public. In your case, the indication are that the benefit from the co-operation will be extremely high. You have prepared and lodged with the court an extensive statement as to your role in the murder of Lewis Moran. You have undertaken to give evidence when called upon to do so, to attest to the truthfulness of the matters set out in that statement, I direct that the appropriate record of that be made in the court records, You have said that you understand that, if you fail to honour that undertaking, you could be re-sentenced. You have also promised to assist the police in their investigation of another matter.'*³

After his conviction for the Caine Murder, with the Moran murder trial pending ^{Mr Gregory} saw an opportunity to mitigate the severity of the sentencing he would receive by entering a plea of guilty to the Moran murder and giving undertakings to give evidence in the trial of his co-accused. He also gave undertakings to provide information that he had in relation to other murders which was to include but not limited to the murder of Shane Chartres Abbott which has been used to his advantage.

32. I refer to these comments of Justice Teague's sentencing which provides an insight into the character of ^{Mr Gregory}
- 'When the police arrested you, you told them a set of lies that you and Goussis had concocted together. After you realised that they were seen quite obviously to be lies, you concocted together a second set of lies.....The second set of lies were not so readily capable as the first set of being shown to be lies particularly as the 4WD and the gun were not available to be tested.
After the murder, not only did you and Goussis lie as to many matters of significance related to the murder, you engaged in other conduct which inferentially spoke clearly of your guilt of that murder. There was an obvious plan to mislead, as by making calls to Lewis Caine's mobile phone and leaving messages for him as if you did not know that he was dead.'*⁴

2006

33. Operation Briars

From 13/09/2006 – 01/05/2012 ^{Mr Gregory} provides information to members of Briars task force resulting in ^{Mr Gregory} providing six(6) differing statements variously implicating the following persons in the murder of Shane Chartres Abbott in 2003:

³ The Queen v ^{Mr Gregory} – Melbourne Supreme Court at Melbourne Criminal Division No [REDACTED] of 2006

⁴ Ibid

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- Evangelos Goussis
- Mark Adrian Perry
- Warren Shea
- Robert Mather
- David Waters &
- The undersigned

Circa 2008

34. ^{Mr Gregory} provides information and a statement implicating Rodney Charles Collins in the 1987 murders of Raymond and Dorothy Abbott. Collins was subsequently convicted of the two murders.

Operation Briars

35. As best as I can determine Operation Briars evolved from Operation Clonk. Operation Clonk refers to a meeting that occurred on Wednesday 13/09/2006. The meeting was between Sergeant Peter Trichias and Detective Senior Constable SCHULZ and ^{Mr Gregory} who was serving out a sentence for the murders of Lewis Caine and Lewis Moran. At the time Trichias and Schulz were performing duties with the Purana Task Force. The substance of the information provided by ^{Mr Gregory} to the detectives was recorded in an Information Report (IR) prepared by Sgt Trichias.⁵ The purpose of the meeting was to obtain information from ^{Mr Gregory} concerning the murder of Chartres Abbott. At that meeting ^{Mr Gregory} provided information that implicated David Waters and Glen Saunders in the murder of Chartres Abbott. Glen Saunders at that time was a retired member of Victoria Police. It appears from a reading of the IR that ^{Mr Gregory} was alleging that both Waters and Saunders supplied him with the address/details of the deceased leading up to his murder.
36. The same IR reveals that on 19/09/2006 Trichias and Schultz again met with ^{Mr Gregory} where he provided further information implicating current and ex members. It appears that he would not provide any further information as to their identities.⁶
37. The same IR reveals that on 27/09/2006 Detective Inspector O'Brien and Trichias again met with ^{Mr Gregory} where he states that he had concerns naming current and ex serving police members. He mentions the following members:
- Dave 'Docket' Waters;
 - Glen Saunders;
 - Peter Alexander;
 - Steve Campbell; &
 - Paul Dale.
38. At the time all of the above were ex-serving members of Victoria Police all of whom had featured prominently at various times in the media.
39. At that meeting he mentions that Dave Waters had obtained the information relating to the deceased's address and passed it on to him – the report notes that it is not known how Waters obtained the information or from whom. ^{Mr Gregory} tells investigators that Waters would hurt him verbally but that he was more concerned about what Saunders would do – reprisals to him and his family.⁷
40. On Monday 09/10/2006, Detective Sergeant Kelly, Trichias and Schultz again met with ^{Mr Gregory} for the purposes of obtaining a statement from ^{Mr Gregory}. Whilst taking that statement ^{Mr Gregory} indicated to the members present that on 04/06/2006 he attended at the Prahran Police

⁵ Information report submitted by Sergeant Peter Trichias – Reference: Report Number: Op. Clonk 1

