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These claims are not yet resolved.

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

STATEMENT OF PETER JAMES STEWART

A. Introduction

1. My name is Peter James Stewart.
2. I held the position of Victorian Government Solicitor (VGS) from 9 August 2011 to 8 August 2016. Pursuant to the terms of my employment contract with the State of Victoria and the provisions of the *Public Administration Act 2004* (Vic), as the VGS I was responsible for the management and administration of the Victorian Government Solicitor's Office (VGSO) during that period.

B. Professional background

3. Prior to this role, I had the following roles:
 - (a) partner at Allens Arthur Robinson / Arthur Robinson & Hedderwicks, from 1993 to 2010;
 - (b) senior associate at Arthur Robinson & Hedderwicks, from 1990 to 1993;
 - (c) solicitor at Arthur Robinson & Hedderwicks, from 1989 to 1990;
 - (d) policy adviser in the Department of Premier & Cabinet, from 1983 to 1985 and 1986 to 1989;
 - (e) articled clerk at Arthur Robinson & Hedderwicks, from 1985 to 1986; and
 - (f) researcher at the Australian Law Reform Commission, from 1980 to 1982.
4. Following my term as VGS, I retired.

C. Request for witness statement from Solicitors Assisting the Royal Commission

5. By letter dated 12 August 2019, the Solicitors Assisting the Royal Commission requested that I prepare a statement addressing the following matters:

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- (a) provide details of how you learned, or were given reason to suspect or believe, that a person, who had ongoing legal obligations of confidentiality and privilege was providing information or assistance to Victoria Police, including when that occurred and in what circumstances that occurred;
- (b) detail how you learned, or were given reason to suspect or believe, that Ms Gobbo was providing information or assistance to Victoria Police, including when that occurred and in what circumstances that occurred;
- (c) detail of when or how it became apparent to you that Ms Gobbo was or might be a human source; and
- (d) provide any further details of any other matters within your knowledge potentially relevant to Terms of Reference 1 and 2 of the Royal Commission's Terms of Reference.

(the request)

6. I produce this witness statement pursuant to the Notice to Produce dated 18 September 2019 issued to me requiring its production to the Royal Commission.

7. This statement is true and correct to the best of my knowledge.

D. Operations of the VGSO

8. The VGSO is established as an Administrative Office under section 11 of the *Public Administration Act 2004* (Vic) (PAA), but the VGSO has no legal personality independent of the State. The VGS is the Administrative Office Head of the VGSO under section 12 of the PAA, and is responsible for the general conduct and the effective, efficient and economical management of the VGSO. The VGS, through the legal fiction that is the VGSO, acts as a legal practitioner for the State and its agents and emanations.

9. Staff of the VGSO are employed by the VGS on behalf of the State pursuant to section 20 of the PAA. During my time as VGS there was in the order of 240 employees of the VGSO, including in the order of 140 lawyers, in a mixture of full time and part time roles. Given the size of the VGSO, it is administratively organised into Branches. Legal staff are assigned to Branches according to their

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expertise, experience and interest and according to the needs of Branches individually and the VGSO as a whole. While staff are assigned to Branches, they may work across Branches and often staff in different Branches work together on particular matters.

10. During most of my time as VGS, there were five Branches. For all of my time as VGS, two of those Branches were the Litigation & Dispute Resolution Branch and the Police Branch (though from recollection each may have operated under slightly different branch names when I first came to the VGSO). Most legal work done by the VGSO for Victoria Police was done in one or other of those Branches. Police Branch, which is located at Victoria Police headquarters, largely handled what I would describe as day to day and operational police matters needing legal input (which often is of an urgent or short term nature), while Litigation & Dispute Resolution Branch handled larger or more long term matters such as civil claims against (and other significant litigation involving) Victoria Police, coronial inquiries involving Victoria Police and, often in conjunction with subject matter experts from other Branches, major advice work for Victoria Police.
11. Each Branch was managed by an Assistant Victorian Government Solicitor (AVGS). Within each Branch, lawyers were organised into teams, each of which was managed and overseen by a lawyer who was a Managing Principal Solicitor (MPS). Each MPS was responsible for supervising and overseeing the work done by his or her team. The line of authority/responsibility between a MPS and his or her Branch head (ie, the AVGS in charge of the Branch) was not rigid, meaning that there were certain types of legal work that were supervised and approved by a MPS without it needing to be further reviewed and approved by the AVGS and there were other types of legal work that needed to be supervised and approved by a MPS and, in turn, reviewed and approved by his or her AVGS. What work fell within which category would vary both within and between Branches, according to factors such as the nature of the work done in a Branch, the sensitivity of any particular piece of work, the size of the Branch, the experience of the lawyers holding MPS positions, and so on.
12. Most of the legal work done by the VGSO was done by the Branches and was done without the direct involvement of the VGS. But as with the relationship between

