

Royal Commission

into the Management of Police Informants

STATEMENT OF DANNYE MOLONEY APM

1. My full name is Danyne Owen Moloney.
2. I retired from Victoria Police on 16 April 2011.
3. I make this statement in response to a request from the Royal Commission into the Management of Police Informants. It is produced in response to a Notice to Produce.
4. I have a very limited recollection of the events detailed in this statement and have relied heavily on the available records in the preparation of this statement. Those records consist of:
 - (a) my official police diaries for the period between 26 April 2004 and 1 November 2008;¹
 - (b) relevant emails, meeting agenda, meeting minutes and other materials provided to me by my legal representatives, as referred in this statement.
5. I have not had access to my diaries covering the period from November 2008 until April 2011, when I was the Assistant Commissioner, Crime, as Victoria Police has been unable to locate these. This has substantially hindered my ability to prepare this statement.
6. I am currently overseas and returning on 24 October 2019. I have finalised this statement while overseas. To the best of my recollection, this statement is true and accurate. However, I do not have access to documents from overseas and, therefore, have not had the opportunity to review documents in finalising this statement. On my return, I propose to review relevant documents against my statement. If there is a need to change or supplement any part of my statement then I will produce a supplementary statement promptly.

¹ VPL.0005.0169.0031, VPL.0005.0169.0001.

Educational background and employment history (question 1)

7. I joined Victoria Police in August 1969 when I was aged 16. I graduated from the Police Training Depot in 1971. A summary of the roles I performed is as follows:
- (a) I worked at various uniform stations at the rank of constable.
 - (b) In 1974, I was selected to perform detective duties and worked at the Collingwood and Fitzroy detective units, and at the Armed Robbery and Homicide Squads in the Crime Department. I was promoted to Senior Constable.
 - (c) In 1981, I was promoted to the rank of Sergeant at the Preston uniform branch. I was seconded to a taskforce targeting Russell Cox and his associates regarding homicide and armed robbery (Taskforce Ambit).
 - (d) In 1984, I was promoted to Senior Sergeant at the Community Policing Squad, Glenroy.
 - (e) In 1986, I was promoted to Inspector working at Broadmeadows. I then gained the position of Detective Inspector within the region.
 - (f) In 1989, I was seconded to set up and manage the Rape Investigation and Evaluation Task Force. This resulted in the creation of the Victoria Police Crime Department Rape Squad in 1991 (I was transferred to the Crime Department in 1991) and Child Exploitation Squad in 1992.
 - (g) In 1996, I was awarded the Australia Police Medal.
 - (h) Within the Crime Department I was also in charge of the Armed Robbery Squad for approximately 15 months and sub-charge of the Homicide Squad.
 - (i) In 1997, I was promoted to Superintendent at Shepparton.
 - (j) In 1999, I was seconded to Scotland for three months to examine policing operations methodologies and community relations.
 - (k) In late 1999, I gained position of Detective Superintendent, Region 3.
 - (l) From April 2001, I took charge of the Ceja Taskforce. I was a Superintendent and Acting Commander during this time.

- (m) In 2003, I was promoted to Commander, Intelligence and Covert Support Department, but did not take up this role until 11 July 2005 for the reasons described below.
- (n) On 11 July 2005, I commenced as Commander, Intelligence and Covert Support (while retaining command of Ceja Taskforce until approximately December 2006).
- (o) During 2007-2011, I was the Victoria Police Operations Command in the national response to terrorism, including Operations Pendennis and Neath.
- (p) On 1 November 2008, I was promoted to the role of Assistant Commissioner, Crime. I remained in this role until my retirement in April 2011.

My transfer from Ceja to Intelligence and Covert Support

- 8. In April 2001, I was approached by Deputy Commissioner Peter Nancarrow to take charge of the Ceja Taskforce, which was set up to investigate corruption in the former Victoria Police Drug Squad.
- 9. I accepted the position and took command of the Ceja Taskforce. I was a Superintendent and Acting Commander during this time.
- 10. In 2003, a vacant position arose as Commander, Intelligence and Covert Support Department. I applied for this role and was the successful applicant. However, at this time the investigative work of the Ceja Taskforce had escalated, and a decision was made that I should remain at Ceja.
- 11. Therefore, Superintendent Ian Thomas was assigned the role of Acting Commander, Intelligence and Covert Support Department, followed by Acting Commander Rod Wilson, until I became available to commence in the role. I had no involvement in the work of the Intelligence and Covert Support Department while Superintendents Thomas and Wilson were in the position of Acting Commander.
- 12. On 11 July 2005, I commenced as Commander, Intelligence and Covert Support Department while still retaining command of Ceja.
- 13. My work in direct management of Ceja concluded in approximately December 2006.
- 14. On 1 November 2008, I was promoted to the role of Assistant Commissioner, Crime. I remained in this role until my retirement in April 2011.

