

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

**STATEMENT OF SHANE O'CONNELL**

1. My full name is Shane O'Connell. I am a former member of Victoria Police.
2. I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 19 March 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.
3. In the course of preparing this statement, I had access to materials including my diaries, my emails and transcripts of telephone conversations I had with Ms Gobbo. I have not referred to or described all of my many interactions with Ms Gobbo. I have provided an overview of the investigations and my involvement. I can provide further information about specific areas of interest to the Commission, if required.

**Detail your educational background and employment history, including progression through the ranks and roles assigned (Q1)**

4. I have annexed to this statement a detailed employment history.

**Detail your involvement or association, including the period of such involvement or association, with any investigation which had dealings in any way with Ms Gobbo (Q2)**

5. I had involvement with investigations which had dealings with Ms Gobbo as follows:

- (a) Purana Taskforce;
- (b) Petra Taskforce:
  - (i) Operation Loris;
  - (ii) Operation Adobe; and
  - (iii) Operation Queasy.

**Purana Taskforce**

6. In September 2003, I was a Detective Sergeant at the Arson Squad. Victoria Police called for expressions of interest to transfer into the Purana Taskforce. I volunteered and took up at the Purana Taskforce in September 2003<sup>1</sup>.

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<sup>1</sup> VPL.0100.0260.0001.

7. When I got to Purana, I was tasked to the murder investigation of Mark Mallia. To the best of my recollection, I did not have any involvement with Ms Gobbo in the conduct of that investigation.
8. In November 2003, my crew was tasked to investigate certain telephone calls said to have been made by Carl Williams that were alleged to amount to criminal conduct. This was relatively simple operation that resulted in his arrest<sup>2</sup>. Mr Williams was remanded in custody, and later made a bail application.
9. The relevant telephone calls had been recorded. Ms Gobbo attended the Victoria Police headquarters at 412 St Kilda Road and listened to the recordings that were the basis of the charge<sup>3</sup>. This was the first time I met Ms Gobbo. I have no recollection of knowing Ms Gobbo by name or reputation prior to this date.
10. When I met Ms Gobbo in November 2003, I was unaware that she had been previously registered as a human source, or that she had ever provided information to Victoria Police. I do not recall having any other contact with Ms Gobbo in this period.
11. In 2004, I attended the scene of [REDACTED] murder in [REDACTED] South Yarra. [REDACTED] was arrested on suspicion of being the [REDACTED] a [REDACTED] involved in the crime. I met [REDACTED] twice while he was [REDACTED]. In the course of preparing this statement I was informed by my legal representatives that [REDACTED] was represented by Ms Gobbo. I have no recollection of this (though I do not doubt it), and no recollection of speaking to her in relation to [REDACTED].

#### **Petra Taskforce**

12. In about March 2007, DDI Gavin Ryan approached me and asked me to join the Petra Taskforce. Petra Taskforce was a newly established as a joint agency taskforce between Victoria Police and the Office of Police Integrity (OPI) to investigate the double homicide of Terrence and Christine Hodson, which had occurred on 16 May 2004.
13. The Petra Taskforce was established after Mr Carl Williams provided Victoria Police with new information about the murders of Mr and Mrs Hodson. Petra's remit was to investigate the information provided by Mr Williams and review the original investigation into the murders (which had been undertaken by the Homicide Squad).
14. I agreed to the transfer and took up with Petra in April 2007. Shortly after I arrived at Petra, DDI Ryan returned to the Purana Taskforce, and I was upgraded to the position of Acting Inspector until Detective Inspector Steve Smith took up in the position.

<sup>2</sup> VPL.0100.0260.0001.

<sup>3</sup> VPL.0100.0260.0001.

15. A Steering Committee was established to oversee the Petra Taskforce. The Petra Taskforce Steering Committee was initially made up of:
  - a. Deputy Commissioner Overland;
  - b. Assistant Director Graham Ashton (OPI);
  - c. Assistant Commissioner Luke Cornelius; and
  - d. Two Detective Superintendents from the Crime Department.
16. The Petra Taskforce Steering Committee met weekly or fortnightly, and prior to each meeting a Petra Taskforce Update was prepared. I attended many, but not all, meetings of the Petra Taskforce Steering Committee, and prepared many, but not all, of the Petra Taskforce Updates. On occasion I would prepare an update but would not attend the weekly meeting.
17. As the Senior Sergeant, I was the 2IC of the Petra Taskforce. My role was to manage the investigation, and my professional background was in the investigative environment. I had operational oversight of all investigations that the Petra Taskforce was undertaking. The double homicide of Terence and Christine Hodson was Petra's principal investigation and was run under the name Operation Loris. The lead investigators for Operation Loris were Detective Senior Constable Cameron Davey and Detective Sergeant Sol Solomon.
18. In addition, there were a significant number of related or associated investigations arising from Operation Loris. These were allocated separate operation names.
19. The events concerning Ms Gobbo in which I had significant involvement commenced in 2008. Prior to that, Ms Gobbo's name came up a number of times in connection with Operation Loris. I have detailed some of these events below.
20. In late 2006, a search warrant was prepared for the chambers of Ms Gobbo and David Grace QC.<sup>4</sup> The purpose of the search warrant was to obtain written notes relating to certain persons of interest. I have no independent recollection of signing the application. I do not know whether the search warrant was ever issued or executed.
21. On 19 July and 17 August 2007, Ms Gobbo gave evidence at hearings conducted by the Office of Public Integrity (the OPI) into matters connected to the murders Mr and Mrs Hodson.<sup>5</sup> I do not recall having direct involvement with her evidence, and I have not made any diary notes about this.

<sup>4</sup> VPL.0100.0146.7682, VPL.0100.0146.7667, VPL.0100.0146.7699.

<sup>5</sup> VPL.0100.0013.2902 at 2906.



22. On 24 July 2007, I attended a meeting with, among others, Superintendent Tony Biggin, Detective Inspector Jim O'Brien, DDI Gavan Ryan, Superintendent Jack Blayney and Superintendent Graham Brown. My diary notes states:

*Meeting re HS matter for PURANA/PETRA*

23. I have no independent recollection of this meeting. However, I have seen a source management log (SML) entry for this meeting which indicates that the meeting was, in part, about HS3838 and the risks to her arising from the evidence she had given to the OPI<sup>6</sup>. I do not know whether, at the time of this meeting, I was aware that HS3838 was Ms Gobbo. It is likely that DDI Ryan would have briefed me about this meeting and had asked me to attend with him given my new role at Petra. However, looking at the senior attendees, I expect that my role was principally as an observer.
24. In October 2007, the Petra Taskforce was provided with information in relation to a police information report (IR44) which had made its way to unauthorised persons suggesting that then-serving police officers David Miechel and Paul Dale had leaked IR44 to [REDACTED] and that Ms Gobbo had been "in the chain".<sup>7</sup> As a consequence, it was decided that Ms Gobbo's phone records would be reviewed. I had conversations with DS Davey on 23 and 24 October in relation to this issue.
25. On 18 December 2007, a draft subscribers details check application was prepared for a phone number.<sup>8</sup> The application bears the Operation Loris notation, and the date range is immediately before and after the murder of Terrence and Christine Hodson. The information box contains the word "Gobbo". I do not remember the document, and I do not know whether I signed it or whether it was executed. I cannot provide any additional context for this document.
26. I have been shown an entry from Ms Gobbo's SML from February 2008 which indicates that, at this time, I was aware of her status as a registered human source, and I have no reason to doubt that I was.<sup>9</sup> However, I do not recall the circumstances in which I became aware of her status as a registered human source. I also cannot say with any certainty when I became aware of the depth of her involvement as a human source. That was a progression, which continued throughout the events I describe below and has continued with the media reporting of Ms Gobbo's interactions with Victoria Police.

<sup>6</sup> VPL.2000.0001.0869.

<sup>7</sup> VPL.0100.0013.0846 at 1154-1156.

<sup>8</sup> VPL.0100.0005.4993.

<sup>9</sup> VPL.2000.0003.9040.



27. In the course of preparing this statement, I have also been shown a document which suggests that in February 2008 a Petra Target Profile was created for Ms Gobbo.<sup>10</sup> I do not independently recall this document.
28. In the course of preparing this statement, I was shown a source management log which indicates that in May 2008, information was disseminated to me that Mr Dale was attempting to contact Ms Gobbo.<sup>11</sup> I do not independently recall receiving this information nor what, if anything, I did with it.
29. At this time, Ms Gobbo's name was coming up as a person who may have had involvement or knowledge (whether as a witness or otherwise) in matters connected to Operation Loris. There is every likelihood that I was part of briefings in which Ms Gobbo was mentioned. However, Ms Gobbo was not a person of particular significance to me at this time. My awareness of Ms Gobbo was that she was coming up as a person of interest who was in telephone contact with both Mr Dale and Mr Williams and was therefore a person in common between them. I viewed her as a person of interest (among many others), rather than through the lens of her being a lawyer. While, as the supervising officer, I had a good working knowledge of DSC Davey and DS Solomon's investigation, I was not across the fine grain detail.
30. Ms Gobbo came to feature more heavily in the Petra investigations in the second half of 2008.
31. On 22 July 2008, I attended a meeting in which I was briefed about a registered human source who may have been able to assist with [REDACTED] I have no independent recollection of this meeting, but I believe the reference to "RHS" is a reference to Ms Gobbo. My diary note of this meeting reads:  
  

*1000 Meeting – D/Sgt FISHER, Officer Sandy WHITE, Officer BLACK (SDU)  
re RHS that may be able to assist [REDACTED]*
32. In the course of preparing this statement, I have been shown entries from Ms Gobbo's SML which suggest that, in August 2008, Ms Gobbo had concerns about being called to give further evidence before the OPI (following on from the evidence she had given in 2007) and, in particular, that if she was called to give further evidence, her status as a human source might be revealed.<sup>12</sup> The SML indicates that I had some involvement in addressing those concerns. These documents have not refreshed my memory, and I do not recall these events.
33. I attended Petra Taskforce Steering Committee meetings on each of 8 and 15 September 2008. I have reviewed the Taskforce Updates and, where available, the minutes of those meetings, and do not take issue with anything recorded in them.<sup>13</sup>

<sup>10</sup> VPL.0010.0001.0001 at 0005-0015.

<sup>11</sup> VPL.2000.0003.1026.

<sup>12</sup> VPL.2000.0001.1508; VPL.2000.0003.9047.

<sup>13</sup> VPL.0100.0047.1136, VPL.0100.0002.5879.

