

**Royal Commission****into the Management of Police Informants****FURTHER SUPPLEMENTARY STATEMENT OF TIM GEOFFREY JOHNS**

- 1 My full name is Tim Geoffrey Johns.
- 2 I make this statement pursuant to an email request from the Royal Commission into the Management of Police Informants dated 29 April 2020. This statement is produced to the Royal Commission in response to a Notice to Produce.
- 3 I have previously made statements to the Royal Commission dated 11 December 2019 and 18 February 2020 and gave evidence before the Royal Commission on 20 February 2020.

**Telephone Intercept Process at Purana**

- 4 Since leaving Purana Taskforce in May 2009, I have not been involved in an investigation requiring the application for a telephone intercept (TI) warrant, however to the best of my recollection the process for obtaining a TI warrant was generally as follows:
  - (a) An investigator would gather as much intelligence as possible to prepare an affidavit to make an application to intercept a telephone;
  - (b) The application was made through the Special Projects Unit (SPU) and an officer from the Affidavit Preparation Section (APS) would prepare the Affidavit on the investigator's behalf. The particular APS officer would be briefed on the specific investigations;
  - (c) I recall the Senior Sergeant in charge of the APS formally swears the affidavit, on the basis of information provided by investigators seeking the warrant. The relevant investigator also swears to the content of the affidavit;
  - (d) The application was then sent to the Administrative Appeals Tribunal to determine whether or not it would be granted;



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- (e) If the warrant was granted, the TIs were set up and the telephones the subject of the warrant were monitored [REDACTED] at the SPU. Purana was slightly different because the taskforce had its own [REDACTED] so we had more direct contact with them and would generally receive a daily briefing. All calls were still monitored initially by SPU staff prior to the Purana [REDACTED] listening to the calls. A computer system called [REDACTED] was used to monitor and summarise the calls;
- (f) I was aware that calls that may have been deemed LPP by SPU [REDACTED] were redacted from the [REDACTED] computer system. The audio of the calls were not available to be listened to by investigators. If [REDACTED] determined a call/text message to be relevant to a particular investigation, the investigator would be notified;
- (g) The investigator would determine whether or not to include the call/text message in the brief of evidence or otherwise disclose them to the defence;
- (h) If a call/text message was determined to be relevant, it would be included in the hand-up brief and provided to the defence. The SPU would assist in facilitating that process;
- (i) From time to time, I recall defence lawyers requested to listen to calls that were the subject of the TI warrant and I would facilitate that in conjunction with the SPU;
- (j) I cannot recall the specifics of how long the material obtained under a TI warrant is retained however I think the *Telecommunications (Interception and Access) Act 1979 (Cth)* (TIA Act) governed those obligations.
- (k) I recall that an Informant or lead investigator would receive periodic chasers from SPU regarding whether TI material was still required. I also recall regular inspections of stored TI material by a Government monitor.

### Horty Mokbel Proceedings

- 5 Soon after I arrived at the Purana Taskforce in February 2006, I became aware that Dale Flynn's crew had a warrant for TIs over [REDACTED] phone. I was not



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however involved in the investigation leading up to [redacted] arrest or the monitoring of those TIs at that time. I also recall that a TI warrant was or had been in existence for Horty MOKBEL and a number of other targets when I commenced at Purana.

6 As set out in my first statement, I was the informant in relation to certain drug trafficking charges against Horty Mokbel. The charges related to both the chemicals found on [redacted] April 2006 and the [redacted] that had been [redacted] between Horty Mokbel and [redacted] in April 2006. Horty Mokbel was ultimately acquitted of these charges.

7 As the informant for these charges against Horty Mokbel, I prepared the brief of evidence. The brief of evidence included TI material as follows<sup>1</sup>:

Telephone Intercept Transcripts

Warrant [redacted] (Horty MOKBEL) Transcripts	995 - 1061
Warrant [redacted] Transcripts	1063 - 1073

8 The brief of evidence against Horty Mokbel included an exhibit list, which I completed. The exhibit list referred to the TI material relating to warrants [redacted] (H Mokbel) and [redacted] as follows<sup>2</sup>:

3. Telecommunications Certificate	Detective Senior Constable JOHNS	Certificate Issued Under Subsection 61(3) for warrant [redacted] (Horty MOKBEL)
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<sup>1</sup> VPL.0216.0003.0031  
<sup>2</sup> VPL.0216.0003.0098 at .0104-5