⁶ Information report submitted by Sergeant Peter Trichias – Reference: Report Number: Op. Clonk 1

⁷ Ibid

Station where he had been bailed by the undersigned. It is further noted that I was close friends with former colleagues Dave Waters and Peter Alexander. The substance of the information provided at this meeting was recorded in the Information report prepared by Sgt Trichias.⁸

41. On 01/12/2006 the IR prepared by Sgt Trichias recorded an update revealing that CCP Nixon and DC Overland had been briefed in relation to the information provided by ^{Mr Gregory}
42. On 18/12/2006 the IR prepared by Sgt Trichias states that profiles relevant to Waters, the undersigned and Saunders was obtained from Ethical Standards Department. From that point on the IR has been heavily redacted.
43. On 17/02/2007 ^{Mr Gregory} makes his second statement to Detective Inspector O'Brien where he alleges that the undersigned provided him with the address details of the deceased prior to his murder and provided ^{Mr Gregory} with an alibi on the day of the murder with the execution of an outstanding warrant of apprehension.¹⁰
44. From 05/07/2006 until 01/05/2012 ^{Mr Gregory} makes six (6) statements in all implicating the following persons:
 - Evangelos Goussis
 - Mark Adrian Perry
 - Warren Shea
 - Bob Mather
 - David Waters &
 - The undersigned

OPI Hearings

45. On the 12 September 2007 I appeared before the Office of Police Integrity to provide evidence in relation to the improper conduct by a member or members of the Victoria Police including but not limited to, the improper use of Victoria Police information systems, being an investigation into police corruption or serious misconduct. The hearing was convened to examine my involvement in the murder of Shane Chartres Abbott based on the testimony of ^{Mr Gregory}. For the record I gave sworn evidence at the hearing that I had no involvement whatsoever in the murder of Shane Chartres-Abbott.
46. The main allegations that were put to me at that hearing were:
 - I provided ^{Mr Gregory} with the address of Chartres Abbott knowing that ^{Mr Gregory} wanted to murder Chartres Abbott; &
 - I provided ^{Mr Gregory} an alibi for the day of the murder by organising him to attend at the Prahran Police Station for the purposes of executing an outstanding warrant of apprehension for traffic matters.

I denied both allegations.
47. To the best of my recollection I provided the hearing the following response to the allegations that were put to me:

I was at my office at the Prahran Criminal Investigation Unit performing supervision duties when I answered the phone to our receptionist as she was somewhere else in the building. The caller identified himself as Bernie Balmer. I had known Bernie Balmer over a long period of time as I had dealt with him many times at a professional level. Balmer indicated that he was ringing on behalf of his client who he identified as ^{Mr Gregory}. Balmer said that it was ^{Mr Gregory} his belief that our office had possession of warrant of apprehension to be executed on ^{Mr Gregory}. It was his belief that the warrant had been sent to Aaron Burgess (a serving Detective at our office). Balmer wanted to know if we could expedite the service of the warrant as his

⁸ Ibid

⁹ Ibid

¹⁰ Copy of typed statement purporting to have been signed by ^{Mr Gregory} on 17/02/2007 and witnessed by James M O'Brien

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client was anxious to have the matter dealt with. I told Balmer that I would locate the warrant and see that it was executed. Balmer then scheduled a date and time for Mr Gregory to attend the Prahran Police Station so that the warrant could be executed. On his arrival at the Police Station I executed the warrant and had Mr Gregory bailed to appear at the Melbourne Magistrates Court to a later date.

There was nothing unusual in our office executing an outstanding warrant. I had in the past executed a warrant on a client of Balmer's under similar circumstances. There was certainly nothing illegal in what was done to expedite the execution of the warrant. Little did I know that taking that call would embroil me in an investigation where I was to be accused of assisting in a murder of which I am to this day considered a suspect. With the taking of that one phone call it could be said that I was in the wrong place and the wrong time.