34. I am aware that there are documents which suggest that, at about this time, I disclosed Ms Gobbo's identity to DDI Smith.<sup>14</sup> I have no recollection of doing so and would be very disappointed if that was true. It is rule number one that the identity of a human source is not disclosed. It is not something that I would do without good reason.
35. My diary indicates that, on 25 September 2008, I attempted to contact Officer Sandy White regarding an HS3838 "issue".<sup>15</sup> I do not recall what this was about. However, I have a diary note of a discussion with Sandy White the following day, which reads:
- 0930 Meeting with Officer Sandy WHITE (SDU) re*
- CCR material from PD 'safe phone' April/May 2004. End pending by SDU re intel holdings
  - Further intel re [REDACTED]
36. I cannot provide any further context for this discussion. However, at this time, it had been identified that it was likely that phones registered to Kolya Valersky and Alex Koskarev were being used by Ms Gobbo. That conclusion was reached on the basis of the cell tower locations from which the phones were bouncing. The suspicion that Ms Gobbo was using phones registered in false names was a line of inquiry that needed to be pursued.
37. Ms Gobbo continued to be a person of interest. She was connected to persons of interest in Operation Loris. Looking at the Taskforce Updates for this period, I infer that there would have been some concern about her using mobile phones that were not registered in her name. There was some form of connection between Mr Dale, Mr Williams and Ms Gobbo. The investigations were directed to ascertaining what role she played, if any.
38. I was on leave from 29 September 2008 to 12 October 2008. I have seen a Petra Taskforce Update for 29 September 2008.<sup>16</sup> It is likely that I prepared this document. However, I did not attend the meeting as it coincided with the first day of my leave.
39. By October 2008, a decision had been made that Ms Gobbo was to be interviewed in relation to her suspected used of mobile telephones registered to Kolya Koskarev and Alex Valersky.<sup>17</sup>
40. It was proposed that Ms Gobbo attend a meeting on 11 November 2008. I arranged to be on the PM shift for this discussion.<sup>18</sup> Ms Gobbo cancelled this meeting, and it was rescheduled for 17 November 2008.

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<sup>14</sup> VPL.2000.0001.1632.

<sup>15</sup> VPL.6025.0006.4904.

<sup>16</sup> VPL.0100.0002.5903.

<sup>17</sup> VPL.0100.0001.5402 at 5575-5585.

<sup>18</sup> VPL.0100.0237.4479.

41. On 13 November 2008 I asked the OPI for access to the transcripts of Ms Gobbo's evidence at the OPI hearings from July and August 2007.<sup>19</sup> On 14 November 2008, I attended the offices of the OPI to collect that information. I infer that I did so as part of our preparations for Ms Gobbo's interview.
42. Ms Gobbo was interviewed on 17 November 2008 in relation to her use of mobile phones registered to Kolva Valersky and Alex Koskarev. As I recall it, DS Solomon and DSC Davey conducted this interview. The outcome of this interview is summarised in the Petra Weekly Update.<sup>20</sup>
43. On 17 November 2008, I attended a meeting of the Petra Steering Committee. My recollection is that I provided the Steering Committee with an update on the interview with Ms Gobbo.
44. On 30 November 2008, I was contacted by DS Solomon. DS Solomon reported to me that Ms Gobbo had been called by Mr Dale who wanted to meet with her, and that Ms Gobbo had agreed to record the meeting. My diary entry of this discussion is as follows:

*1100 S/T D/Sgt Solomon*

- *NG contacted him*
  - *NG received call from PD – wanted to catch up as PD currently in Melb.*
  - *NG told him she couldn't meet him.*
  - *PD told her he was in town (Melb) next weekend for a party and wanted to meet for a coffee.*
  - *NG stated she would meet for coffee.*
  - *Rang PS (SDU) and briefed re above. NG had already rang him.*
45. DS Solomon was due to commence a period of leave, and so I took over DS Solomon's engagement with Ms Gobbo in relation to her upcoming discussion with Mr Dale. This marked the commencement of an intense period of involvement with Ms Gobbo.
  46. Any investigation of a similar nature of Operation Loris is generally reliant on probative and admissible witness evidence. It is [REDACTED] have potential [REDACTED] [REDACTED] In that regard, Ms Gobbo's agreement to record her conversation with Mr Dale [REDACTED]. Ms Gobbo had volunteered information to DS Solomon that Mr Dale wanted to meet her and had then agreed to record the conversation. Ms Gobbo was not offered any inducement to record the meeting, nor was any pressure exerted on her.

<sup>19</sup> VPL.0100.0013.2902.

<sup>20</sup> VPL.0100.0046.2856.



47. On 3 December 2008, I met with Ms Gobbo to confirm her ongoing willingness to covertly record her conversation with Mr Dale and to make arrangements for their meeting. DSC Davey was also present.
48. My diary for this day records:  
  
*0700 with D/S/C DAVEY – s/t Nicola GOBBO re Op. LORIS.*  
  
*1200 Meeting with D/I SMITH – update/briefing re meeting with Gobbo.*  
  
*1320 Rang Officer Peter SMITH, Officer Sandy WHITE – Debrief re meeting with Gobbo.*
49. Ms Gobbo's agreement presented an opportunity in a difficult investigation. As I understood the situation, Ms Gobbo was not Mr Dale's legal representative, had an extensive social history with him and had potentially been a conduit between Mr Dale and Mr Williams. Ms Gobbo's agreement to covertly record the conversation also came in circumstances where Mr Dale had just been subject to a coercive process before the Australian Crime Commission and was likely to discuss his evidence with Ms Gobbo. In those circumstances, Ms Gobbo's agreement to record the conversation a valuable opportunity for the investigation.
50. The opportunity Ms Gobbo was presenting was an opportunity to gather evidence, as distinct from intelligence. Ms Gobbo was a registered human source. If she was to be tasked to gather intelligence, that was to be done by his handlers. The purpose of Ms Gobbo covertly recording the conversation with Mr Dale was to obtain potentially admissible evidence. It was not to obtain intelligence.
51. If the covert recording revealed probative information, then the precise manner in which that evidence was going to be used needed to be addressed. There was the potential for some complexity, given Ms Gobbo's status as a human source. However, my approach was that the evidence first needed to be obtained. The question of how that evidence was to be deployed only became relevant if that evidence was probative.
52. At this time, I was not aware of the full extent of Ms Gobbo's history as a registered human source. I trusted that the specialist source management unit (the HSMU) was managing the information she was providing within legal and ethical guidelines. Petra's role was different. Petra's role was to investigate crimes and to lawfully obtain admissible evidence. Once that evidence was obtained, the law told us what we could do with it.
53. I am confident that the Petra team discussed legal professional privilege issues with Ms Gobbo before she recorded her meeting with Mr Dale. I can't recall whether I discussed it directly with

Ms Gobbo, or whether it was reported to me by one of the team. However, I specifically recall that Ms Gobbo had said that she had not represented Mr Dale or provided him with legal advice. I recall that Ms Gobbo conveyed to us a conversation that she had with Mr Dale in which she told him that she could not represent him because she had a conflict as a result of having previously represented Andrew Hodson and Terrence Hodson. I have a recollection that she had this conversation with Mr Dale while he was on remand at Port Phillip Prison, but I cannot be certain. This, along with the setting for the conversation (which was to take place on a weekend, at a coffee shop) and her known social relationship with Mr Dale, gave me comfort that the conversation that Ms Gobbo was offering to covertly record was not covered by legal professional privilege.

54. On 6 December 2008, DSC Davey and I met with Ms Gobbo.<sup>21</sup> I do not specifically recall the discussion. However, in my discussion with the VGSO in June 2010, I described this conversation. Based on that description, Ms Gobbo was asking us for guidance about the conversation she was to have with Mr Dale. Her comments were consistent with her being tasked as an informer – which was not what was occurring. I stressed to her that she was not to guide or direct the conversation, or to try to bring out any particular topics, but rather that she was to simply let the conversation play out naturally. It either elicited evidence or it didn't.
55. On 7 December 2008, DSC Davey and I met with Ms Gobbo.<sup>22</sup> We provided her with a covert recording device that had been provided by our technical unit. I gave Ms Gobbo written instructions about how to operate the device (which was on an A4 instruction sheet). I said to Ms Gobbo that for the covert recording of the conversation to be legally admissible, she needed to operate the recording device herself (including by turning it on and off) and needed to be party to the conversation.
56. I have no recollection of asking Ms Gobbo to give a statement about her conversation with Mr Dale at this stage. If Mr Dale said nothing of any evidentiary value, there would be no reason for Ms Gobbo to give a statement in relation to her meeting with Mr Dale. In her interview with Davey and Solomon, Ms Gobbo had indicated a willingness to consider giving a statement about the relationship between Mr Dale and Mr Williams. However, there was no reason for me to discuss that potential statement with Ms Gobbo at this time and it was important that Ms Gobbo's mind was focussed on the meeting with Mr Dale.
57. Ms Gobbo proceeded to tape her discussion with Mr Dale, and DSC Davey and I waited her. Ms Gobbo then came back to DSC Davey and I and turned off the recording. She said that she did not think that Mr Dale had said anything of value, but that he told her that he given evidence

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<sup>21</sup> VPL.0100.0260.0001.

<sup>22</sup> VPL.0100.0260.0001.

at a coercive hearing and that she had the impression that he was "wording her up" because he believed that she would be called to give evidence.

58. I received a copy of the recording on 9 December 2008.<sup>23</sup> I formed the view that the recording contained evidence that was important for the progress of the investigation into Mr Dale and that Ms Gobbo would be an important witness if charges were laid against him.
59. On 11 December 2008, I met with Ms Gobbo. I have no independent recollection of the meeting but based on my description of this conversation in my discussion with the VGSO in June 2010 purpose of the meeting was to ask her to make a statement for Petra's investigation into Mr Dale and I did so. My diary note of this meeting records:

*0630 c/2 r/v with D/S/C DAVEY re meeting with Person F*

*0700 With D/S/C Davey – s/t Person F re Op Loris.*

60. On 12 December 2008, I met with Officer Sandy White from the SDU. I have been shown an SML entry which records:<sup>24</sup>

*Meeting with Shane O'CONNELL Petra re attempts by same to get HS to become witness. Stated that evidence is significant but not enough to charge DALE re HODSON murder. HS evidence shows corrupt relationship b/w DALE and WILLIAMS. If DALE gets charged, investigators will want HS to be a witness. Agreed HS may be amenable to same. Advised S'OC that SDU may be able to assist [REDACTED] at appropriate time. Insufficient evidence to charged DALE at this time.*

61. My corresponding diary entry states:

*1500 Meeting with Officer Sandy White & Officer Peter Smith re Op. LORIS.*

62. I cannot recall the content of this discussion.
63. Sometime in December I spoke with someone in the SDU, I cannot recall who, about how it worked when someone was a registered human source and was needed as a witness. I recall being told unequivocally that Ms Gobbo could not be both a source and a witness and that if she became a witness, she could no longer be a registered source. This may have been the subject of my discussion with Officer White referred to above.

64. I spoke with Ms Gobbo on 17 December 2008 at 5:15pm. My diary entry records:

*Rang and spoke to Nicola Gobbo re: Op Loris. Further enq pending.*

<sup>23</sup> VPL.0100.0026.9642.

<sup>24</sup> VPL.2000.0003.8952.