Educational background

15. I have completed the Executive Development Program, Victoria Police, which included the completion of a Diploma in Policing.
16. I completed all available and required training within Victoria Police, including:
 - (a) Advanced Detective Training; and
 - (b) Airlie College.

My involvement or association with any investigation which had dealings with Ms Gobbo (question 2)

17. I have been involved in the following investigations which had dealing with Ms Gobbo:
 - (a) Taskforce Petra;
 - (b) Taskforce Briars; and
 - (c) Taskforce Driver.
18. I was also aware of Ms Gobbo while I was at the Ceja Taskforce, as detailed below.
19. Taskforce Petra was established in about April 2007, to further investigate the murders of Terrence Hodson and Christine Hodson. I was appointed to the Taskforce Petra Steering Committee in about November 2008. I had no investigative role in Taskforce Petra.
20. Taskforce Briars was an investigation into the murder of Chartres-Abbott. It had been discontinued. Taskforce Briars was re-established in April 2009. I attended a number of meetings of the Steering Committee of the re-established Briars Taskforce.
21. Taskforce Driver was established in early 2010 to investigate the circumstances surrounding the murder of Carl Williams. Taskforce Driver came to manage security issues surrounding Ms Gobbo. I was appointed to the Taskforce Driver Steering Committee when it was established.

Use of Nicola Gobbo as human source (question 3)

22. I cannot state with any certainty when I came to know that HS3838 was Nicola Gobbo. I have set out below the sequences of events, as best as I can recall them.
23. I knew Ms Gobbo by sight from at least 2002, or thereabouts. I knew her in her capacity as a barrister, and recall seeing her in the legal district. I was also aware that she had been a person of interest to Victoria Police, due to her practice of associating with known criminals.
24. To the best of my recollection I have never spoken with Ms Gobbo, though it is possible that I may have been introduced to her at some point prior to 2005.

Ceja Taskforce

25. In the period 2003 – 2004, I was briefed, from time to time, about matters connected with the burglary of a property at 23 Dublin Street, East Oakleigh. At this time, I was Commander of the Ceja Taskforce.
26. I have a general recollection that, in this period, former Detective Inspector Peter De Santo proposed using Nicola Gobbo as a conduit to encourage Andrew Hodson to persuade his father, Terrence Hodson, to cooperate with Victoria Police about the burglary. I understand that this was because DI De Santo had previous dealings with Andrew Hodson.
27. I have been shown extracts from the evidence given to this Commission by DI De Santo, and also extracts from his diary.² I have no reason to doubt that I approved the approach to Ms Gobbo described above.
28. I am aware that, as a result of DI De Santo's approach, contact was made with Terry Hodson and that Mr Hodson submitted to an interview about the Dublin Street burglary.
29. I had further involvement as a result of the murder of Terrence Hodson and Christine Hodson on 16 May 2014. In the course of the investigation into those murders, I met with Andrew Hodson (in the company of DI De Santo) on two occasions. I do not

² VPL.0100.0021.3310.

independently recall the dates of those meetings, but I have a diary note of meetings that took place on:

(a) 17 May 2004; and

(b) 2 June 2004.

30. I did not have any direct contact with Ms Gobbo in the course of these events.

Establishment of the DSU

31. In 2004, I was appointed to the Steering Committee of the Human Source Management Project (HSMP). In the course of preparing this statement, I was shown a copy of the terms of reference for that Project.³ Those terms of reference accord with my recollection.

32. The HSMP Steering Committee was appointed to oversee the proposed establishment of a dedicated human source management unit. A 6-month pilot project was proposed.