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44.	Telecommunications Certificate	Detective Senior Constable JOHNS	Certificate Issued Under Subsection 61(4) for warrant [REDACTED] (Horty MOKBEL)
45.	Telecommunications Certificate	Detective Senior Constable JOHNS	Certificate Issued Under Subsection 61(3) for warrant [REDACTED] [REDACTED]
46.	Telecommunications Certificate	Detective Senior Constable JOHNS	Certificate Issued Under Subsection 61(4) for warrant [REDACTED] [REDACTED]

- 9 The brief of evidence against Horty Mokbel included a Form 7A, which I completed. The Form 7A referred to the TI material and transcripts relating to warrants [REDACTED] (H Mokbel) and [REDACTED] as follows<sup>3</sup>:

<p>*4. The following is a list of other statements that are capable of being admitted into evidence relevant to the charge available to the informant but on which the informant does not intend to rely.</p> <p>Telephone Intercepts material and transcripts relating to warrants [REDACTED] (H. MOKBEL) and [REDACTED]</p> <p>(clause 6(1)(k) of Schedule 5 to the Magistrates' Court Act 1989)</p> <p>OR</p> <p><del>*4. There is no other statement that is capable of being admitted in evidence relevant to the charge available to the informant but on which the informant does not intend to rely.</del></p>
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- 10 As indicated in paragraph [68] of my first statement, I took a [REDACTED] from [REDACTED] [REDACTED] which was also included in the [REDACTED] and [REDACTED] ultimately [REDACTED] against [REDACTED]. I recall that I listened to some of the calls obtained under the warrant and included this TI material in the brief as it would corroborate the [REDACTED] that [REDACTED] was giving against [REDACTED].
- 11 Horty Mokbel was ultimately tried together with Toreq (Tony) Bayeh. I recall that two of the recordings were ultimately used by the defence in the trial.
- 12 The following entries in my diary indicate that I provided some TI material to Colin Mandy and to Sharon Cure, who was the barrister acting for Bayeh.<sup>4</sup>

17 September 2008

<sup>3</sup> VPL.0216.0003.0043

<sup>4</sup> VPL.0005.0249.0072 at 0094-0098



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1020	At Melbourne Supreme Court (County 5-1) MORZEL/BAYEN trial KELLY evidence, Request for BEALE
1130	Request for T1 disk of court for 017 number from both MORZEL/BAYEN phoned D/DC HANTIS re: above / to request for SP4 EPS
1415	BEALE evidence



258			
SEPT 08 Date / Time	Monthly Overtime _____	Monthly Court Hours _____	Re _____
Particulars of Duties			
	JOHNS evidence in chief		
	T1 disk delivered by Bernie DUNCAN Served on Sharon CURRIE Colt MANDY		

19 September 2008

08.0	collected 3 x T1 disks for Sgt Ter Nixon
0915	delivered to Colt MANDY 1 x disc + obtained receipt

22 September 2008

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call for cousin MANDY  
 RTO collected disc  
 delivered disc to Cite MANDY  
 AA Melbourne Supreme Court (Lady S.)  
 MOKBEL/BAYEL trial  
 [REDACTED]  
 JOHNS  
 Closing argument TINNEY  
 2/3  
 Continued closing argument TINNEY

- 23 I have been shown an extract of the trial transcript dated [REDACTED] 2008 from Horthy Mokbel's trial when [REDACTED] was being cross-examined by Steven Sherriffs, Senior Counsel for Horthy Mokbel.<sup>5</sup> Mr Sherriffs refers to two TI calls on [REDACTED] January 2006 which were intercepted telephone calls between [REDACTED] and Horthy Mokbel and a second call between Horthy Mokbel and his wife Roula, Mokbel.<sup>6</sup>
- 24 I would not have told the prosecution or the defence of the identity of any human sources involved. As indicated in my previous evidence to the Commission, it was consistent with my training that a human source's identity should remain confidential in order to protect their safety.
- 25 I otherwise vaguely recall listening to some intercepted calls obtained under warrants which involved conversations with or concerning Ms Gobbo. None of these calls contained LPP material and were general conversations involving meeting people at various locations. Due to the passage of time, however, I cannot be more specific.

#### Retention of TI material

- 26 During the course of this Royal Commission I have never been asked by Taskforce Landow or anyone else whether TI materials obtained by the Purana Taskforce still existed.

<sup>5</sup> VPL.6038.0035.6115

<sup>6</sup> VPL.6038.0035.6115, p 5, line 5-16



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Other matters

27 As indicated in paragraphs [11]-[14] of my first statement, I was the informant for the charges against Mr Irons /Bayeh. I know that the source of information that ultimately led to the intercept and arrest of Mr Irons was not Ms Gobbo.

28 I have nothing further to add.

Dated: 5<sup>th</sup> May 2020

  
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Tim Geoffrey Johns