65. I have no independent recollection of the discussion. However, based on my discussion with the VGSO in June 2010 it is likely that this discussion was about Ms Gobbo making a statement about her discussion with Mr Dale.
66. By this time, I had formed the view that Ms Gobbo's evidence was a key part of a successful prosecution of Mr Dale. In late 2008, on a date I do not recall, I had a conversation with DC Overland. I am reasonably confident, without being certain, that it happened outside his Deputy Commissioner's office immediately after a Petra Steering Committee meeting. The conversation was about Ms Gobbo's status as a registered informer and the potential as a witness in the Dale prosecution. DC Overland said that if Ms Gobbo could provide probative evidence about a double homicide, she should be treated as a witness and a statement should be obtained.
67. This conversation took place immediately following a Petra Steering Committee. While I do not positively recall this, I believe that our discussion would have followed a discussion among the members of the Petra Steering Committee about this issue. By this time, Ms Gobbo's significance as a witness was becoming more apparent, in the context of her status as a registered human source and her involvement with persons of interest in organised crime.
68. I do not recall a formal decision being made that Ms Gobbo could be used as witness in the prosecution of Mr Dale. This is consistent with the operation of the Petra Steering Committee. It was not the case that the Steering Committee authorised or gave permission for each step in an investigation. Rather, it was a matter of the Steering Committee receiving regular briefings, which provided the members of the Steering Committee with an opportunity to provide direction to the investigators.
69. As an investigator charged with investigating a double homicide, I had a witness who was competent and compellable. Her evidence assisted in establishing a prima facie case against Mr Dale.
70. At that time, I held the view that Ms Gobbo would be placed at risk if she gave evidence against Mr Dale. The nature of her relationships in the organised crime environment, coupled with the number of homicides that were taking place among members of the organised crime community, meant that it was probable that Ms Gobbo's role as a witness would place her at significant risk.
71. The risk that attached to Ms Gobbo as a witness was separate to any risk that arose from her role as a registered human source.
72. I saw her status as a human source as an additional risk to be managed. I was not, and am not, sourced trained. My knowledge had been obtained through my investigations and experience. I knew the persons who were involved in handling her through the SDU. My trust

and faith were in the SDU, which was developed to manage high risk sources. I had to have trust and faith that they were managing and handling her in an appropriate manner. Moreover, I did not, and do not, believe that Ms Gobbo should have been treated differently in her capacity as a potential witness on the basis of her role as a human source. In my view, an officer would fail to perform their duty or fail to uphold their oath if they disregarded evidence from a competent and compellable witness because of their status as a human source. If that approach was adopted then, as here, there would be a real risk that serious crimes would remain unsolved when there was evidence available that might have resulted in a conviction.

73. I also had the view that she was not uninformed. Ms Gobbo was a high-profile criminal barrister. I believed that she knew how things worked. I believed that she knew that when she agreed to tape the conversation with Mr Dale that Victoria Police would require a statement from her if it generated material of significant evidentiary value. There was no pressure on Ms Gobbo to tape her meeting with Mr Dale. She had agreed to do so. I believed that she was intelligent enough to understand the consequences of her decision.
74. I did not offer Ms Gobbo anything in exchange for her making a statement. However, consistent with what I have said above, once she had agreed to do so, I recognised that there would be a professional and personal impact. There would be an impact on her financially, as well as an impact on her safety and security. I did not foresee at this time that there would be a significant deterioration in her health. I also did not foresee that Victoria Police would be unable to reach an agreement with Ms Gobbo about arrangements for her safety and security or that this would result in Victoria Police having to manage Ms Gobbo's safety and security on a long-term basis outside the terms of the WPP. I address this further below.
75. I had also spent the previous three years at the Purana Taskforce where "rollover witnesses" were common. Affording protection to witnesses was not unfamiliar to me, and Victoria Police had a WITSEC dedicated to providing physical protection. There were significant mitigating strategies that could be employed to protect her. I was also aware of legal mechanisms that could potentially be deployed to protect Ms Gobbo's identity and her history as a registered human source, including suppression and non-publication orders.
76. It was my intention to use both the physical and legislative protections of the WPP, along with other mechanisms such as suppression and non-publication orders to protect Ms Gobbo. These mechanisms were [REDACTED] and, at the time, I believed that they could be employed to protect Ms Gobbo.
77. Between 17 and 20 December 2008,<sup>25</sup> I spoke with Ms Gobbo on a number of occasions about whether she was willing to give a statement about Mr Dale and to become a witness.

<sup>25</sup> VPL.0002.0001.1139 at 1148-1149, VGSO.2000.0143.0045.

78. On 30 December 2008, I spoke with Ms Gobbo.<sup>26</sup> In the course of that discussion, Ms Gobbo indicated that she was prepared to make a statement and we arranged an appointment for her to do so.
79. Ms Gobbo met with Petra investigators DSC Davey and DS Solomon on 1 and 2 January 2009 for the purpose of giving a statement in relation to Mr Dale. I was present for some of her interview, but not all of it.<sup>27</sup>
80. On 2 January 2009, I had a telephone conversation with Ms Gobbo. I do not independently recall this discussion. My diary entry states:

*0915 Received call from Person F – s/t same re s/ment from 1/1*

81. On 2 January 2009, I briefed DI Smith about the statement that Ms Gobbo' had given DSC Davey and DS Solomon.
82. Arrangements were then made for Ms Gobbo to sign her statement. On 7 January 2009, I was on leave but met with Ms Gobbo, at her request, immediately prior to her signing her statement.<sup>28</sup> I covertly recorded this conversation. The conversation was about her safety and security, and what options were available to mitigate the risks to her safety and the potential consequences of those options.
83. I am aware that, in a civil claim filed by Ms Gobbo in 2010, Ms Gobbo alleged that, in this period, I said to Ms Gobbo that she "would be looked after" and would be "no worse off financially" and that these things constituted representations about what Victoria Police would do. I am aware that Ms Gobbo alleged that I said that "there is nothing that Overland wouldn't do" to assist her.
84. For example, I have been shown the transcript of the conversation that I had with Ms Gobbo on 7 January 2009. The context of this conversation was that Victoria Police was asking Ms Gobbo to sign a statement in circumstances that would create a risk to her safety. If Ms Gobbo did not enter WITSEC, then it was incumbent on Victoria Police to make arrangements to protect Ms Gobbo's safety. At this time, what I had in mind was a [REDACTED] arrangement of between [REDACTED] and [REDACTED]. In the course of the conversation I said to Ms Gobbo that we were "talking about some sort of [REDACTED] and [REDACTED] all up for a [REDACTED]".
85. That would, consequently, mean that Ms Gobbo was unable to work during that period and that there would be an impact on her financial situation. It was common-sense that, during that short term period, Victoria Police would need to assist Ms Gobbo. The conversation of 7 January 2009 was directed to discussing a common-sense approach about what would happen

<sup>26</sup> VPL.0100.0260.0001.

<sup>27</sup> VPL.0100.0260.0001.

<sup>28</sup> VPL.0100.0237.0438, VPL.0100.0237.4821.



during that short-term period. I also made clear in that discussion that I was not the decision-maker. I did not intend these statements to be representations to Ms Gobbo about what would occur in the long-term. They were made in the context of an anticipated [REDACTED] to [REDACTED] interim arrangement.

86. I also said to Ms Gobbo that it was my preference that this arrangement be coordinated through WITSEC.

87. I have also been shown a transcript of a conversation I had with Ms Gobbo on 29 January 2009. Among other things, Ms Gobbo said to me that it was unlikely that she was going to be able to go back to working as a criminal barrister, even after a [REDACTED] period of [REDACTED]. She expressed concern about her financial future. She said to me that no one had spoken to her about compensation and that no one had told her what where she would get an income from. In response, I said to her that we were working on the "assumption that it's like for like".

88. The context of this conversation was that I had identified conflict between Ms. GOBBO and PII [REDACTED] which had the potential to jeopardise her PII [REDACTED]. I had in mind that Ms Gobbo would [REDACTED] a [REDACTED] that [REDACTED] and that I would table that with Victoria Police. I described this process to Ms Gobbo, by saying that:

And then I've got to go to Simon and say, "I've had these discussions with her. I've had these discussions with [REDACTED] and I just can't jam the two of them together. I can't [REDACTED] But I have managed to come up with this formula".

89. I was not intentionally making representations to Ms Gobbo that I had the authority to do any particular thing whether on behalf of Victoria Police or its Executive Command. I was trying to assist her to communicate her needs to Victoria Police so that we could try to reach a resolution. In each conversation I had with Ms Gobbo I tried to emphasise that I was not the decision-maker.

90. At this time, Ms Gobbo started making frequent calls to me, sometimes many times a day. As I quickly came to learn, Ms Gobbo was a needy person and needed constant contact to provide information and to seek reassurance.

91. This was an unusual interaction. I let it develop because Ms Gobbo was a critical witness, and, at this time, I held the view that she was doing something brave given the risks associated with giving evidence against Mr Dale. At this time, I did not anticipate that I was going to have a long-term engagement with her. I anticipated that Ms Gobbo would enter the WPP [REDACTED] [REDACTED] and that her management would pass to WITSEC.

92. The management of Ms Gobbo was new ground. It was highly unusual to have a witness who had previously been a registered human source, who was at significant risk of harm by reason of becoming a witness, but who was not in the WPP.

93. In the coming weeks, my focus was on making arrangements for Ms Gobbo to engage with [REDACTED]  
[REDACTED] This included:

- (a) speaking with [REDACTED] at [REDACTED] to arrange a meeting with Ms Gobbo; and
- (b) meeting with SDU to inform them that Ms Gobbo had signed a statement and would become a witness for the prosecution; and
- (c) developing interim measures to ensure Ms Gobbo's security, including a proposed temporary [REDACTED] of [REDACTED], while she was [REDACTED] by [REDACTED]

94. On 14 January 2009, I spoke with Ms Gobbo and proposed a meeting with [REDACTED] the following day. On 15 January 2009, I met with [REDACTED] and we then met with Ms Gobbo.<sup>29</sup> My diary entry for 15 January states:

0900 [REDACTED] – with D/I Smith. Meeting with [REDACTED] re Person F.

1130 [REDACTED] with [REDACTED] – Meet & s/t Person F

95. On this same day I also provided [REDACTED] a document attaching a [REDACTED] on behalf of Ms Gobbo.<sup>30</sup>

96. On 20 January 2009, I met with Ms Gobbo.<sup>31</sup> During the course of that meeting, she gave me a document. Later that day, I gave the document to [REDACTED] My diary entry states:

0700 [REDACTED] – meet & s/t Person F re Op. LORIS/ [REDACTED]

0900 Clear – s/t D/I SMITH per phone & briefed re above.

0945 c/2 Management Duties &

s/t [REDACTED] – meeting arranged for 1300 hrs.

1300 [REDACTED] – s/t [REDACTED] re Person F and Op. LORIS. Document prepared  
[REDACTED] given to [REDACTED]

<sup>29</sup> VPL.0100.0260.0001.

<sup>30</sup> VPL.0100.0058.3813.

<sup>31</sup> VPL.0100.0260.0001.

1430 s/t Insp. WILKINS re Person F

1434 S/t [REDACTED] re same. Requested he ring Insp. WILKINS

1444 s/t Insp. WILKINS – briefed re above.

