

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

**SUPPLEMENTARY STATEMENT OF DALE STEPHEN FLYNN**

1. My full name is Dale Stephen Flynn.
2. I have previously made a statement to the Royal Commission into the Management of Police Informants dated 17 June 2019 and gave evidence before the Royal Commission in September and October 2019.
3. I make this supplementary statement in response to an email request from the Royal Commission dated 27 April 2020. It is produced in response to a Notice to Produce.
4. In preparing this statement I have relied upon my best recollection of these matters as well as materials located and shown to me by my lawyers, as referred to below. I am informed that other materials are also currently being searched for by Taskforce Landow.

**Telephone intercept processes at Purana**

5. I was a Detective Sergeant at the Purana Taskforce from 21 November 2005 and, from June 2007, a Detective Senior Sergeant until I moved to the Drug Task Force on 21 January 2008. Although I officially commenced at Purana on 21 November 2005, my diary records that I had a number of existing work commitments and personal leave, which meant that I wasn't able to focus the majority of my time on Purana investigations until 20 February 2006.
6. I have not now been involved in applying for telephone intercepts (TIs) or surveillance devices (SDs) since 2013. However, my recollection of the general process that was followed while I was at Purana is as follows:
  - a) Once a decision had been made to apply for a TI or SD, an investigator would draft a chronology of the evidence relied on in support of the application. I don't believe that I personally drafted any of these chronologies while at Purana. I believe that it is more likely that members of my crew drafted the chronologies.
  - b) The chronology, together with an application/authorisation form needed to be approved by the investigator's Inspector, before being forwarded to the Special Projects Unit (SPU).

- c) The SPU affidavit preparation service (APS) drafted the affidavit based on the chronology provided by the investigator. There may be a series of communications between the APS and the investigator before the content of the affidavit is settled.
  - d) Once the content of the affidavit is settled, the affidavit was sworn by the Senior Sergeant in charge of the APS, generally Senior Sergeant Russell Fletcher.
  - e) Once the content of the affidavit was finalised, an investigator needed to sign a standard paragraph verifying the accuracy of the information set out in the affidavit. I believe that Victoria Police practice at the time preferred that this be signed by the crew sergeant.
  - f) After I had signed an affidavit verifying its contents, the making of the application required approval through my chain of command by completion of an authorisation form. I have been shown by my lawyers a form titled "Special Projects Unit Telephone Intercept Authorisation Form"<sup>1</sup>. I can't now recall whether this was the exact form used at the time, but it looks familiar to me.
  - g) Applications for TIs and SDs were made by the SPU. Investigators were not involved in the application process and generally were not provided with access to any warrant/s obtained. I am not aware of whether legal advice was obtained by SPU.
  - h) If a TI was granted, the SPU monitored the calls and prepared summaries that were made available to investigators. All of the investigators in my crew would have had access to the TI summaries and could arrange to listen to the TI recordings. At times, when significant events were occurring, there were occasions when several investigators including myself would listen to the calls.
7. There was a standard practice in place whereby SPU would quarantine some calls from investigators. This included calls that may be subject to legal professional privilege. This process remained in place even after Purana had its own monitors.
8. I recall that the SPU would also quarantine calls from investigators where the calls involved alleged misconduct by serving police members. The content of these calls would be shared only with the Professional Standards Command.

### **Purana TIs relating to Ms Gobbo**

#### TI warrant D02675

9. I have been shown by my lawyers an affidavit that was relied on by Victoria Police to obtain a warrant (D02675) authorising the interception of a telephone used by [REDACTED]

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<sup>1</sup> VPL.0005.0293.0001.

██████████<sup>2</sup> I am informed by my lawyers that this affidavit had not been produced to the Royal Commission at the time my statement was prepared, although it was produced before I gave evidence. I was not shown this affidavit prior to giving evidence.

10. The affidavit is sworn by DSS Russell Fletcher. I have signed the affidavit to certify the accuracy of the underlying information. The certification signed by me reads:

The contents of this affidavit are true and correct and include all information, facts and matters relevant to the making of an application for a warrant including any information, facts and matters that may be exculpatory of the person(s) to whom the application relates.