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AVGSs and their MPSs, as between me and the AVGSs there were certain categories of work that were expected to be brought to my attention and, as appropriate, be personally reviewed and approved by me. Again, what work fell within those categories was not fixed and would vary according to the sensitivity or novelty of particular matters, but as a general rule work directly for or involving (as contrasted with just being in the name of) Ministers, senior bureaucrats or judicial or statutory officeholders would go to me for final review and approval. Further, there was some legal work done or supervised directly by me, without the involvement of any AVGS. Again, the reasons for that would vary: often that was because it was a requirement of whomever was giving the particular instructions for the work to be done; sometimes it was because I considered that to be the most appropriate way for a particular matter to be handled. Sometimes it just worked out that way because, say, of the availability (or lack of availability) of the relevant AVGS to take responsibility at the time for the particular matter.

13. From time to time legal staff would consider it appropriate to tell me certain things about matters on which they were working, even though I otherwise had no involvement in or knowledge about the particular matter. The reasons for them doing so varied widely. Sometimes it would be because the matter, or particular aspects of it, were about to be in the public domain and it was possible I would be asked about it by third parties. Sometimes it would be because different State agents had different views about a particular matter and it was possible one or other of them would seek to contact me directly about it. Sometimes it would be because a matter had been or was thought likely to be raised in Parliament. Sometimes it would be because the client for whom the office was working was not satisfied with our legal services or the bill for them. Sometimes it would just be to tell me about a particular outcome in court or other dispute resolution forum. There could be a multitude of other reasons. In those circumstances, my general approach was to ask staff to tell me what I needed to know or give me what I needed to look at in order to have an informed meaningful discussion with them (or others) about the particular matter or the relevant aspects of it, but to not feel obliged to tell me everything about the matter (especially if there were confidential, or otherwise particularly sensitive, information attaching to it which I did not need to know for the purpose at hand).



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E. Response to the request

14. Prior to and after commencing as VGS, I was aware from media reports that a barrister, Ms Gobbo, had entered into a settlement agreement in relation to civil proceedings that Ms Gobbo had instituted against Chief Commissioner Simon Overland, former Chief Commissioner Christine Nixon, and the State. To the best of my recollection, those media reports contained information to the effect that Ms Gobbo's claim arose from or related to circumstances in which Ms Gobbo had rendered information or assistance to Victoria Police in connection with a criminal investigation being undertaken by Victoria Police.
15. On 3 October 2011, I received a telephone call from Ian Killey, a solicitor then working in the office of the Victorian Ombudsman. Mr Killey asked me whether VGSO would be in a position to provide any information (not being privileged or otherwise confidential information) to the Ombudsman's office in relation to the reported settlement between Ms Gobbo and Chief Commissioner Overland, former Chief Commissioner Nixon, and the State. I said to him that I would make enquiries and call him back.
16. I was aware at this time that VGSO was acting for Chief Commissioner Overland, former Chief Commissioner Nixon, and the State in litigation with Ms Gobbo. To the best of my recollection, I did not then know that David Ryan, a MPS in the Litigation & Dispute Resolution Branch, was running that file. Following Mr Killey's request, I made enquiries to find out who was running the file and was informed that Mr Ryan was doing so. I then asked Mr Ryan whether he was willing to talk with the Ombudsman's office about this proceeding, and he said he was. To the best of my recollection, I did not then ask Mr Ryan about the proceeding generally or ask him why the Ombudsman's office was interested in the proceeding, and he did not tell me.
17. On 6 October 2011, I telephoned Mr Killey and told him that the solicitor within VGSO with principal carriage of the matter, Mr Ryan, was willing to have a discussion with the Ombudsman's office about Ms Gobbo's claim against Chief Commissioner Overland, former Chief Commissioner Nixon, and the State, but that Mr Ryan first would like to understand the process proposed to be followed by the Ombudsman's office in undertaking that discussion. Mr Killey told me he would