97. I do not independently recall the document. However, the minutes of the Petra Taskforce meeting for 22 January 2009 record that Ms Gobbo had prepared, at [REDACTED] request, a document outlining her needs and requirements for [REDACTED] the [REDACTED]<sup>32</sup> I infer that the document I gave to [REDACTED] was this document.
98. I believe, based on a recording of a conversation I had with the VGSO, I prepared a draft document attempting capture what I understood were Ms Gobbo's needs and that I gave this document to Ms Gobbo and asked her to amend it so that it accurately reflected her needs. I stated in my discussion with the VGSO that I did this out of frustration at the lack of progress with Ms Gobbo and [REDACTED] on the [REDACTED] of [REDACTED] to [REDACTED] I also stated that our negotiations with her were going nowhere. I do not know whether this is the same document that I gave [REDACTED] on 20 January 2009.
99. I do not independently recall drafting the document or giving it to Ms Gobbo. I do recall being the conduit for draft documents between Ms Gobbo [REDACTED] However, I did not hold out to Ms Gobbo that I had authority to enter into an agreement on the terms set out in any of the draft documents. I had no authority to do so.
100. My diary for 27 January 2009, records that I met with [REDACTED] Sup't Alway, [REDACTED] [REDACTED] Sandy White-O, [REDACTED] Fox-O and [REDACTED] Peter Smith-O. I do not independently recall this meeting. My diary for this meeting records:
- 1000 L8, VPC – VGSO Conference Room – Meeting with [REDACTED] (Supt ALWAY, [REDACTED] [REDACTED] & SDU re Witness F
101. On 27 January 2009, at 5:30pm, I attended a meeting with [REDACTED] and Ms Gobbo to discuss [REDACTED] At her request, I met with Ms Gobbo on 29 January 2009 to discuss the meeting of 27 January 2009. I don't independently recall the meeting of 29 January 2009, but it was covertly recorded.<sup>33</sup>
102. On 30 January 2009, I had a meeting with [REDACTED] and [REDACTED] to develop [REDACTED] for Ms Gobbo.<sup>34</sup> This is a standard part of an [REDACTED] for [REDACTED] [REDACTED] The [REDACTED] a [REDACTED] and [REDACTED] for [REDACTED] the [REDACTED] in a

<sup>32</sup> VPL.0100.0046.2294.

<sup>33</sup> VPL.0100.0237.4970.

<sup>34</sup> VPL.0100.0260.0001.



[REDACTED] In the course of this meeting, [REDACTED] said to me that he had a [REDACTED] for Ms Gobbo and wanted to meet with her that night.

103. At 3:32pm, I called Ms Gobbo. In the course of that conversation, Ms Gobbo said to me that she would not meet with WITSEC and was not prepared to go into the WPP. She said that she was prepared to meet with me the following day. My diary note of this discussion reads:

*1532 Rang Witness F –*

- *Refused to meet Witsec members with [REDACTED]*
- *Prepared to meet me tomorrow re further proposal*
- *Not prepared to go into Witsec program.*

104. I met with Ms Gobbo the following day, 31 January 2009.<sup>35</sup> I have no specific recollection of this discussion. However, I believe that it was related to her decision, communicated to me the previous day, that she would not enter the WPP. I covertly recorded this discussion.<sup>36</sup>

105. On 1 February 2009, I met with Ms Gobbo at a park near the Westgate Bridge. We discussed her concerns about entering the WPP. I covertly recorded this meeting.<sup>37</sup>

106. On 2 February 2009, I attended several meetings concerning Ms Gobbo, including a meeting of the Petra Steering Committee.<sup>38</sup> My diary entries record:

*0930 Meeting with D/I SMITH – briefing re Witness F.*

*1000 Meeting with [REDACTED] D/I SMITH re Witness F.*

*1430 Witsec – Meeting with [REDACTED] re [REDACTED] Witness F.*

*1500 D7, VPC – Meeting with COM re PETRA. D/C Overland, A/C Cornelius, Graham ASHTON (OPI), D/Supt Hollowood, D/I Smith – update re Petra investigation.*

- *Proposal re: Witness F considered by COM*
- *Agreed to proposal*
- *Proposal to be formalised by a Deed of Agreement type document.*
- *DC Overland to assign person to prepare same.*

<sup>35</sup> VPL.0100.0260.0001.

<sup>36</sup> VPL.0100.0237.5243.

<sup>37</sup> VPL.0100.0237.6854.

<sup>38</sup> VPL.0100.0001.4055 at 4183-4184.

107. I was not the person assigned to prepare the DoA. The Petra Taskforce update for this meeting noted "further amended [REDACTED] by [REDACTED]"
108. My diary for 6 February 2009, records that I spoke with [REDACTED] about the [REDACTED] [REDACTED] being prepared by Legal Office". On 8 February 2009, I obtained the [REDACTED] from [REDACTED] before meeting with Ms Gobbo the following day, on 9 February 2009. My general recollection of these meetings is that I was the intermediary between Ms Gobbo and [REDACTED] I had no role in drafting this document.
109. I had a further meeting on 10 February 2009 with Sup't Alway, [REDACTED] and Isobel Parsons in relation to Ms Gobbo and her witness proposal. My diary entry from this date notes that it was the responsibility of the VGSO to redraft the witness proposal. My corresponding diary entry notes:
- 0930 [REDACTED] – Meeting with D/S Alway, [REDACTED] Isabel Parsons (Solicitor – VGSO) re Witness F
- 'Proposal/schedule' to be redrafted by VGO [REDACTED]
  - To be completed by Wed 11/10
  - O'Connell to have further meeting with Witness on Wed 11/10 – PM/evening
110. I met with Ms Gobbo on 11 February 2009. My diary entry for this meeting are:
- 1900 [REDACTED] – Met with Witness F & legal rep re [REDACTED]  
received from [REDACTED]
111. I recall that the meeting of 11 February 2009 was a difficult meeting. It was covertly recorded.<sup>40</sup> My diary note indicates that the meeting was to discuss a [REDACTED] to the [REDACTED] that had been received [REDACTED]
112. At this time, I was "managing" Ms Gobbo as best I could, while trying to facilitate her entry into the WITSEC. Ms Gobbo was difficult to deal with, and her management required a substantial investment of time. However, I anticipated that the situation would only persist for a short time. I did not anticipate having an ongoing management role with her for the next two years.
113. I was also not a decision-maker in relation to her entry into WITSEC or the [REDACTED] the [REDACTED] with [REDACTED] or the [REDACTED] that was being prepared. I was the intermediary between Ms Gobbo, Petra [REDACTED] I had no authority to enter into any form of agreement with Ms Gobbo. The transcripts of our conversations reflect this.

<sup>39</sup> VPL.0100.0001.4055 at 4183-4184.

<sup>40</sup> VPL.0100.0237.5327.

114. On 13 February 2009, Mr Dale was arrested and charged in relation to the murder of the Hodsons, and a number of search warrants were executed in connection with his arrest.<sup>41</sup>
115. On 16 February 2009, I met with Ms Gobbo. During that meeting, Ms Gobbo set out her concerns about the [REDACTED] had had been prepared by [REDACTED]. She followed up those concerns in an email to me later that day.<sup>42</sup> That same day, I sent an email to [REDACTED] setting out a summary of Ms Gobbo's concerns about the [REDACTED].<sup>43</sup>
116. On 18 February 2009, I met with Ms Gobbo, [REDACTED] and Sup't Alway. The meeting lasted for almost 5 hours. My general recollection is that Ms Gobbo had [REDACTED] before she [REDACTED], and that these [REDACTED] were [REDACTED] to [REDACTED]. At the end of the five hours, [REDACTED].
117. Between 18 February 2009 and 5 March 2009, I had many telephone conversations with Ms Gobbo about her security arrangements and other things. Almost all of these conversations were recorded. I have a record of conversations that took place on 18, 20, 23, 24 (x2), 26 (x5), 27 (x3) and 28 February and 2 (x3), 3 (x5), 45 (x2) and 13 March 2009.<sup>44</sup>
118. Ms Gobbo talked to me about many things during our conversations. Her practice of talking to me about other things was present from the beginning. My attitude was to listen to her. She was no longer a human source, and so I did not (to the best of my recollection) submit information reports about the information she gave me, and I did not task her. In addition, much of what she told me was historical. Where she said something to me that was relevant to Petra, I passed the information on to DSC Davey or DS Solomon. I usually did this verbally. Where the information might have been relevant to something outside of Petra, I did not, as a general rule, pass it on. It was a [REDACTED] of Ms Gobbo's [REDACTED] the [REDACTED] that she disassociate from former colleagues and associates. Encouraging her to give me intelligence was inconsistent with this purpose. I wanted to dissuade her from continuing in her role as a source. However, in this early phase I was trying to build trust with a person I considered to be an important witness, and so I spent a significant amount of time listening and trying to appease her.
119. On 27 February 2009, I attended a meeting with DC Overland, Commander Hart, DI Smith, Sup't Alway and Inspector Wilkins about Ms Gobbo's refusal to enter the WPP.<sup>45</sup> WITSEC has [REDACTED] the WPP, with [REDACTED] for [REDACTED]. WITSEC takes tremendous pride in the fact that they have never lost anyone in the WPP. One consequence of this approach is that [REDACTED] does not [REDACTED] the [REDACTED] for [REDACTED] they will [REDACTED]. In that circumstances, the protection of that witness falls to the relevant police informant.

<sup>41</sup> VPL.0100.0260.0001.

<sup>42</sup> VPL.0002.0001.1347.

<sup>43</sup> VGSO.2000.0142.0134.

<sup>44</sup> VPL.0100.0001.4055 at 4107-4108, VPL.0013.0001.0174.

<sup>45</sup> VPL.0100.0260.0001.



120. WITSEC showed [REDACTED] to [REDACTED] for Ms Gobbo. Likewise, Ms Gobbo (among other things) refused to [REDACTED] (which I understand was a [REDACTED] of her [REDACTED] to [REDACTED]. We could not get past these issues.
121. I was very frustrated by the whole process. If Ms Gobbo did not go into the WPP, the risk to her safety remained. That was a risk that Victoria Police had to manage. It was not, in my opinion, something that could be ignored. Nonetheless, it was a highly unusual circumstance. The combination of the risk to Ms Gobbo's safety, her refusal to [REDACTED] the WPP and her particular personality created a difficult and resource intensive situation.
122. It was resolved that the Petra Taskforce would retain management of Ms Gobbo unless and until she agreed to enter the WPP and [REDACTED]. This led to the creation of Operation Adobe. Operation Adobe was responsible for Ms Gobbo's engagement with WITSEC, including her potential entry into the WPP, and her [REDACTED] arrangements.
123. On 2 March 2009, I met with Sup't Biggin, Officer Black, DI Smith and Officer Sandy White.<sup>46</sup> At this time, a Victoria Police affidavit opposing Mr Dale's application for bail was due to be filed. The affidavit identified Ms Gobbo as a witness (but not her role as a human source). There was a long discussion about how to ensure Ms Gobbo's safety in circumstances where she would not enter the WPP. It was agreed that we would bring in two full time witness managers to manage Ms Gobbo. The idea was that I would transition Ms Gobbo to the nominated managers.
124. The proposal was resource intensive. However, I agreed with the view that, unless Ms Gobbo agreed to join WITSEC, there was no alternative.
125. Later that day, I met with A/C Moloney, DI Smith, Wilkins, [REDACTED] Sup't Biggin and Officer Black.<sup>47</sup> During this meeting, it was agreed that Ms Gobbo's management "team" would be DS Lloyd and <sup>Graham Evans-O</sup> [REDACTED] with additional support [REDACTED]. This team would report to me.
126. Later again that day, I spoke with DS Lloyd and <sup>Graham Evans-O</sup> [REDACTED] to inform them of their new tasking. The following, 3 March 2009, DI Smith and I met with DS Lloyd and <sup>Graham Evans-O</sup> [REDACTED] to discuss their tasking. On 4 March 2009, I introduced Ms Gobbo to <sup>Graham Evans-O</sup> [REDACTED] <sup>48</sup>
127. After this, Ms Gobbo's principal contacts were <sup>Graham Evans-O</sup> [REDACTED] and DS Lloyd, but Ms Gobbo continued to make contact with me directly. I did not encourage her to do so, but I tried to be responsive when she did. My intention at this time was that Ms Gobbo would eventually be

<sup>46</sup> VPL.6050.0026.3676, VPL.6050.0026.3677; VPL.2000.0003.8969.