48. I informed the hearing that up until the hearing I had no knowledge of Chartres-Abbott and that I had no idea of where that person lived.
49. It should be noted that I was not privy to the any of the statements made by Mr Gregory either leading up to or at the time of the hearing. It was not until 2013 that I was able to source a copy of a typed statement purporting to have been signed by Mr Gregory on 17/02/2007 and witnessed by James M O'Brien.¹¹
50. It should be further noted that my responses to the allegations put to me during the OPI hearing have to this day never been challenged.
51. I understand that despite exhaustive enquiries, Briars Taskforce Investigators have not been able to establish that I personally accessed records relating to Chartres Abbott. I am aware that Briars Taskforce investigators have attempted to link the unlawful access of Chartres Abbotts Australian Taxation Office (ATO) file in 2007 to me alleging that I sourced the address through contacts that I had within the ATO. I will address that issue later in my submission but for the record I was not involved in any way with the unlawful ATO access of Chartres-Abbott's records.
52. In relation to the suggestion that I had conspired with Mr Gregory to establish an alibi for Mr Gregory on the day of the murder, I informed the hearing that whilst I was responsible for the execution of a warrant of apprehension on Mr Gregory – the date, time and place of execution of that warrant was organised by Mr. Bernie Balmer, solicitor who was representing Mr Gregory at the time.
53. I understand that following my testimony that Bernie Balmer's offices were raided by members of the Briars Task force and his files relating to Mr Gregory were seized. I also understand that following my appearance at the OPI hearing, Mr. Balmer was summonsed to appear before the OPI to give evidence in relation to the Chartres Abbott murder. It is my understanding that Mr. Balmer's sworn testimony before the hearing corroborated my testimony that it was Mr. Balmer who organised the date, time and place for the execution of the outstanding warrant. For the record, no one from the Briars Task Force has approached Mr. Balmer for a statement in relation to the testimony that he gave at the OPI hearing. In the 2014 Trial of Goussis, Shea and Perry, Mr Balmer gave evidence for the defence that corroborated my 2007 testimony and clearly refuted Mr Gregory claim that I had colluded with him in setting the date, time and place for the execution of the outstanding warrant. Bernie Balmer, Mr Gregory own lawyer, is on the public record as saying that the allegations against the undersigned in relation to his claims that the undersigned provided him with an alibi were 'complete bullshit'.

February 2009

54. Tony Hargreaves received a telephone call from Ron Iddles that the brief of evidence against David Waters and the undersigned had been returned from the Office of Public Prosecutions

¹¹ Copy of typed statement purporting to have been signed by Mr Gregory on 17/02/2007 and witnessed by James M O'Brien

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with the DPP, Mr. Jeremy Rapke QC having signed off on the opinion that there was not enough evidence to lay charges against either of us.

18 March 2013

55. Committal proceedings against Warren Shea and Evangelos Goussis at the Melbourne Magistrates Court – both men committed to stand trial for the murder of Chartres-Abbot

July 2013

56. Mark Perry arrested and extradited to Melbourne

November 2013

57. Committal proceedings against Mark Perry at the Melbourne Committals Court – Perry committed to stand trial along with Shea and Goussis for the murder of Chartres Abbott.

July 2014

58. Mark Perry, Warren Shea and Evangelos Goussis found not guilty of the charge of murdering Shane Chartres-Abbott.

Operation Diana

59. A further casualty of ^{Mr Gregory} fiction was Paul Mullett. From about 2001 to 2006, I was a delegate of the Police Association. During this period I became known as a staunch ally of Paul Mullet and advocate for the retention of his services as the secretary of the Police Association. It was no secret that at the time there was a tense and somewhat tumultuous relationship between the Association headed by Paul Mullet and Victoria Police Command headed by Commissioner Nixon – I refer the Commission to Comments made by Stephen Linnell former Director of Media and Corporate Communications for Victoria Police: *'Nixon's feud with Mullett was, in my view, personal and damaged Victoria Police's reputation. In May 2006 she launched an Ethical Standards Department investigation into bullying by Mullett, Association Staff and Board members.'*¹²

60. What followed from that initial action was a plethora of investigations that were launched into Mullett's conduct by a range of organisations that included Ethical Standards Department (ESD), Worksafe and reports by two (2) Superintendents and Assistant Commission Ken Lay. At the same time Commissioner Luke Cornelius launched an ESD investigation into my publication of a series of emails under the pseudonym Kit Walker that were highly critical of Janet Mitchell and Commissioner Nixon. It was clear during this time that Janet Mitchell was mounting a rear guard and divisive action not to have Paul Mullett's contract renewed. Mitchell's actions ultimately led to a vote by the Executive on the issued where it was decided by a majority of one (1) to renew Paul Mullett's contract. My involvement in what was to become known as the Kit Walker affair and the subject of my first OPI hearing sent a clear signal to Police Command that as an association delegate I was staunch ally of Paul Mullett's. Any doubt that this was the case would have been removed when in 2006 I successfully tabled a motion of no confidence in the Chief Commissioner of Police at a Delegates meeting where the motion was carried unanimously. The meeting was chaired by Janet Mitchell.

61. During this period Operation Diana was launched. Operation Diana was an OPI taskforce set up to investigate the leaks out of the Briars Investigation which targeted Paul Mullett and then servicing Commissioner Noel Ashby. Diana culminated with Paul Mullett being charged with perverting the course of justice where it was alleged that Mullett had passed on information warning me that the undersigned was the subject of an investigation for murder. As it so happened there was no evidence to support that claim. The charge did not get past committal with the Magistrate dismissing the charge describing the case against Mullett as containing more chaff than wheat. Notwithstanding that result, the damage had been done with Mullett

¹² Don't Tell the Chief – Stephen Linnell published by Wilkinson Publishing Pty Ltd 2010

resigning his position from the Police Association, ending a tumultuous relationship between the administration of the Association and the Office of Chief Commissioner.