33. The HSMP Steering Committee met on 16 July 2004, 30 July 2004, 13 August 2004, 10 September 2004, 24 September 2004, 22 October 2004.⁴ In the course of preparing this statement, I reviewed the minutes of those meetings. To the best of my recollection, the minutes are an accurate record of what occurred at each meeting.

34. The minutes to the Steering Committee meeting of 13 August 2004 record that I indicated that it was not necessary for the Steering Committee to be notified of the identity of the informer unless specific and relevant issues are identified in the handling of informers.⁵ This reflects a key policing practice known as "need to know". Information should only be shared on a "need to know basis". This ensures that information is not disseminated more widely than is necessary for the task at hand. The identity of human sources is information that should be shared on a need to know basis only.

35. In October 2004, a decision was made to limit the pilot to Region 3. In the course of preparing this statement, I was shown an Issue Cover Sheet prepared by Acting Senior Sergeant Owen on 25 November 2004 and which contains a recommendation that the

³ VPL.0100.0056.0432 at 0440.

⁴ VPL.0100.0048.1079, VPL.0100.0048.1148, VPL.0100.0048.1123, VPL.0100.0048.1075, VPL.0100.0048.1108, VPL.0100.0048.1093, VPL.0100.0048.1104.

⁵ VPL.0100.0048.1123.

pilot be limited to Region 3.⁶ To the best of my recollection, the issues set out in that cover sheet reflect the reasons for the decision to limit the pilot to region 3.

36. In November 2004, a pilot project for a dedicated source unit (the DSU) became operational. In the months prior, work had been done to set up the policies and procedures for the new unit and to source the required resources. From November, the pilot was operational. The DSU initially sat within State Intelligence Division (SID).
37. As part of the pilot, the DSU assumed responsibility for the management of high-risk sources for the 6 months of the pilot.
38. After the pilot became operational, the Steering Committee continued to meet. I attended meetings of the Steering Committee on, at least, 19 November 2004, 7 January 2005, 28 January 2005, 11 February 2005, 25 February 2005, 18 March 2005.⁷ In the course of preparing this statement, I reviewed the minutes of those meetings. To the best of my recollection, the minutes are an accurate record of what occurred at each meeting.
39. At the end of the pilot, two written evaluations of the pilot were prepared. The first was by Officer Sandy White.⁸ The second was by Inspector Townsend and Inspector Feather of the Corporate Management Review Division.⁹ I recall seeing both of these documents. Each document would have been forwarded to me for review, in final draft form.

Commander in Charge of Intelligence and Covert Support

40. In July 2005, I took up an appointment as Commander in Charge of Intelligence and Covert Support (I&CS).
41. Shortly after I took up at I&CS, I had a meeting with then Assistant Commissioner of Crime Simon Overland. Based on a review of my diary, I believe that the meeting took place on 12 July 2005.¹⁰ My diary for that date records a meeting with AC Overland between 5:30pm and 7:15pm.
42. In the course of that meeting, AC Overland informed me that I would not be briefed on the operational elements of two specific operations that I&CS was supporting. The

⁶ VPL.0100.0048.1214.

⁷ VPL.0100.0048.1084, VPL.0100.0048.1101, VPL.0100.0048.1143, VPL.0100.0048.1076, VPL.0100.0048.1094, VPL.0100.0048.1082.

⁸ VPL.0005.0117.0001.

⁹ VPL.0100.0048.0677.

¹⁰ VPL.0005.0169.0001 at 0020.

Commander in Charge of I&CS would ordinarily receive high level briefings about the operations in which I&CS employees were tasked. However, AC Overland said to me that there were two complex and sensitive operations, and that I would not be briefed about their operational details. Instead, the superintendents and other members under my command would brief AC Overland directly in relation to the intelligence and evidence relevant to these operations.

43. To the best of my recollection, AC Overland did not tell me which investigations he was referring to. However, I inferred that one of them was the Purana Taskforce.
44. I considered this a completely appropriate direction because I understood the "need to know" principle. I had put together a similar arrangement for an operation I had been involved with previously.
45. At the completion of the 6-month pilot, the DSU transitioned into a permanent unit. I have been shown an extract of the management structure of I&CS as contained in the statement of Tony Biggin. That is consistent with my recollection of the structure of the Department at that time.