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- talk to the relevant Ombudsman's office investigator and call me back. He telephoned me later that day and told me the investigator's name, Glen Sullivan, and that the investigator would call Mr Ryan directly.
18. To the best of my recollection, in my telephone conversations with Mr Killey, I did not seek from him, and he did not provide to me, any information about the nature of the inquiry or investigation being conducted by the Ombudsman's office.
 19. Other than the above telephone calls, I do not recall speaking with Mr Killey, or anyone else from the Ombudsman's office, about this enquiry.
 20. I believe I would subsequently have sought confirmation from Mr Ryan that the enquiry from the Ombudsman's office had been dealt with satisfactorily, but I do not specifically recall doing so. To the best of my recollection, I did not seek from Mr Ryan, nor did Mr Ryan provide to me, any information about the content of any discussions that took place between the Ombudsman's investigator and him.
 21. To the best of my recollection, the circumstances described above disclose how and when I was given reason to suspect or believe that Ms Gobbo had provided information or assistance to Victoria Police.
 22. At some time in what I believe to be either the last few months of 2015 or the first few months of 2016, at Mr Ryan's instigation I had a discussion with him in my office at VGSO about aspects of a matter in which VGSO was acting for Victoria Police. I do not recall the catalyst for that discussion or the substance of what we discussed. I do recall Mr Ryan saying to me that, for the purposes of our discussion, he needed to confirm to me that the person then being widely referred to in the media as 'Lawyer X' was Ms Gobbo. To the best of my recollection, that is when and how I was first told that Ms Gobbo was a human source.
 23. However, some time prior to this meeting with Mr Ryan, I had come to a personal belief that Ms Gobbo was the person referred to as 'Lawyer X' and was a human source. I recall telling Mr Ryan in that meeting that what he disclosed to me regarding Ms Gobbo's identity did not surprise me.
 24. I do not recall when I first came to hold the belief that Ms Gobbo was the person referred to as 'Lawyer X' and was a human source, but it came about in the



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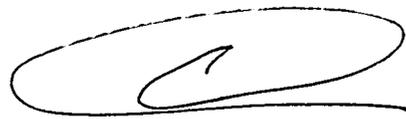
following circumstances. Throughout the period when I was VGS, there was substantial media reporting about, and speculation as to the identity of, the person whom the media referred to as 'Lawyer X'. The alleged activities, and speculation as to the identity, of 'Lawyer X' also were matters that from time to time were raised with me by persons outside the VGSO, in the course of my dealings with them. I also became aware in the course of the VGSO providing legal services to Victoria Police that: (a) the Ombudsman's office had interest in Ms Gobbo's legal dispute with Chief Commissioner Overland, former Chief Commissioner Nixon, and the State; (b) the VGSO was acting for Victoria Police to restrain media outlets from naming, or publishing information that would identify, Lawyer X; and (c) the VGSO was acting for Victoria Police in connection with Victoria Police's proposal that Ms Gobbo enter into the witness protection program.

25. To the best of my recollection, Mr Ryan resigned from his employment with VGSO in February 2016 and left the office in March or April 2016. I recall that, in the period from March or April 2016 to 8 August 2016 (when my employment contract expired and I left the VGSO), I had some discussions with Monika Pekevaska, the MPS who had taken over some of Mr Ryan's files, in relation to Ms Gobbo's interactions with Victoria Police. It is likely, but I cannot recall with certainty, that Shaun Le Grand, then the AVGS in charge of the Litigation & Dispute Resolution Branch, was a participant in one or more of those discussions. To the best of my recollection, those discussions were about differences of opinion that existed between Victoria Police, on one hand, and the Director of Public Prosecutions/Office of Public Prosecutions, on the other hand, concerning potential public disclosure of Ms Gobbo's role as a human source.
26. To the best of my recollection, the circumstances described in paragraphs 22 to 25 above disclose how and when it became apparent to me that Ms Gobbo was or might be a human source.
27. For the purpose of preparing this statement, Mark Dobbie, my solicitor, sought access to documents from the Solicitors Assisting the Royal Commission that had been provided by the VGSO to the Commission. I am informed by Mr Dobbie that a review of those documents was undertaken, and I have been shown three of them.

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28. The first, **VGSO.2000.1515.0429**, is a draft memorandum to counsel dated 7 September 2011, which is signed off “Peter Stewart, Victorian Government Solicitor, Per:” It was common practice for briefs to be signed off in this way, even when I had no personal involvement in, or knowledge of, the brief. Prior to seeing this document for the purposes of preparing this statement, I had never seen it nor did I have any personal involvement in, or knowledge of, the brief.
29. The second and third documents, being **VGSO.5000.0004.6960** and **VGSO.2000.0029.0127**, are court documents dated April 2014 and March 2015 respectively, each of which includes: the sign off “Peter Stewart, Victorian Government Solicitor”; my name printed above the sign off; and the handwritten words “per:” followed by a signature below the sign off. I did not sign those documents, and the words “per:” indicate that it was signed on my behalf for filing by someone else. I do not recognise the signatures. Prior to seeing these documents for the purposes of preparing this statement, I had never seen them nor did I have any personal involvement in, or knowledge about, their preparation. I was, however, generally aware that VGSO was acting for Victoria Police to restrain media outlets from naming, or publishing information that would identify, Lawyer X.
30. To the best of my recollection, I do not recall seeing any document prepared by VGSO relevant to the request. If relevant documents are identified, I would seek the opportunity to prepare a supplementary statement addressing those documents.

Dated: 19 September 2019



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Peter James Stewart