<sup>47</sup> VPL.0100.0260.0001.

<sup>48</sup> VPL.0005.0038.0001.

persuaded to enter the WPP. Until then, we needed to negotiate an arrangement with Ms Gobbo that would ensure her safety. As such, I wanted to continue to build trust with her.

128. On 13 March 2009, I had a telephone conversation with Ms Gobbo in which she reiterated her refusal to join the WPP.<sup>49</sup>
129. On about 18 March 2009, I visited Ms Gobbo [REDACTED]<sup>50</sup> <sup>Graham Evans-O</sup> and DS Lloyd were present at this meeting. We discussed the status of the [REDACTED] Ms Gobbo informed me that she had arranged to visit Bali for a few weeks. This was her decision. It was not [REDACTED] approved by Victoria Police. Ms Gobbo told us she was going, and we had no grounds to stop her. However, we were not able to protect her while she was out of Australia.
130. I met with Ms Gobbo again the following day, on two occasions.<sup>51</sup> DS Lloyd and <sup>Graham Evans-O</sup> Evans were present. I met again with Ms Gobbo on 20 March 2009. The meeting of 20 March was covertly recorded<sup>52</sup>.
131. On 23 March 2009, there was a meeting of the Petra Taskforce Steering Committee.<sup>53</sup> This was a unique management meeting. It was the only meeting that occurred in the Chief Commissioner's office. Simon Overland had just been promoted into the position. It was the only one that Mr Overland attended after becoming Chief Commissioner. He then stepped away from his role as chair and Luke Cornelius stepped in as chair.
132. During the course of this meeting, I provided an update on Ms Gobbo, including that she was intending to travel to Bali (against our advice). There was a discussion about what measures we had in place for her safety while she was in Bali. I said that other than her calling us, we did not have anything in place. The Steering Committee resolved that [REDACTED] Petra Taskforce should [REDACTED] so that there was [REDACTED] while [REDACTED] If something [REDACTED] we [REDACTED] keep her safe. It was an unorthodox and unusual arrangement.
133. The Petra Weekly Update for 23 March 2009 indicates that it was hoped that <sup>PII</sup> [REDACTED] regarding Ms Gobbo's entry into the WPP would be finalised before she left for Bali.<sup>54</sup> That did not eventuate.
134. On 29 March 2009, <sup>Graham Evans-O</sup> [REDACTED] and I [REDACTED] We did not inform Ms Gobbo in advance [REDACTED] I recall that when she discovered [REDACTED] she was unhappy. I did not have any face to face contact with Ms Gobbo [REDACTED]

49 VPL.0005.0050.2978; VPL.0013.0001.0175.  
50 VPL.0100.0237.2356, VPL.0100.0237.2397.  
51 VPL.0005.0038.0115.  
52 VPL.0005.0050.3174.  
53 VPL.0100.0260.0001.  
54 VPL.0100.0020.5063.

However, I believe that we spoke on the phone and I also received two text messages from her.<sup>55</sup> I returned [REDACTED] on 6 April 2009.

135. I met with Ms Gobbo on a number of occasions between 14 and 16 April 2009.<sup>56</sup> In our conversation of 14 April 2009, Ms Gobbo informed me that she was going to meet with Mr Gatto the following day, 15 April 2009. This was not a tasking for Victoria Police, and my preference was that she not attend the meeting.

136. I was concerned about Ms Gobbo attending that meeting. However, she was not under any obligation not to meet with Mr Gatto. As such, the following day, at 5:50pm, <sup>Graham Evans-O</sup> and I [REDACTED] Ms Gobbo's [REDACTED]. To the best of my recollection, Ms Gobbo was [REDACTED] of [REDACTED].

137. On 17 April 2009, I spoke with [REDACTED] prior to attending a further meeting at 8am with <sup>Graham</sup> <sup>Graham Eva</sup> and Ms Gobbo in which we discussed the [REDACTED]. Later that day, I returned the [REDACTED] to [REDACTED] with amendments that Ms Gobbo had made. [REDACTED] requested that the [REDACTED] be updated by the VGSO and referred to Catherine Gobbo.

138. My corresponding diary entry states:

0730 [REDACTED] – s/t [REDACTED] Collected [REDACTED] document for Witness F.

0800 [REDACTED] – meeting with <sup>Graham Evans-O</sup> & Witness F re [REDACTED] document.

1000 C/2 Management Duties to

[REDACTED] with <sup>Graham Evans-O</sup>

- Personnel expense form re Bali 29/3-6/4 submitted to [REDACTED]
- Collected \$650 t/a advance from O'Connell & Lloyd re [REDACTED]
- Collected \$500 float re Witness F
- Witness F [REDACTED] document returned to [REDACTED] with amendment by Witness F. [REDACTED] requested to have [REDACTED] updated by VGS & then referred to Witness' legal rep. E/P re same.

139. On or around 20 April 2009, Ms Gobbo flew to Bali for the second time. DS Lloyd and I [REDACTED] to [REDACTED] to [REDACTED]. I had a number of discussions with Ms Gobbo [REDACTED] [REDACTED]

<sup>55</sup> VPL.0100.0001.4055 at 4108.

<sup>56</sup> VPL.0100.0237.2839, VPL.0100.0001.4055 at 4108-9, VPL.0100.0010.0213 at 0233-0236.



140. I was on leave from 18 May 2009 to 8 June 2009.
141. By May 2009, the situation was becoming increasingly difficult. The impasse between Ms Gobbo and WITSEC seemed immovable. It was not sustainable for Petra to be making short-term arrangements with Ms Gobbo. I continued to have regular contact with Ms Gobbo, including on 10, 11, 12, 13, 14 and 15 May 2009.<sup>57</sup> These discussions were a mix of discussions about the [REDACTED] her [REDACTED] and [REDACTED] arrangements and a stream of other matters that Ms Gobbo raised. As set out above, I did not action any intelligence Ms Gobbo gave, unless it related directly to Petra.
142. Then, on 26 May 2009, Ms Gobbo reported receiving four text message containing threats to her life.<sup>58</sup> This escalated our concern about the threat to Ms Gobbo's life, and the importance of finding a resolution to the stalemate between Ms Gobbo and WITSEC.
143. Operation Queasy was established to investigate the threats against Ms Gobbo. Operation Queasy was run by the Petra Taskforce. I cannot recall who was assigned to manage Operation Queasy.
144. I met, or spoke, with Ms Gobbo on 10, 11, 12 and 13 June 2009.<sup>59</sup> At several of these meetings, Catherine Gobbo and [REDACTED] from [REDACTED] were in attendance. I have no independent recollection of these meetings, but their frequency suggests that it was an intense period and was likely to be related to our increased concerns for her safety following the threats made on 26 May 2009.
145. On 13 June 2009, I escorted Ms Gobbo to the airport, with [REDACTED] the [REDACTED]  
[REDACTED]<sup>60</sup>
146. On 15 June 2009, I escorted Ms Gobbo to a planned hospital admission.<sup>61</sup> Over the course of the next few days, I received a number of text messages and phone calls from Ms Gobbo in which she described herself as being "very resentful and angry" about the effect that the previous months had on her life.<sup>62</sup>
147. On 18 June 2009, I met with Ms Gobbo. My diary entry for this day reads:

1600 [REDACTED] met with D/Sgt DS LLOYD – Met with Witness F

- Advised that [REDACTED] gave [REDACTED] in [REDACTED] (Op.  
[REDACTED] today that 'F' gave advice to [REDACTED] to provide s/ments to police

<sup>57</sup> VPL.0005.0038.0226, VPL.0100.0010.0020 at 0050-0058, VPL.0005.0038.0234.  
<sup>58</sup> VPL.0100.0047.1401.  
<sup>59</sup> VPL.0100.0260.0001.  
<sup>60</sup> VPL.0100.0260.0001.  
<sup>61</sup> VPL.0100.0260.0001  
<sup>62</sup> VPL.0100.0001.4055 at 4109

- *Advised to be aware of presence of MOKBEL associate*
- *Advised to ring asap re any threats/suspicious person etc & general safety concerns*
- *Did not require [REDACTED]*
- *General discussion re welfare/health*

148. On 19 June 2009, Mr Dale's committal was listed for March 2010. The long delay was a blow to the Petra Taskforce, and increased the likelihood that Mr Dale would be granted bail. Later that day I phoned Ms Gobbo, in response to a text message she sent me, and gave her an update on Mr Dale's committal mention hearing. My diary notes record:

*1320 S/t D/S/C DAVEY*

- *Committal 9/3/2010 – 3 weeks*
- *S/Mention 28/8/09 re subpoena (pending service)*
- *[REDACTED] granted re [REDACTED] & [REDACTED] – corrected for [REDACTED] only.*

*1420 Phone call to 'F' – Advised of above.*

149. During her period of hospitalisation, Ms Gobbo sent me a number of messages.<sup>63</sup> In some of these messages, Ms Gobbo provided information about criminal investigations that were underway. I responded to Ms Gobbo and indicated that I would pass the information along. I do not recall what I did with this information, if anything. However, as set out above, my general practice was not to pass information that Ms Gobbo gave me on, unless it was directly relevant to the Petra Taskforce or where there was an immediate threat to life. Where I did pass information on, I de-identified it.
150. On 23 June 2009, DS Lloyd and I met with Ms Gobbo.<sup>64</sup> The purpose of the meeting was to check on her welfare, following the messages she had sent to me earlier in the week.
151. Between 23 June 2009 and early July, I stayed in touch with Ms Gobbo while she was in hospital and made arrangements for [REDACTED] on release from hospital.<sup>65</sup>
152. On 6 July 2009, I had a meeting [REDACTED] to update [REDACTED] to Ms Gobbo. It was extreme, in light of the text message threats and the delay to Mr Dale's committal hearing.