11. I have been asked whether I had any involvement in preparing this affidavit. I do not believe that I had any input into the preparation of this affidavit and that it was prepared by Detective Senior Constable Paul Rowe. I believe this to be the case because I did not formally commence full time in my role at Purana until 20 February 2006, as explained above. Also, my diary records that on 20 February 2006 I was briefed by DSC Rowe regarding current TIs relevant to Operation Posse including a “current application at SPU ██████████”. Also, I have been informed that DSC Rowe’s diary records that on 20 and 21 February 2006 one of the tasks he undertook was to “prepare and submit TI SPU App re ██████████”.

12. I have a note in my diary dated 23 February 2006 of signing this affidavit then speaking to Acting Inspector Jim O’Brien prior to delivering the affidavit to the SDU. When signing an affidavit to verify its contents my usual practice would be to read the affidavit and, if I had any questions about the information contained in it, to ask questions of the investigator who was involved preparing the affidavit. Based on my usual practice, I believe I would have had a discussion with AI O’Brien, prior to him signing the authorisation form, as part of the required approval process through my chain of command. I believe I then conveyed the signed affidavit and authorisation form to the SPU. I have been informed by my lawyers that a completed authorisation form has not been located.

13. The affidavit refers to information supplied by Ms Gobbo, referred to by her human source number 21803838. I have been asked why the affidavit did not reveal that Ms Gobbo was a barrister who had acted for ██████████ and some of the other persons named in the affidavit. As explained in my evidence before the Royal Commission, I would not have considered revealing this information because all of my Victoria Police training and experience had emphasised to me the importance of not revealing any information that could lead to the identity of a human source. I was aware of the high risk faced by Ms Gobbo if her role as a human source was to become known. This would have been the overriding consideration to me. I did not appreciate at the time the

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<sup>2</sup> VPL.2100.0008.0001.

significance of Ms Gobbo's role as a barrister acting for [REDACTED] and potentially others, while also acting as a human source.

14. On 24 February 2006 my diary records that the TI under warrant D02675 commenced operation.
15. On 26 February 2006 my diary records that I attended the SPU and listened to calls 1-80 made by [REDACTED].
16. My diary records that I had further contact with the SPU in the period leading up to [REDACTED] arrest. This contact related to the monitoring of [REDACTED] calls and his movements and whereabouts. These enquiries would have been directed towards identifying the location of the lab.
17. In the time available, I have not reviewed my diaries for any references to communications between myself and the SPU in the period after [REDACTED] arrest.

Other TI warrants obtained using information provided by Ms Gobbo

18. I have been informed by my lawyers that, in addition to warrant D02675, Taskforce Landow have located a further six affidavits that were signed by me to certify the accuracy of the underlying information and which refer to information provided by informer 3838:

No.	VPL Ref.	Warrant No.	Date affidavit signed by Flynn	Target	Operation Name
1	VPL.2100.0008.0001	D02675	23/02/06	[REDACTED]	Posse
2	VPL.2100.0001.0001	D02684	14/03/06	[REDACTED]	Posse
3	VPL.2100.0003.0055	D02705	29/03/06	[REDACTED]	Posse
4	VPL.2100.0006.0022	D02703	29/03/06	[REDACTED]	Posse
5	VPL.2100.0008.0034	D02704	29/03/06	[REDACTED]	Posse
7	VPL.2100.0008.0079	VP068	20/04/06	[REDACTED]	Posse
6	VPL.2100.0004.0001	D02715	21/04/06	[REDACTED]	Posse

19. I have been informed by my lawyers that these affidavits had not been produced to the Royal Commission at the time my statement was prepared, although they were produced before I gave evidence. I was not shown these affidavits prior to giving evidence.
20. Like the affidavit that was relied upon to obtain warrant D02675, I believe that these affidavits would have been prepared by a member of my crew, most likely DSC Rowe,

and that I subsequently signed the affidavit to certify the accuracy of the underlying information as the crew sergeant.