Nicola Gobbo registered as a human source in September 2005

46. I am now aware that Ms Gobbo was registered as a human source in September 2005. As a high-risk source, Ms Gobbo was managed by the DSU.
47. At that time, the process for registering a human source was, in summary, that an application for registration was required. In turn, the application process required a risk assessment to be undertaken.
48. Generally, the application and risk assessment process were to be conducted prior to tasking. The application and risk assessment, along with any other documentation, was then forwarded to the Local Informer Registrar (the LIR). The LIR would make a recommendation and forward the application to the Central Informer Registrar (the CIR).
49. As all DSU sources were 'high risk', all applications went to the CIR. I was not, at any time, the LIR or the CIR.

50. My best recollection is that I had no involvement in Ms Gobbo's registration as a human source. I have no recollection of seeing the registration application for Ms Gobbo. I have no recollection of authorising Ms Gobbo's registration as a human source.
51. I have reviewed my official diaries for this period. Based on my diaries, I believe I met with Officer White on 4 October 2005. My diary entry for that day shows a meeting from 11:30 – 12pm with Officer White with the note:
- Officer White re DSU ops. Briefed re 3838.¹¹
52. This is the first note I have found in my diaries relating to 3838.
53. I have no independent recollection of this briefing. I may have been told that HS3838 was Ms Gobbo, but I have no recollection either way.
54. While I do not have any independent recollection, I do not believe I was informed of HS3838's identity at this time. I was not part of the decision to register HS3838 and, as such, there was no reason for me to know her identity. I did not need to know the identity of human sources unless there were circumstances that warranted the name being disclosed to me. That decision would be made by the relevant DSU officer when the issue was elevated to me.
55. It was also unusual to have legal practitioners registered as human sources. The information that a barrister was registered would have surprised me, and I expect that I would recall it if I had been told in 2005 or thereabouts.
56. If I was not told directly, I would not have enquired. In the absence of a special circumstance, I did not need to know.
57. I have been made aware that in evidence to this Commission, Officer White said that I was the Central Source Registrar for SDU files. I was not. To the best of my recollection, former Superintendent Thomas was the CIR.
58. I am aware from reviewing my diary that, on 5 October 2005, I attended a meeting with, among others, former Commander Purton, former Superintendent Biggin and former Superintendent Thomas. My diary note is:

¹¹ VPL.0005.0169.0001 at 0026.

Briefing Purton / Biggin / Thomas re (H.S. - 3838)¹²

59. I have no independent recollection of the meeting. However, looking at these notes, I expect that I was called to the meeting by Commander Purton, who was a Commander in Crime, or that Superintendent Ian Thomas requested my attendance - but I do not specifically recall. I do not recall if I was told that Ms Gobbo was HS 3838 at this meeting (nor whether I was already aware of this).
60. I have been informed that Assistant Commissioner Robert Hill has a diary entry for 5 October 2005 which records a meeting with me. I do not have an equivalent diary entry. I have no independent recollection of a meeting with AC Hill on 5 October 2005.
61. Based on my diary, on 22 October 2005, I attended a meeting with Superintendents Wilson and Taylor, in relation to two information reports (IRs) relating to HS3838.¹³ I do not know whether these IRs were based on information about HS3838, or whether they related to information obtained from HS3838.
62. My diary note suggests that I directed Superintendents Wilson and Taylor that matters of the kind discussed in the meeting could be exchanged between them directly (Superintendent to Superintendent) without needing to pass through me first. I understand from reading the diary note that information needed to be passed from the DSU to ESD, and that I authorised Superintendents Wilson and Taylor to communicate directly about similar matters, without needing to elevate the issue to me. My diary note is:

Briefed ESD Supt Wilson / Taylor re IR x 3 supplied re (H.S. 3838).

Agreed protocols re handover of protected documents; Supt to Supt.

63. I have no record of any involvement with HS3838 between October 2005 and February 2006.
64. Based on my diary, on 14 February 2006, I visited the DSU office. I am aware from his evidence in this proceeding that Officer White has a diary entry for this day showing a discussion with me about HS3838 and gave evidence that he would have given me an

¹² VPL.0005.0169.0001 at 0026.

¹³ VPL.0005.0169.0001 at 0030.

updated in relation to the status of operations with Ms Gobbo. I have no recollection of this discussion, and I did not make a note of it.