<sup>63</sup> VPL.0100.0001.4055 at 4109

<sup>64</sup> VPL.0005.0038.0261.

<sup>65</sup> VPL.0100.0001.4055 at 4109, VPL.0005.0050.0888.

153. On 13 July 2009, I met with Ms Gobbo and Acting Commissioner Rod Wilson.<sup>66</sup> It was highly unusual for a witness to meet with someone of AC Wilson's rank. However, we were trying to do everything possible to facilitate her entry into the WPP. These efforts continued throughout July 2009. I met or spoke with Ms Gobbo by telephone on 13, 14, 15, 16, 17, 20, 21, 25, 29 and 31 July 2009.<sup>67</sup>
154. On 17 July 2009, I met with Wilson, Moloney, Cornelius and [REDACTED] from [REDACTED] and the VGSO. My diary note for this meeting reads:
- ESD – Conference room. Meeting re Op. ADOBE. A/C CORNELIUS, A/A/C WILSON, Comm. HART, A/C MOLONEY, Supt. ALWAYS, [REDACTED] [REDACTED] [REDACTED] Fin McRAE (legal services), Isobel PARSONS (VGSO)
  - [REDACTED] (Always [REDACTED] to make enq with [REDACTED])
  - [REDACTED] to meet with witness
  - McRae/PARSONS to obtain legal advice from Peter HANKS
  - McRae/PARSONS to [REDACTED] [REDACTED]
  - Further meeting [REDACTED] re [REDACTED]
155. I do not recall the specific details of each meeting I had with or about Ms Gobbo in this period. However, I recall that Ms Gobbo was becoming increasingly distressed about the lack of a resolution [REDACTED] Ms Gobbo was describing symptoms of anxiety and distress.
156. On 27 July 2009, I met with Graham Evans-C [REDACTED] and [REDACTED] to discuss Ms Gobbo and her entry into the WPP. It was arranged that [REDACTED] and Sup't Always would meet with Ms Gobbo at 12:30pm that day.
157. On 30 July 2009, I met with Commander Hart, Sup't Always, [REDACTED] and DI Smith to discuss Ms Gobbo and the WPP and [REDACTED] could be made to [REDACTED] [REDACTED] to [REDACTED] Ms Gobbo's [REDACTED].<sup>68</sup> Ultimately, no agreement could be reached, and Ms Gobbo continued to be managed outside of the WPP.
158. At this time, Ms Gobbo required constant attention and management. She provided a steady stream of intelligence that I did not, with some exceptions, register (as I describe above). She

<sup>66</sup> VPL.0100.0001.4055 at 4110.

<sup>67</sup> VPL.0100.0001.4055 at 4110, VPL.0005.0038.0276, VPL.0005.0038.0278, VPL.0005.0038.0279, VPL.0005.0038.0280, VPL.0005.0038.0281, VPL.0005.0038.0286, VPL.0005.0038.0290, VPL.0100.0237.2502.

<sup>68</sup> VPL.0100.0058.3813.



was erratic and emotional, and I continued to assess the risk to her as high. Engaging with her was time consuming and I was frustrated that Ms Gobbo would not enter the WPP.

159. However, she had also been compliant with our requests about matters such as [REDACTED] and she had reduced her contact with associates of concern. While Ms Gobbo was very aggressive [REDACTED] she did not in this period express any aggression towards the Petra team. She was always civil when dealing with us. The only sticking point from my perspective was her reluctance to go into the WPP and the viability of the regime we had in place, which was not sustainable in the long term.
160. On 5 August 2009, I met with DI Smith, DS Lloyd and I <sup>Graham Evans-O</sup> [REDACTED]. DI Smith provided an update on a meeting he had earlier that day with A/C Cornelius and DC Moloney re: Operation Adobe. I have no independent recollection of this meeting.
161. I had two further meetings with Ms Gobbo and AC Wilson in August 2009 and continued to be in regular contact with Ms Gobbo. I met or spoke with Ms Gobbo on 7, 12, 17, 25, 29 and 31 August 2009.<sup>69</sup>
162. I am aware that a letter was sent to Ms Gobbo dated 26 August 2009. I had no role in drafting this letter. On 29 August 2009, I met with <sup>Graham Evans-O</sup> [REDACTED] and Ms Gobbo. My diary says, "as per ICR".<sup>70</sup> My reference to "ICR" is in fact [REDACTED]. I do not recall this discussion.
163. I had a telephone conversation with Ms Gobbo on 31 August 2009.<sup>71</sup> In that course of discussion I told Ms Gobbo that the only formal agreement that would be reached between Victoria Police and Ms Gobbo would be [REDACTED]
164. In the course of preparing this statement, I was shown a letter from Ms Gobbo to Chief Commissioner Overland dated 7 September 2009.<sup>72</sup> I don't recall the letter. I met with Ms Gobbo on 7 September 2009 and spoke with her on 8 and 10 September 2009.<sup>73</sup>
165. On 11 September 2009, Mr Dale was granted bail. I called Ms Gobbo and spoke to her about the bail decision. I spoke or met with Ms Gobbo on 17 and 21 and 23 September 2009.<sup>74</sup>
166. In the course of preparing this statement, I was shown a letter from Ms Gobbo to copying Chief Commissioner Overland dated 28 September 2009.<sup>75</sup> I don't recall this letter.

<sup>69</sup> VPL.0005.0038.0016, VPL.0005.0038.0020.

<sup>70</sup> VPL.0100.0237.2521.

<sup>71</sup> VPL.0100.0237.6460.

<sup>72</sup> VGSO.2000.0143.0312.

<sup>73</sup> VPL.0005.0038.0052, VPL.0100.0237.6489, VPL.0005.0050.1713.

<sup>74</sup> VPL.0100.0260.0001.

<sup>75</sup> VPL.0100.0058.0001 from 0053-0056.

167. I met with Ms Gobbo on 30 September 2009.<sup>76</sup> At some point Ms Gobbo advised me to get a lawyer because I would be "hung out to dry". Her comment didn't trouble me. I was comfortable that I had not done anything inappropriate in my dealings with her.
168. On 5 October 2009, I read an email sent to me by Ms Gobbo's legal representative on 2 October 2005 (a Friday).<sup>77</sup> In summary, it said that if AC Wilson did not telephone her by 3:50pm on Monday 8 October 2009 the action foreshadowed in her letter of 28 September 2009 would be taken (which was to commence civil litigation against Victoria Police). I forwarded the email to DI Smith.
169. On 7 October 2009, DI Smith and I visited Ms Gobbo in hospital.
170. The Petra Taskforce Update, dated 19 October, records that it was agreed that Ms Gobbo's legal representative would prepare [REDACTED] for consideration by Victoria Police – one for operational matters and the other for financial matters.<sup>78</sup>
171. I had limited, if any, involvement in drafting the responses to Ms Gobbo's letters or setting the strategy for how to respond to the impasse that had developed. The process was, by this time, being managed by the VGSO. I continued to have frequent contact with Ms Gobbo in terms of her safety and welfare, and assisted, where necessary, with the provision of information between Ms Gobbo and Victoria Police. Despite the content of her letters, and her obvious frustration, Ms Gobbo continued to be civil towards me and the Petra team.
172. On 14 October 2009, I met with David Ryan at the VGSO. I infer that this was in response to Ms Gobbo's threat of legal action, but I do not specifically recall.
173. At about this time, Ms Gobbo's contact with me started to decrease. I met with Ms Gobbo on 15 October 2009 and spoke with her on 21 and 23 October 2009.<sup>79</sup> I covertly recorded the call on 21 October.
174. On 12 November 2009, <sup>Graham Evans-O</sup> and I met with Ms Gobbo. I covertly recorded this discussion.
175. On 17 November 2009, I attended a birthday lunch for Ms Gobbo.<sup>80</sup> I did so as part of my role in maintaining good relations with her, and also because I judged that it would be beneficial for her to see that the Petra Taskforce team was continuing to support her.
176. From about 20 November 2009, the Petra Taskforce reduced its engagement with Ms Gobbo. Victoria Police had received information that an article was to be published about Ms Gobbo's

<sup>76</sup> VPL.0005.0038.0082.

<sup>77</sup> VPL.0100.0237.4257.

<sup>78</sup> VPL.0100.0020.5171.

<sup>79</sup> VPL.0100.0260.0001, VPL.0100.0237.7733, VPL.0100.0010.0213 at 0281.

<sup>80</sup> VPL.0005.0038.0136.

engagement with Victoria Police and there was a concern that Ms Gobbo had been the source of the information.<sup>81</sup> Any involvement with Ms Gobbo in those circumstances created risk.

177. On 23 November 2009, I met with DI Smith, DS Lloyd and <sup>Graham Evans-O</sup> about Operation Adobe. Following on from that I had a meeting with Smith, DS Lloyd, <sup>Graham Evans-O</sup>, Solomon and Davey about Operation Adobe. I do not have any independent recollection of this discussion. I infer from my diary entries and other documents that Smith was briefing us about the concerns that Ms Gobbo was speaking to the media.
178. On 24 November 2009, I forwarded to AC Wilson, for his approval, a draft email to Ms Gobbo's legal representative (prepared by DI Smith) explaining the reasons for the reduced engagement.<sup>82</sup>
179. Petra continued to make [REDACTED] and [REDACTED] for Ms Gobbo. On 24, 26 and 30 November 2009, I attended [REDACTED] to investigate [REDACTED] options for Ms Gobbo.
180. On 30 November 2009, I received an email from DI Smith, forwarding a chain of emails between Ms Gobbo's legal representative and AC Wilson.<sup>83</sup>
181. On 3 December 2009, DI Smith and I spoke with Catherine Gobbo about Ms Gobbo. My diary states:

*Phone call to Legal Rep for Witness F re Op Adobe.*

182. On 7 December 2009, DI Smith and I visited Ms Gobbo in hospital, where she had been admitted as an inpatient. Later that day, I received an email from DI Smith, forwarding correspondence from Catherine Gobbo.<sup>84</sup>
183. On 9 December 2009, I received an email from Catherine Gobbo about Ms Gobbo's health, asking me to refrain from any contact with Ms Gobbo.<sup>85</sup> I complied with this request.
184. On 17 December 2009, Ms Gobbo was served with a notice to give evidence at the Mr Dale's committal hearing, which was scheduled for March 2010.<sup>86</sup>
185. On 22 December 2009, DS Solomon informed me that Ms Gobbo wanted to speak to me about a letter she had received. I called Ms Parsons of the VGSO, informed her of Ms Gobbo's request and ask her for a copy of the letter. Ms Parsons said it would be inappropriate for me to discuss the letter with Ms Gobbo, and that Mr Ryan would call me. Mr Ryan then rang me. Mr Ryan

<sup>81</sup> VPL.0013.0001.0255.

<sup>82</sup> VPL.0013.0001.0255.

<sup>83</sup> VPL.0100.0237.4317.

<sup>84</sup> VPL.0100.0237.4239.

<sup>85</sup> VGSO.2000.1359.0004 at 0006.