21. I am informed that DSC Rowe has a record in his diary of preparing the SPU TI applications and updates for [REDACTED]. It is possible that other members of my crew were involved in the preparation of these affidavits. My crew at the time consisted of Detective Senior Constables Ang Hantsis, Paul Rowe, and Craig Hayes and Officer Graham Evans.
22. I have records in my diary of the following:
- a) On 14 March 2006 I checked and signed a TI affidavit regarding [REDACTED]
  - b) On 29 March 2006 I proof read and signed affidavits relating to [REDACTED] and [REDACTED]
  - c) On 20 April 2006 I read and signed an affidavit regarding surveillance of [REDACTED]; and
  - d) On 21 April 2006 I checked and signed an TI regarding [REDACTED]
23. I can't recall listening to TI's involving conversations between Ms Gobbo and these targets but it is likely that I would have listed to some intercepted conversations.

#### Other warrants

24. I have reviewed my diaries from 21 November 2005 to the date of [REDACTED] arrest. I have identified the following entries that indicate my involvement in checking and signing affidavits additional to those that are referred to above. I have been advised by my lawyers that Taskforce Landow are currently seeking to locate these affidavits:
- a) On 24 February 2006 my diary records that I checked and signed an affidavit for a listening device in relation to [REDACTED]
  - b) On 14 March 2006 my diary records a reference to an update for a listening device in [REDACTED] car.

#### **Disclosure of TI material in subsequent prosecutions**

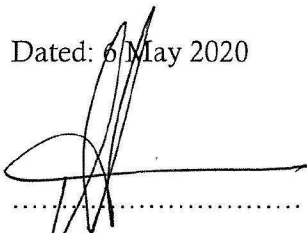
25. It was up to the informant in respect of each prosecution to prepare a brief of evidence and decide whether to include TI or SD material in the brief or otherwise disclose such materials to defence. As a Sergeant in charge of a crew, I was available for discussions with the informant about what would and would not be included.
26. To the best of my recollection and based on the material reviewed by my lawyers I was not the informant in relation to any of the prosecutions brought against accused persons where [REDACTED] was a witness, save for prosecutions relating to Operations Op2 [REDACTED] and Landslip. The informants in some of the other prosecutions were members of my crew.

27. As the crew sergeant I checked briefs of evidence prepared by members of my crew. However, I did not have sufficient knowledge of the details of the TIs to be able to offer a view as to whether certain calls not included in the brief should have been included.
28. I was the informant in relation to the Op2 charges brought against Tony Mokbel, Milad Mokbel, Jacques El-Hage and Ibrahim Kurnaz and the Operation Landslip charges brought against Tony Mokbel and Kabalan Mokbel.
29. I have been shown the index to the Op2 brief of evidence. On reviewing this index, to the best of my knowledge and recollection, there was no evidence relied upon in this brief that relied upon warrants that were obtained in 2006. The brief of evidence included TI material from 2003.<sup>3</sup>
30. I have been shown the index and exhibit list from the Landslip brief of evidence. The brief included TI material obtained pursuant to warrants numbered D02924 (Abdallah Radi) and D3125 (Wayne Patrick Finn).<sup>4</sup> I have been advised by my lawyers that Taskforce Landow are seeking to locate the affidavits relied upon to obtain these warrants. I cannot now recall whether these affidavits contained any information provided by Ms Gobbo.
31. Where intercepted calls and warrants were included in briefs of evidence, I believe that it would have obvious to lawyers reading the brief that other intercepted calls existed. I recall that on occasion defence lawyers would ask for access to TI materials that were not included in the brief. Where such requests were made, arrangements would be made for them to listen to the calls.

### **Retention of TI material**

32. I do not recall receiving any communications from the SPU regarding destruction of the TI material gathered by the Purana Taskforce. I am aware that the destruction of this material is governed by legislation.
33. I have not been asked by Taskforce Landow or anyone else about the retention of TI materials related to Operation Posse or involving Ms Gobbo.

Dated: 6 May 2020



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Dale Stephen Flynn

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<sup>3</sup> VPL.0203.0001.0053 at .0055.

<sup>4</sup> VPL.0204.0008.0009 at .0012; VPL.0204.0008.0025 at .0035.