62. It should be noted that the allegation was that Paul Mullet passed onto me highly confidential information relating to the Briar's Investigation through the agency of Brian Rix, then then President of the Police Association. I was never interviewed to establish if that was in fact the case. Brian Rix was never called as a witness for the prosecution – little wonder that the case collapsed at committal. For the record I did have a conversation with Rix on the day in question and we spoke about the fact that Command were aware of a conversation that I had had with Mullet the night before about Christine Nixon's decision to send Simon Overland to France for a management course at Fontainbleau, Paris – I refer the Commissioner to paragraph 17 of Superintendent Wilson's affidavit.¹³ Let me be clear that at my meeting with Brian Rix there was no conversation about me being the subject of a Police Investigation into involvement in a murder.

Operation Briars – a tainted investigation

63. I have never had a problem being investigated for what was alleged. My expectation was that the investigation be carried out in accordance with long established principles of investigation. Had this matter been investigated fairly, with an open mind and without bias it would have been brought to a satisfactory conclusion shortly after my second appearance before the OPI hearing and the corroboration afforded to my testimony at that hearing by the testimony of Bernie Balmer, the solicitor acting for ^{Mr Gregory}.
64. Operation Briars was fundamentally a flawed investigation that was allowed to drag on for almost eight(8) years, unnecessarily consuming valuable Police resources that could have been better directed towards serving the community. It failed to serve the Victorian community. It was based largely on the uncorroborated testimony of a pathological liar who was motivated by self-interest and driven by the ambition, hubris, arrogance and ego of Simon Overland. It was an intrusive investigation that trampled the rights of law-abiding citizens. It was a gross invasion into the privacy of the citizens of this State. It was an egregious attack on the civil rights of the individual. In the end it achieved nothing of any value. For the record, I must note that the current Chief Commissioner, Graham Ashton, as the then Head of the OPI, was on the Steering Committee for Operation Briars, and therefore would have had full knowledge of the shaky foundations on which the investigation was built. [REDACTED]
65. [REDACTED] I would like to now take the opportunity to expose the issues that should cause concern over the conduct of the investigation that has ultimately led me to conclude that the investigation was corrupted and incapable of delivering justice to the affected parties.
66. As a starting point I refer the Commission to the previously mentioned IR prepared by Sergeant Trichias.¹⁴ The report identifies the reliability of the report as '*completely reliable*' with the '*report confirmed*'. Whilst I concede that sections of the IR that I am referencing have been redacted there is nothing in the report that reveals how the investigator has arrived at the conclusion that the information provided was completely reliable and had been confirmed.
67. The report clearly states that ^{Mr Gregory} received information from David Waters and Glen Saunders in relation to the address/details of the deceased leading up to the murder. The report further states that checks were conducted by unknown persons and supplied to Waters who in turn provided ^{Mr Gregory} with the address. By contrast that information is in conflict with the information contained in the second statement made and signed by ^{Mr Gregory} to James O'Brien.¹⁵ That statement contains the first reference by ^{Mr Gregory} to Police involvement in the murder, where he quite clearly states that he asked the undersigned to obtain the address of

¹³ Sworn Affidavit by Rodney Graham Wilson, dated 2nd November 2007

¹⁴ Information report submitted by Sergeant Peter Trichias – Reference: Report Number: Op. Clonk 1

¹⁵ Copy of typed statement purporting to have been signed by ^{Mr Gregory} on 17/02/2007 and witnessed by James M O'Brien

Chartres Abbott and that the undersigned supplied those details to him on a slip of paper. There is no reference in that statement or any of the other statements that he made implicating Glen Saunders.