<sup>86</sup> VPL.0100.0260.0001.



reiterated that it would be inappropriate for me to speak with Ms Gobbo about the letter but indicated that I could meet with Ms Gobbo for the purposing of checking on her welfare.

186. On 23 December 2009 I emailed Catherine Gobbo to ask whether I could accept an invitation issued by Ms Gobbo to visit her in hospital.<sup>87</sup> I emphasised that it was a welfare check only and that the communications between Ms Gobbo and Victoria Police would not be discussed. Catherine Gobbo responded to that email.
187. On 24 December 2009, I attended a meeting with Fin McRae, Isabel Parsons, Georgette Apostolopoulos of the VGSO and Peter Hanks QC and Danny Masel of counsel. In the course of preparing this statement, I refreshed my memory from the notes of that meeting. The minutes of that meeting record, in part:

*1130 603/550 Lonsdale St, IMC – Chambers of Peter HANKS QC – Meeting with VGSO – David RYAN, Isobel PARSONS, Georgette & HANKS & Danny re Witness F. Fin McRae via phone link.*

- VGSO/McCrae to further meet with Piper Alderman solicitors on 4/1/2010
- Letter to be fwd to same on 31/12/2009

188. I was on leave from 31 December 2009 to 2 February 2010.
189. On 4 January 2010, I received an email from Catherine Gobbo informing me that Ms Gobbo had been discharged from hospital and had returned home.<sup>88</sup>
190. On about 25 January 2010, the solicitor for Mr Dale issued a witness summons in relation to the committal of Mr Dale, which was scheduled to commence on 9 March 2010.<sup>89</sup> Gobbo was not required to attend but the summons requested documentation from examinations/discussions from individuals including Gobbo.
191. At this time, there were concerns about Ms Gobbo's willingness give evidence at Mr Dale's committal hearing. These concerns are reflected in a Petra Taskforce Update from 27 January 2010.<sup>90</sup> I was not in attendance at that meeting (because I was on leave).
192. On 4 February 2010, DS Lloyd and <sup>Graham Evans-O</sup> and I met with Ms Gobbo.<sup>91</sup> I do not recall this meeting. However, my diary records that on arrival back at the office, I met with DI Smith, DSC Davey and DS Solomon and updated them about the meeting. I infer from this that

<sup>87</sup> VPL.0100.0237.4668.

<sup>88</sup> VPL.0100.0237.4674.

<sup>89</sup> VPL.0100.0024.1423.

<sup>90</sup> VPL.0100.0020.5208.

<sup>91</sup> VPL.0005.0038.0145.

I was meeting with Ms Gobbo about the requirement that she attend and give evidence at Mr Dale's committal (which was scheduled to commence in March 2010).

193. I have been shown a text message from Ms Gobbo, sent shortly after our meeting on 4 February 2010,<sup>92</sup> that reads:

*...You will have just received a 71 page email from Cath enclosing all the documents we discussed. Please do your best to try to sort this out ASAP as I have given instructions to my solicitor not to file yet but we're running out of time and I'm running low on patience & a will to live Shane. I'm count on you as I did on 7.12.08...Subject to medical, surgical & specialist appts and afternoon nursing visits I am free to meet anytime & ASAP if you want this mess resolved. Please do not make me further regret my decision or question my poor judgment Shane. Thanks*

194. In addition, Catherine Gobbo sent me an email that same day attaching a bundle of correspondence.<sup>93</sup> I have no recollection of these events but I infer that in the course of my meeting with Ms Gobbo on 4 February 2010 I had offered to try to broker a resolution to the impasse between her and Victoria Police.
195. I spoke with, and later met, Ms Gobbo on 11 February 2010,<sup>94</sup> and otherwise had reasonably frequent contact with her in the period 4 – 17 February 2010.<sup>95</sup> To the best of my recollection, the contact was connected to my efforts to find a resolution to the impasse, in light of Mr Dale's impending committal hearing.
196. Ms Gobbo was still reasonably civil towards me at this time. She was clearly very frustrated, and some of that was directed to me.
197. I had not formed any view at this time that Ms Gobbo was not fit to give evidence at the committal. Ms Gobbo spoke frequently about her medical conditions and, later in February, I recall that Ms Gobbo said that she was not well enough to give evidence. My reply was that I needed a medical certificate to seek for her to be excused from giving evidence, or to have the committal adjourned. It was not open to me to excuse her from giving evidence. She had been listed as a witness, was required by the defence, had been subpoenaed to give evidence and I could not assist her (whether with an adjournment or otherwise) unless she provided a medical certificate. She refused to do so. She said that it was an invasion of her privacy.

<sup>92</sup> VPL.0100.0001.4055 at 4112.

<sup>93</sup> VPL.0100.0237.4676, VPL.0100.0237.4677.

<sup>94</sup> VPL.0100.0237.3504, VPL.0100.0237.7884.

<sup>95</sup> VPL.0100.0001.4055 at 4112-4113, VPL.0100.0260.0001, VPL.0005.0038.0153.

198. On about 26 February 2010, I was made aware of letter dated 26 February 2010 in which Piper Alderman, who were now representing Ms Gobbo, asked that Petra investigators, including me, have no further contact with Ms Gobbo.<sup>96</sup> My diary entry for this day records:

*Received copies of letter from Piper Alderman to VGSO & OPP re Op. LORIS. Liaised with VGSO & OPP re same – response letter fwd to Piper Alderman by OPP – copy obtained.*

199. In the period February 2010 to March 2010 I was copied to various communications about Victoria Police's engagement with Ms Gobbo.<sup>97</sup> I was not directly involved in the negotiations or the decision-making in this period.

200. I was also involved in various matters concerning a number of subpoenas filed by Mr Dale's solicitors, and which may have required Victoria Police to disclose information about Ms Gobbo's engagement with Victoria Police. I had significant engagement with VGSO about these matters during February and March of 2010.<sup>98</sup>

The Dale and Collins committal commenced on 9 March 2010. On 10 March 2010, a suppression application was made for Mr Williams, and refused. An appeal was immediately lodged.<sup>99</sup>

201. In March 2010, we received a further subpoena for the production of documents from Mr Dale's solicitors.<sup>100</sup> The wording of the subpoena was such that it was likely to capture the whole of Ms Gobbo's informer management file.

202. Later that day, I met with DI Smith and Officer Sandy White. I confirmed that an informer management file did exist, that there were disclosures in relation to the Hodson murders, and that it would identify Ms Gobbo's role. I said it would take two weeks to compile the material and that PII would need to be claimed. Advice was received that there was the possibility that the material would need to be disclosed, and that Ms Gobbo's status as a registered human source would not prevent disclosure.<sup>101</sup>

203. On 11 March 2010, an application was made for suppression of Ms Gobbo's identity. The application was refused.<sup>102</sup> I was involved in discussions following this decision about whether to appeal and the timing of any further application for suppression. My diary for this day records:

<sup>96</sup> VPL.0013.0001.0008, VPL.0013.0001.0009.

<sup>97</sup> VPL.6077.0014.6660; VPL.6077.0014.6363; VPL.6077.0014.6366; VPL.6077.0014.5645, VPL.6077.0014.5648; VPL.6077.0014.5792; VPL.6077.0014.5793; VPL.6077.0014.5795

<sup>98</sup> VPL.0100.0260.0001; VGSO.2000.1511.0218, VPL.0100.0237.2339; VGSO.4100.0001.0430, VGSO.4100.0001.0431; VPL.6040.0010.6331; VPL.0100.0237.4545; VPL.6077.0014.8891, VPL.6077.0014.8894; VPL.0013.0001.0066, VPL.0013.0001.0069.

<sup>99</sup> VPL.0013.0001.0505.

<sup>100</sup> VGSO.2000.1510.0149.

<sup>101</sup> VPL.6077.0014.5807.

<sup>102</sup> VPL.0013.0001.0505.



1010 RC – D/I Steve White (ESD) with D/S/Sgt Fitzgerald & D/Sgt Wells

- D/Sgt Wells has received email from F re wanting to “catch up”.
- Briefed White re current witness management negotiation involving VGSO/Piper Alderman (PA) in general terms.
- Briefed re current committal & communication b/w PA & OPP.
- Advised White that A/C Cornelius should be notified ASAP re email contact & no contact should be made with F without knowledge of A/C Cornelius.

204. On Friday 12 March 2010, I attended the committal for the entire date. At 3:50pm, legal representatives for Ms Gobbo attended the Court and sought to have her excused from the summons on the basis of ill-health. My diary entry for 12 March states:

*Application made to Court by Counsel for Witness F to be excused from Witness Summons.*

- Affidavit provided to OPP & Court
- Confidential exhibits not disclosed to DPP/Court
- Mr. Reardon (Mag) advised Application not being heard today – to be heard Monday 15/3
- D/I Smith advised by phone – copy of affidavit & material obtained

205. I attended the committal on 15, 16, 18 and 19 March 2010. The committal was adjourned before any witness evidence was called.

206. The Petra Taskforce Update for 22 March 2010<sup>103</sup> indicates that the Magistrate refused to set the subpoena to Ms Gobbo aside but adjourned her evidence until 17 June 2010 and instructed that the Court be given regular medical reports.

207. As such, at this time, both pillars that I had intended to rely on to protect Ms Gobbo had failed. Ms Gobbo had not entered the WPP and the suppression order application had been refused.

208. As to the WPP, I believe that Victoria Police and Ms Gobbo share responsibility for the failure of PII [REDACTED]. The WPP [REDACTED] and [REDACTED]. There are good reasons why that is so. The WPP is also a voluntary program – as it should be. However, where a witness refuses to enter the WPP, which is [REDACTED], the risk remains and generally falls [REDACTED] to manage. Where the risk is high, providing an appropriate level

<sup>103</sup> VPL.0100.0020.5247.

of protection is [REDACTED] and [REDACTED]. It is not [REDACTED]  
[REDACTED] nor is it [REDACTED]. Often, they do [REDACTED] available.

209. Equally, I believe that Ms Gobbo shares responsibility for the inability <sup>Pill</sup> [REDACTED] for the WPP. Ms Gobbo was an experienced criminal barrister who regularly engaged with Victoria Police. She was familiar with a wide range of Police prosecutors and investigative officers. She was familiar with Victoria Police's practices for the collection and use of evidence.
210. Ms Gobbo was under no pressure to record her conversation with Mr Dale, or to give a statement. She offered no resistant to recording the conversation or to giving a statement. When doing so, Ms Gobbo was fully aware of her history as a registered human source – something that many of the investigators were not. I believe that, because she was an experienced criminal barrister, she undertook the risk that this history would be exposed if she gave a statement. Ms Gobbo was aware, and talked to me about, the reality that if she gave a statement there would be a risk to her safety and security measures would need to be put in place.
211. Equally, I believe that Ms Gobbo knew that WITSEC was the principal means by which Victoria Police managed the safety and security of witnesses at high risk, and that she understood the [REDACTED] of witness protection – being [REDACTED] and [REDACTED]. In that context, Ms Gobbo's insistence that she be granted entry to the WPP on certain terms, one of which was to [REDACTED] her [REDACTED] was, in my view, disingenuous. It was unreasonable of Ms Gobbo to expect Victoria Police to manage the high risk to her safety when she was unwilling to agree to [REDACTED] measures intended to protect her.
212. I do not believe that the risk to Ms Gobbo should have resulted in her being withdrawn as a witness in the prosecution of Mr Dale and others. The Magistrate's decision to refuse to grant the suppression application did not change my view.
213. If witnesses were withdrawn on the basis of risks to their safety, this would, in my view, undermine the administration of justice. That approach suggests that an accused can benefit from creating a real risk of harm to a witness, because it increases the likelihood of a prosecution being withdrawn. Most prosecutions rely on witness evidence. Without the evidence of witnesses, many of whom are innocent people who inadvertently witnessed the commission of a crime, the judicial system would fail to meet community expectations.
214. However, there is no legal means to compel a person to give a witness statement, and it is rare for a person to be subpoenaed to give evidence if they have not given a statement. As such, there is an expectation that the public will "do the right thing" and provide a statement and attend and give evidence when asked to do so. Members of the public who are asked to give a statement and give evidence are entitled to be protected. They have a right to feel safe.