65. I have seen an email chain from 17 April 2008 in which DI Biggin forwards me an email chain about arson damage to Ms Gobbo's car. DI Biggin notes in his email "SDU are aware". I infer from that email that Superintendent Biggin believed that I was aware that Ms Gobbo was HS3838.

Human Source Payments Committee

66. I am aware from reviewing the minute of the meeting that on 26 April 2006 I attended a meeting of the Human Source Payments Committee at which the Committee approved the waiver of infringement notices incurred by HS3838¹⁴. I also made a diary note of this meeting.¹⁵
67. The Human Source Payments Committee was a committee that met when necessary. I sat on it regularly.
68. I recall this particular meeting, because the request to approve waiver of infringement notices was unusual. Usually, the Committee was approving monetary payments or the purchase of rewards. It was unusual to be asked to approve the waiver of parking infringements.
69. I am aware from reviewing the Request for Informer Reward that Ms Gobbo's name appears on the infringements that were included in the request for approval.¹⁶ I have no recollection of reading the documents attached to the request for reward. The general practice at these meetings was for a verbal brief to be provided. I generally relied on the verbal briefing, rather than the written documents.
70. If I did note that Ms Gobbo's name appeared in the document, I would have taken steps to ensure that this did not happen again. It was not appropriate for Ms Gobbo's name to appear on a document linking her name with her status as a human source or her human source identification number.

¹⁴ VPL.0100.0120.0001 at 0081.

¹⁵ VPL.0005.0169.0031 at 0038.

¹⁶ VPL.2000.0002.0892.

Biggin audit of Ms Gobbo's human source file

71. I am aware from reviewing the records that I directed Superintendent Biggin to audit HS3838's SDU file, and that he delivered the audit on 28 April 2006.¹⁷
72. I am not listed as a recipient of the audit and am not on the distribution and authority list for the document. If the document had been delivered to me, I would have initialled it. To the best of my recollection, and based on the available documents, this did not happen. I have no recollection of seeing the audit. For these reasons, I am of the belief that I was directed to arrange the audit by another person. If I had directed the audit for my own reasons, I expect that I would have been on the distribution and authority list.
73. To the best of my recollection, the audit was not linked to the reward request that was approved the previous day.
74. I have been informed that Superintendent Biggin has a diary note for 2 June 2006, showing that he briefed me about issues connected to HS3838. I have some recollection of this discussion but did not make a diary note. My general recollection is that Superintendent Biggin was drawing to my attention a potential attempt by known criminals to identify HS3838. I recall asking Superintendent Biggin to document the issue and prepare a full briefing.
75. My management practice in such matters – briefings- was to ask the following questions (if relevant to the matter):
 - (a) what is the situation;
 - (b) what has been undertaken;
 - (c) what is proposed to be done;
 - (d) what are the options;
 - (e) is a risk assessment required; and
 - (f) what resources are required.
76. I would then set a plan and detail the reporting methods and timelines.

¹⁷ VPL.0100.0132.0168.

77. In this instance, I recall asking for a detailed briefing.
78. I have also been made aware that Superintendent Biggin has a diary note for this day which states "SDU briefed Ops/Human sources – Commander Moloney all current sources discussed". I have no independent recollection of this discussion.

Nolan Audit

79. In the course of preparing this statement, I sighted an audit prepared by Lucinda Nolan of human sources files held by the SDU in June 2006¹⁸. I remember the audit being conducted and believe that I requested the audit being conducted by Ms Nolan. I recall speaking to her about the scope of the audit. This was in support of the National Human Source Management Committee. I selected Ms Nolan because the audit needed to be credible because it was going to the National Human Source Management Committee. Ms Nolan did not audit the HS3838 file, because Superintendent Biggin had recently audited it.
80. The development of the SDU had resulted, in part, from work done by the Australian Human Source Management Group (of which I was a member). This was a best practice audit in relation to the files of a unit that was less than 1 year old and was managing high risk sources and was later shared with the National Human Source Management Committee.

Petra Taskforce Established

81. On 2 April 2007, the Petra Taskforce was established. Former Detective Inspector Gavan Ryan was appointed to lead the Taskforce. I did not have any involvement in the Petra Taskforce at this time.
82. In the course of preparing this statement I have been made aware that, on 17 April 2008, Ms Gobbo reported that her car had been burned. I have no recollection of being briefed about this, though it is possible that I was.