68. The same IR states that on 09/10/2006 when Detective Schulz was taking a statement from Mr Gregory that he indicated to the members present that on 04/06/2003 he attended at the Prahran Police Station where he was bailed in relation to a warrant of apprehension. What is not revealed in that IR but was revealed some eight(8) years later when under cross examination at the trial of Goussis, Shea and Perry, that Detective Schulz prompted Mr Gregory recollection of the execution of the warrant by providing Mr Gregory with phone records that showed him calling the Prahran Police Station on the day before the murder.¹⁶
69. Furthermore, there is no reference in the IR that the execution of the warrant was to create an alibi to cover his movements on the day of the murder. And in spite of this revelation by Mr Gregory to investigators there is no reference concerning the execution of the warrant in the statement that was obtained that day by Schulz. We have to wait until 17/02/2007, more than four (4) months later, for Mr Gregory sworn statement where he refers to the execution of the warrant on the day of the murder. And for the first time, it would appear, Mr Gregory states that one of the reasons for the execution of the warrant on that day was to provide him with an alibi that would account for his movements on that day.¹⁷
70. For some reason Glen Saunders' name is not mentioned after the IR entry on 19/12/2006 – the reason for this might be found in the redacted sections of the said IR. At this stage one can only speculate on why Glen Saunders, who was initially nominated as a person supplying Mr Gregory with information relating to the deceased address, disappears off the radar completely. But this is but another example of Mr Gregory ever changing story.
71. This method of obtaining information from and then ultimately committing Mr Gregory to a statement at a later date, is a constant thread that weaves its way throughout Mr Gregory dealings with the Briars Task Force. An analysis of the Briars investigation reveals that Mr Gregory consistently reveals a pattern of conduct where Mr Gregory consistently provides information that is at best general and lacking specificity – the investigators then check the information for its veracity. Then one of two things would happen. They would either challenge Mr Gregory with facts they were found to be inconsistent with his account of events and allow him to weave another version of his story to suit the facts or just bury anything that was found to be an inconvenient truth. Throughout the investigation, there are a number of instances where the information initially provided by Mr Gregory did not stand up to scrutiny – when confronted with this, Mr Gregory is allowed to shift and alter his evidence to suit the circumstances – I refer the Commission to the Cross examination of Detective Iddles at the Melbourne Committal Hearing in March of 2013.¹⁸
72. Mr Gregory testimony formalised in six(6) statements taken over a period of six(6) years shifts and changes like the sand dunes of the Kalahari desert. There is no better example of this than in his testimony relating to the disposal of the gun after the murder that culminated in his 2012 statement. In 2012, Mr Gregory made a statement that was in stark contrast to his two earlier versions, where he claims that he gave the gun to Dave Waters shortly after the murder.¹⁹
- [REDACTED]
73. I have previously mentioned that it was my testimony at my second appearance before the OPI that Bernie Balmer acting in his role as Mr Gregory's solicitor had contacted me and arranged the date, time and place of execution of an outstanding warrant of apprehension on his client. I believe that he later corroborated my account when examined by the OPI. He later gave sworn evidence for the defence at the trial of Goussis, Shea and Perry where he confirmed that he alone was responsible for the organising the date, time and place of

¹⁶ Cop phone records 'prompted' vampire murder witness – The Australia May 21, 2014

¹⁷ Copy of typed unsigned statement purporting to have been signed by Mr Gregory on 17/02/2007 and witnessed by James M O'Brien

¹⁸ Transcript of proceedings Melbourne Magistrates Court 19/03/2013 Pages 18 -20

¹⁹ Copy of typed statements

execution of the warrant of apprehension. In response ^{Mr Gregory} during cross examination at the trial of the three(3) accused, accused Balmer of fabricating his evidence.