215. In my view, the events concerning Ms Gobbo demonstrate that the current legislative protections for witnesses are not sufficiently robust. They do not afford witnesses an acceptable level of anonymity, safety and security.
216. I also do not believe that insufficient attention was paid to Ms Gobbo's health, or that her health was such that she should not have been subpoenaed to attend and give evidence. At the time of my initial engagement with Ms Gobbo, I did not detect any physical or mental health issues. I was aware that she had previously suffered a stroke, but she appeared in generally good health.
217. Over time, there was a deterioration in her mental health and wellbeing and some physical health issues. Ms Gobbo was hospitalised on two separate occasions. On a number of occasions, I offered to provide Ms Gobbo support, including by way of engaging mental health professionals to assist her. Those offers were not accepted.
218. At no time during my involvement with Ms Gobbo did I believe that her health issues were so significant that they outweighed the importance of her evidence. I believe this is supported by the Magistrate's decision not to set aside the subpoena on the basis of Ms Gobbo's health, but rather to adjourn the committal. Moreover, it was not until shortly prior to Mr Dale's committal that Ms Gobbo stated that she did not wish to give evidence on the basis of her health. Ms Gobbo was asked to provide evidence of her ill-health which could be used in Court in support of an application to excuse her from giving evidence, or for an adjournment of the committal. Ms Gobbo refused to do so on the basis that it would breach her privacy and pressed for Victoria Police to withdraw her as a witness. I found Ms Gobbo's response to the request for medical evidence to be remarkable. As a barrister, Ms Gobbo must have understood that witnesses are not excused from evidence on medical grounds without providing evidence.
219. I ceased having direct contact with Ms Gobbo after this time. I was in regular communication in this period with the VGSO about ongoing issues concerning the committal, and Ms Gobbo's threatened legal claims against Victoria Police. These issues were also discussed at the Petra Steering Committee.<sup>104</sup>
220. On 19 April 2010, Carl Williams was murdered at Barwon Prison. I was notified of his murder. Following Mr Williams' murder, there was concern that the risk to Ms Gobbo had escalated. At 5:30pm that day, I attended Piper Alderman's office and met with Ms Gobbo and her legal representatives. The purpose of this meeting was to put in place some [REDACTED] arrangements following Mr Williams' death. Ms Gobbo declined the measures proposed by Victoria Police.
221. From 22 April 2009 to 24 May 2010, I was on leave.

104

VPL.0100.0020.5247, VPL.0005.0012.2650.



222. On 30 April 2010, I received an email from Dave Ryan of the VGSO, attaching a writ filed on Ms Gobbo's behalf in the Supreme Court.<sup>105</sup> I do not recall reading the document in detail.
223. On 7 June 2010, I met with a member of counsel (I do not recall who), along with Andrew Bona and Monica Pekevka about the writ filed by Ms Gobbo. My diary indicates that this meeting went for about four hours, but I don't have a specific recollection of it. In the course of preparing this statement, I listened to a recording of the meeting.
224. I did not, and do not, accept that I made any representations or offered inducements of the kind Ms Gobbo suggests. I had no authorisation to do so. There are hours of recorded conversations in which I reiterate to Ms Gobbo that I was not a decision-maker, that [REDACTED] PII was making the decisions about her involvement in the WITSEC program and that any arrangement outside of WITSEC was subject to approval. These conversations are inconsistent with the suggestion that I had made representations to Ms Gobbo of the kind she alleged.
225. I had further contact with the VGSO about Ms Gobbo's writ on 23 June 2010, 25 June 2010 and 20 July 2010.<sup>106</sup> To the best of my recollection, the subject matter of these interactions did not include the representations that Ms Gobbo alleges I made.
226. In this period, Petra continued to have responsibility for Ms Gobbo's safety. Ms Gobbo was the subject of regular discussion at the Petra Steering Committee. I continued to oversight the arrangements being made for Ms Gobbo's ongoing security but did not have direct contact with her. I continued to report on these arrangements to the Petra Steering Committee.
227. On 20 July 2010, I attended a meeting with [REDACTED] Graham Evans-O, Mr McRae, AC Crisp, AC Evans and David Ryan of the VGSO in which we discussed further efforts to facilitate Ms Gobbo's entry into the WPP.
228. On 12 August 2010, the Petra team received an email informing us that Victoria Police had settled Ms Gobbo's civil claim.<sup>107</sup> I received a call from DS Solomon, in which he was angry and upset. DSC Davey also expressed anger both at the settlement (the terms of which were not disclosed to us) and that we had been informed by email.
229. I called A/C Jeff Pope and spoke to him about the matter. I said that the team was unhappy with the settlement and unhappy that they had been told by email. I then called an office meeting to discuss the issue with the Petra team.
230. Also on 12 August 2010, I received a written direction from Chief Commissioner Overland, via an email from A/C Pope that the Petra Taskforce was not to have any further contact with Ms

<sup>105</sup> VPL.0100.0237.4325.

<sup>106</sup> VPL.0100.0260.0001, VPL.0101.0001.0035, VPL.0100.0260.0001.

<sup>107</sup> VPL.0100.0040.0838.

Gobbo.<sup>108</sup> Every members of the Petra Taskforce, including me, was required to sign an acknowledgement attached to the direction.<sup>109</sup> At this time, I was not aware that the terms of settlement entered into with Ms Gobbo include a term that [REDACTED]  
[REDACTED]

231. In the weeks and months following Mr Williams' death, I had organised to get every member – current and former – of the Petra Taskforce together offsite where we reviewed every aspect of Petra. The team was ready to go again. We put a complete proposal together about what we could do to keep the investigation going following Mr Williams' murder.
232. Reflecting on this meeting, I formed the view that I could no longer give it my all, and that I would not be doing the right thing by the team, or the Hodsons family, by continuing.
233. On 17 August 2010, I arranged a meeting with A/C Danny Moloney.<sup>110</sup> I said that I'd had enough, and I needed a transfer. Between the Purana Taskforce and the Petra Taskforce, I had been working on these issues for seven years. Those years had taken a toll.
234. A/C Moloney told me that the Petra Taskforce was folding. I asked him to deliver the message in person to the Petra Taskforce team.
235. On 18 August 2010, A/C Moloney addressed a meeting of the Petra Taskforce team and informed them of the decision to close the taskforce.
236. On 3 September 2010, I left the Petra Taskforce, and took a period of leave.
237. On 7 October 2010, I commenced at Homicide.
238. I retired from Victoria Police effective 10 June 2017.

**How I learned, or was given reason to believe, Ms Gobbo was providing information or assistance to Victoria Police (Q3)**

239. I refer to my answer to question 2 above.

**Provide details of any other member of Victoria Police or other organisation who you believe was aware, prior to the end of 2012, that Ms Gobbo was providing information or assistance to Victoria Police (Q4)**

240. I believe that the following people were aware:

- (a) Simon Overland;
- (b) Rod Wilson;

<sup>108</sup> VPL.0100.0260.0001.

<sup>109</sup> VPL.0005.0010.2789.

<sup>110</sup> VPL.0100.0260.0001.

- (c) DI Steve Smith;
- (d) Graham Evans-O ;
- (e) DS Lloyd;
- (f) [REDACTED]
- (g) Peter Lardner;
- (h) Isobel Parsons;
- (i) Findlay McRae;
- (j) David Ryan;
- (k) various members of the SDU.

**Provide details of person(s) you believe were involved in the authorisation, and continued authorisation, of the use of Ms Gobbo as a human source (Q5)**

241. I do not know who was involved in the authorisation and continued authorisation of Ms Gobbo as a human source.

**Detail all personal contact you have had with Ms Gobbo (Q6)**

242. I have had no personal contact with Ms Gobbo.

**Provide details of information received by Victoria Police between 1995 and 2012 where you knew, believed or had reason to suspect that the source of that information was Ms Gobbo (Q7)**

243. I have no knowledge of any information of this kind.

**Provide details of any assistance given to Victoria Police, other than as a potential witness from 2009, where you knew, believed or had reason to suspect that such assistance was provided by Ms Gobbo (Q8)**

244. I refer to my answer to question 2 above.

**Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public Prosecutions, the Commonwealth Director of Public Prosecutions) as to the use of a legal practitioner of a human source (Q9)**

245. I am not aware of any concerns of this kind being raised, save as set out above.

**Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public Prosecutions, the Commonwealth Director of Public Prosecutions) as to the use of Ms Gobbo as a human source (Q10)**

246. I refer to my answer to question 2 above.



**Provide details of your awareness as to any discussion within Victoria Police about the obligation of disclosure in relation to material concerning the use of Ms Gobbo as a human source (Q11)**

247. I refer to my answer to question 2 above.

**Other relevant matters**

**Provide details of any other human source who, to your knowledge, has provided information or assistance to Victoria Police who were subject to legal obligations of confidentiality or privilege (Q12)**

248. I am not aware of any other human sources has provided information or assistance to Victoria Police was subject to legal obligations of confidentiality or privilege.

**Detail any training, including any retraining, you have received in relation to:**

- (a) your obligation of disclosure to accused persons, prosecution agencies and the courts;
- (b) the right of an accused person to silence;
- (c) the right of an accused person to a legal practitioner;
- (d) legal professional privilege;
- (e) public interest immunity; and
- (f) professional and ethical decision making (Q13)?

249. In the course of my police career, I attended numerous training courses, including:

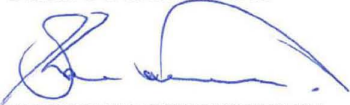
- (a) Police Academy training;
- (b) Detective Training School;
- (c) Sergeant's Investigation Management Course; and
- (d) Accident Investigation Course.

While I do not recall the specifics of each course I have attended, I believe that the topics listed in question 13 would have been covered to varying degrees. Those topics are also matters that are learnt on the job through operational exposure to the criminal investigative environment.

**Are there other matters relevant to the Commission's terms of reference about which you are able to provide assistance to the Commission (Q14)?**

250. I have no further information to provide.

Dated: 5 December 2019



Shane O'Connell