74. Despite the significance of Mr. Balmer's evidence, I do verily believe that at no stage has a member of the Briars Task Force contacted Mr. Balmer and taken a statement from him in relation to this matter. This lack of interest in Balmer's testimony beggars belief as it calls into question a claim that underpins ^{Mr Gregory} allegations of Police corruption. To be generous, it would appear that the Briars Task Force Investigators have been in denial as to the significance of Bernie Balmer's testimony and treat it more as another inconvenient truth.
75. During the course of my testimony at the 2nd OPI hearing I was asked how many times had I met with ^{Mr Gregory}. To the best of my recollection I gave sworn evidence that over a 28 year period I had six (6) contacts with ^{Mr Gregory}, with four (4) of those contacts being incidental. Of the other two (2) contacts, one concerned the execution of the warrant.
76. The other contact was organised by [REDACTED] who had rung me and asked if he could meet as he wanted to introduce someone to me. I arranged to meet [REDACTED] outside the National Gallery Victoria (NGV) that morning. At the time I was recovering from nose surgery and was living in Southbank. I believe the year was 2000 – a more accurate date could be ascertained from Police records as the surgery was to correct an injury suffered whilst performing operational duties.
77. On my arrival at the NGV, [REDACTED] was waiting for me standing next to his car. He introduced me to his passenger, a male person who I knew to be ^{Mr Gregory}. Contrary to what ^{Mr Gregory} had told Briar's Task Force investigators, the purpose of the meeting was to see if I could get [REDACTED] out of custody on what was then known as a Section 465 warrant and drive him down to [REDACTED] so that he could visit [REDACTED]. At the time [REDACTED] was serving a sentence for [REDACTED] I told ^{Mr Gregory} ^{Mr Gregory} that what he was asking was not possible. I told him that I could make enquiries and establish if there was a procedure for [REDACTED]. With that the meeting concluded.
78. I later contacted Kaye Murphy who I recall was either working in the Prison Squad or with the Department of Corrections at the time. I had worked with Kaye when I was a detective in the Armed Robbery Squad. Kaye told me to get ^{Mr Gregory} to contact her as she could make the appropriate arrangements to have [REDACTED]. I recall that I passed that information onto [REDACTED] to pass onto ^{Mr Gregory}.
79. It is my understanding that Kaye Murphy was never interviewed by members of the Briars Task Force in relation to this matter.
80. It is my understanding that Briar's Task Force Detectives interviewed [REDACTED] on two (2) occasions in relation to the information ^{Mr Gregory} had provided them concerning the above meeting. On the second occasion a statement was taken from [REDACTED] dated 24 July 2008, where he clearly corroborates the sworn testimony that I later gave to the OPI Hearing. I have only just received a copy of a typed written statement that purports to be a copy of the statement made by [REDACTED] – I refer the Commission to that Statement.²⁰
81. ^{Mr Gregory} statement in relation to this meeting is revealed in his sworn statement to Ron Iddles dated 10/05/2007. In that statement ^{Mr Gregory} reference to the meeting is general and lacks specifics. It does reveal that there was a meeting outside the NGV in which [REDACTED] was present. There is a vague reference that the purpose of the meeting was to get me to provide him with some details in relation to a money dispute. In an IR submitted by Iddles at that time there is reference to more specific details such as the name of the person ^{Mr Gregory} wanted checked, the scope of the enquiry ^{Mr Gregory} wanted me to carry out and the amount of money owed. And there is further reference that I met with him a week later and gave him the

²⁰ Copy of typed written statement that purports to be a copy of the statement made by [REDACTED] to Inspector Steve Waddell dated 24/07/2008

information he was seeking. Yet none of that detail is recorded in the statement that ^{Mr Gregory} provided.

82. For the record, on 27/07/2007, Ron Iddles submitted an IR dated 27/07/2007. The IR documents information from ^{Mr Gregory} that he met with the undersigned in the company of ^{Mr Gregory} outside the National Gallery as ^{Mr Gregory} was seeking details on a ^{Mr Gregory}. He claims that he wanted details about ^{Mr Gregory} addresses including a check to see what prior convictions ^{Mr Gregory} had in London. It is further claimed that the undersigned got back to him a week later and gave him the details that he wanted. The same IR records that on 31/07/2007 a LEAP audit was requested on ^{Mr Gregory} for the period ranging from 01/02/1996 to 06/06/2003. The results of that audit found that I had not checked that name. A second LEAP audit was carried out going back to the start of LEAP and again it was found that I had not checked that name – I refer the Commission to that IR.²¹ I would urge the Commission to compare ^{Mr Gregory} statement of 10/05/2007 with the information contained in IDDLE'S IR.
83. The information recorded in the above IR was available to Briar's Task Force members before my second appearance at the OPI when I was questioned about my dealings with ^{Mr Gregory}.
84. By the time of the 2nd OPI hearing there is a clear and distinct pattern of ^{Mr Gregory} providing investigators with :
- inconsistent and varying accounts of his and other individuals' involvement in a murder of Chartres-Abbott; and
 - information that does not stand up to scrutiny and which is excluded from his formal statements
85. I gave sworn evidence before the OPI hearings that was substantially corroborated by the sworn testimony of Bernie Balmer, a respected member of the legal profession, that seriously called into question the integrity of ^{Mr Gregory} account.
86. I would have thought that under normal circumstances investigators would have by now started to have reservations about the veracity of ^{Mr Gregory} testimony. At the very least there were sufficient grounds for them to revisit ^{Mr Gregory} testimony and carry out a forensic examination of the information that he had provided.
87. But this was no normal investigation. Simon Overland, the Assistant Commissioner for Crime was heavily invested in the outcome of this investigation. It was Overland who described ^{Mr Gregory} allegations as a 'show stopper'.²² He was desperate to connect David Waters and I to the gangland murders. In Overland's words, 'I am happy to concede that there is now evidence allegedly linking police corruption and organised crime killings'²³ Someone at that stage should have advised Overland that he was overreaching by stating that the murder of Chartres-Abbott was in any way related to the gangland murders. Furthermore, I am not sure why a high ranking officer with Victoria Police would be publicly announcing that he was 'happy to concede'. And of course let's not forget that he was eager for Iddles to arrest and charge both David Waters and I with the murder of Chartres-Abbott.
88. Had a forensic examination been carried out on the information provided by ^{Mr Gregory} there would have been legitimate concerns regarding the veracity of his account. It would have revealed, in addition to the matters that I have dealt with, problems with the following aspects of ^{Mr Gregory} account:
- times and especially travel times– I have serious concerns that the times he has given would not stand up to scrutiny
 - his account of how he committed the murder does not match the forensic evidence – ^{Mr Gregory}

²¹ Information Report Number BRIARS-139, dated 27/07/2007

²² The Sydney Morning Herald – Policeman in the firing line June, 15 2010

²³ Police tied to underworld hit – Nick McKenzie The Age September 14 2007

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

- the fact that he did not take possession of the white Commodore he states that he used in the commission of the crime until three(3) weeks after the commission of the crime
 - the location of where he claims to have carried out surveillance on the deceased's address – apparently you cannot see the house in question from where ^{Mr Gregory} claims to carried out his surveillance
 - his account of disposing of the weapon he says he used in the murder – he states that he stuck it in a metal tin full of grease whereas it was discovered in a Tupperware container
 - despite the thousands of investigative hours devoted to poring over telephone and financial records, monitoring telephone intercepts and carrying out interviews the investigation had failed to provide one single bit of evidence that corroborates ^{Mr Gregory} claim that I had a cosy relationship with him
 - there is no corroboration of ^{Mr Gregory} claim that I had lunch with him
 - there was no evidence that I had accessed any records held by any statutory authority in relation to the deceased's personal details
 - apart from two(2) telephone calls to the Prahran Police Station on or about the day of the murder the investigation could not corroborate ^{Mr Gregory} claim that I had a cosy relationship with him – in fact they had established that ^{Mr Gregory} phones did not contain my telephone number and that I did not have his phone number in my contacts – in fact they had established that I had never rang him on his telephone and he had never rang me on mine
 - there was no evidence of any written or verbal correspondence between ^{Mr Gregory} and I, no carrier pigeons, smoke signals, nor any other form of communication whatsoever.
89. To sum up the net result of their investigation, apart from corroborating ^{Mr Gregory} claim that I had executed a warrant of apprehension, a claim that has never been in dispute, there was no evidence supporting ^{Mr Gregory} claim that I or David Waters was complicit with him in the murder of Chartres-Abbott.
90. I do not know why ^{Mr Gregory} was not asked to do a video recorded re-enactment, especially given the seriousness of the allegations. Ron Iddles' claim that he had not seen a re-enactment carried out in the last 15 years²⁴ is just deliberately misleading. In fact, ^{Mr Gregory} was going to participate in a re-enactment of the Lewis Moran murder but pulled out at the last minute. The use of re-enactments has been used by the Homicide Squad and is a powerful investigative tool that can corroborate a witness's testimony. Conversely, it can also expose and call into question a witness's account of events. Had a re-enactment been done it would have exposed the many inconsistencies which plagued ^{Mr Gregory} story.
91. Given the paucity of corroborative or supporting evidence I am at a loss to know why in November 2007 Detective Senior Sergeant Ron Iddles gave sworn evidence before the Honourable Justice Whelan in the Melbourne Supreme Court in response to this question from Mr Dan for the Director of Public Prosecutions, *'Lastly, have you in your investigations had the opportunity to work out whether there is any support for the matters that are contained in ^{Mr Gregory} Statement?'* To which Iddles responded, *'There is corroboration of certain parts of the statement and there is support for the majority of the statement'*
92. This statement to the Supreme Court by the much venerated and distinguished Detective Iddles with years of Investigative experience behind him was misleading and designed to influence his Honour Justice Whelan to provide a favourable outcome for ^{Mr Gregory}. The records will show that whilst ^{Mr Gregory} was convicted for the murder of Chartres-Abbott (by his own admission) he did not receive any extra Jail time. But on a for more ominous note Iddles' testimony meant that the sentence handed down by Justice Teague in relation to the murders of Caine and Moran would not be revisited i.e. he would only to have to serve out 19 years of his sentence.

²⁴ Transcript of Proceedings Melbourne Magistrates Court 19/03/2013

Access to Chartres-Abbotts Australian Tax Office File

93. Briars Investigators discovered that on 01/04/2003 the taxation file relating to Chartres-Abbott was unlawfully accessed. At the time of the access Peter Spence, who was in the employ of the ATO, was travelling to Albury. Bob Hynninen a fellow employee of the ATO, was working that day at the ATO's Albury office. Both Spence and Hynninen were former members of Victoria Police.
94. The theory put forward by the Briars task force was that Peter Spence who had once worked with me had contacted Hynninen and asked him to check the ATO's file on Chartres-Abbott. The theory was that Hynninen at Spence's request accessed Chartres-Abbott file using another employee's computer. Hynninen then passed on the information to Spence who in turn passed it on to me and that enabled the undersigned to provide ^{Mr Gregory} with the Chartres-Abbott's address.
95. There are a number of problems with this theory. The first being the timing of the unlawful access. Depending on which of ^{Mr Gregory} versions you wish to accept ^{Mr Gregory} was not approached to deal with Chartres-Abbott (at the earliest in May of 2007) was at least one (1) month after the Chartres-Abbott file had been accessed. ^{Mr Gregory} may be capable of many things but he is certainly not prescient. You might have thought that a simple calculation would have killed this theory.
96. Alas that was not be the case. Briars task force detectives travelled up to Albury to interview [REDACTED] the employee whose terminal was used to access the file. At the time her terminal was accessed she was working but was eight (8) months pregnant. Far from distinguishing themselves the Detectives accused [REDACTED] of being a [REDACTED] who was having an affair/relations with a Police Officer in Melbourne. For the record, I understand that she is not [REDACTED] and was not having relations with anyone in Melbourne. During the course of the interview I believe that she advised the investigator concerned that she believed that an employee by the name of Gerhard Zimmerman was responsible for accessing her computer. Her belief that Zimmerman was responsible was based on the following:
- At the time Zimmerman worked along side of her in the next cubicle
 - due to her condition she was often required to take toilet breaks providing Zimmerman with the opportunity to access her computer. &
 - Zimmerman had a history of unlawfully accessing ATO files.
97. I believe that Zimmerman was interviewed and he denied accessing the Chartres-Abbott file
98. Bob Hynninen was interviewed in relation to this matter where he denied accessing [REDACTED] computer. Bob searched his phone records and has been able to prove from those records that it was physically impossible for him to have accessed the computer terminal in question as the phone records placed him in another part of the ATO complex at least half an hour away from the computer terminal.
99. In 2013 Hynninen and Spence interviewed and took a statement which Zimmerman signed. In that statement he confessed to unlawfully accessing Chartres-Abbott file. In his statement he reveals that he was employed by the ATO as a low level clerk from 1986 until 2004 when his employment was terminated. He admitted between the years 2000 to 2004 he would routinely access the ATO computer system to search for the personal information of friends and acquaintances where he would maintain a birthday book. Occasionally he would search people he had read about in newspaper articles one such check being on Shane Chartres-Abbott.
100. Hynninen and Spence, who passed away last year, for some inexplicable reason remain suspects for the murder of Chartres-Abbott. Despite providing Victoria Police with Zimmerman's statements and Hynninen's phone records that clearly show that they were not responsible for accessing Chartres-Abbotts ATO file Victoria Police as recently as this year

advised Hynninen that he remains a suspect. For further information in relation to this matter I would urge the Commission to refer to Hynninen's submission.

Conclusion

101. Despite an exhaustive multi-million-dollar investigation by Victoria Police that spanned at least six (6) years and involved the intercept of fifty-five telephones, the investigation has not resulted in one (1) successful conviction. The reason: the investigation was utterly flawed from the outset with its reliance on the testimony of ██████████ who has had a shameful history of lying and manipulating the legal system to his benefit. The fact that ^{Mr Gregory} testimony it spanned six (6) years is an indictment of the investigation – it reveals a slavish desire to believe that ^{Mr Gregory} was telling the truth when all else was indicating otherwise. The scale and scope of the investigation was unprecedented and unnecessary. It failed to serve the interests of the Victorian Community. It derailed a homicide investigation and made it impossible to bring to justice the perpetrators of this heinous crime. Victoria Police needs to be held to account – the failings of this investigation need to be identified and made known so it may never be repeated again. And finally, ^{Mr Gregory} needs to be exposed and held to account as a pathological liar who for six (6) years strung Victoria Police along with his lies.

102. I conclude this submission with the following comments by Geoffrey Robertson:
*'.....in England its justice was been called into question by the dawning realisation of the wrongfulness of the convictions of the Birmingham Six, the Guildford Four, Judith Ward and others. The message of these miscarriages was more complicated, but essentially the same: they had been caused by State Agencies police and prosecutors and Home Office scientists – who had been so blind to the possibility of innocence they had withheld, as irrelevant, information consistent with it.'*²⁵

103. This submission has been made without the benefit of legal advice. I am currently in the process of seeking legal advice. Due to time constraints I have not been able to finalise that process prior to the closing date for submissions. I anticipate that once I am in a position to instruct a solicitor to act for me and subject to advice I believe I may have to provide a supplementary submission. To that end, I reserve the right to provide the Commission with a supplementary submission should the need arise.



Peter Lalor
15/03/2019

²⁵ The Justice Game – Geoffrey Robertson published by Vintage 1999