¹⁸ VPL.2000.0002.0887.

6 July 2007

83. I am aware that Superintendent Biggin has a diary note of a meeting with me on 6 July 2007. I have no corresponding note for that day. My diary records that I was in Seymour for the day.¹⁹

20 July 2007

84. On about this day, I saw a person I believed to be Ms Gobbo on the corner of Swanston Street. I was at the lights, and she was walking towards me. I noticed that she was crying. I passed this information to Biggin.
85. I do not know whether I passed the information to Superintendent Biggin because I knew that Ms Gobbo was HS 3838, or merely because I knew her to be a high-profile barrister and a person of interest in connection with criminal activity.

July 2007 – August 2008

86. I do not recall having any involvement with HS3838 in this period.

August 2008

87. In the course of reviewing my diary, I identified that on 1 August 2008, I made a diary entry. I put an asterix on the entry. The entry reads:

Contact by DC Overland re supply H.S. identities re: Petra to Graham
Ashton OPI – Coordinated by Biggin.²⁰

88. I recall these events, because they were unusual. I received DC Overland's telephone call late on 1 August 2008. I was scheduled to represent the force at the send-off for Adrian Paterson. DC Overland instructed me to make the identities of certain human sources available to Graham Ashton (who at the time was at the OPI).
89. I called Superintendent Biggin and instructed him that he was to liaise with Graham Ashton and supply the identities as required.

¹⁹ VPL.0005.0178.0001.

²⁰ VPL.0005.0169.0031 at 0046.

90. I have seen a source issue sheet dated 1 August 2008.²¹ I have no independent recollection of the document, but it bears my short signature. It identifies that HS11792958 is Nicola Gobbo.
91. In the course of preparing this statement, I saw an email dated 12 August 2008, in which DC Overland asked me to provide the mobile telephone numbers of two sources to the OPI, and a further email in which I directed Superintendent Biggin to do so.²² I have no knowledge of why DC Overland asked for the information to be provided to the OPI.

Petra Taskforce Steering Committee

92. On 1 November 2008, I took up as Assistant Commissioner, Crime.
93. At about this time, I was appointed to the Petra Taskforce Steering Committee. The Petra Taskforce had been established in 2007 following new information being received about the 2004 murders of Terrence and Christine Hodson. To the best of my recollection, I was not a member of the Petra Steering Committee prior to becoming the Assistant Commissioner.
94. In the course of preparing this statement, I was shown a calendar invitation bearing the heading "Taskforce Meeting" and dated 11 November 2008.²³ My name has been handwritten in as an attendee. I understand the handwriting on that document to be that of Assistant Commissioner Luke Cornelius. My best recollection is that this was the first Petra Taskforce meeting that I attended.
95. I think it is likely that by this time I would have known that HS3838 was Nicola Gobbo. Certainly, Ms Gobbo was discussed in the meeting of 11 November 2008. Despite knowing that HS3838 was Ms Gobbo, my recollection is that she was always referred to as "3838" or the "source". This was standard practice even where the identity of a source was known.
96. During this period, the Steering Committee was considering whether Ms Gobbo should be used a witness. Ms Gobbo had been interviewed and had confirmed a relationship between Paul Dale and Carl Williams. Ms Gobbo was considering whether to provide a

²¹ VPL.0010.0001.0001 at 0016.

²² VPL.0100.0001.0017 at 0192 – 0194.

²³ VPL.0100.0046.2856 at 2866.

statement to the Petra Taskforce investigators. To the best of my recollection, these discussions were already underway when I joined the Steering Committee.

97. I have no recollection of being part of a final decision about the transfer of Ms Gobbo from human source to witness. However, I was involved in discussions about the issue. My attitude to the question was that the force should not go down the path of transitioning someone from a source to a witness without knowing what they were going to say. Only after preparing a detailed record of their evidence could you properly assess the value of that evidence against the risks of transitioning someone from source to witness. Those risks would be assessed through a formal assessment process. My best recollection is that I recommended that the situation be assessed after a statement had been taken and a risk assessment completed.
98. I have been made aware that Superintendent Biggin has a diary note to the effect that, on 30 December 2008, I told him that Ms Gobbo was to be a witness and was to sign a statement. I have no direct recollection of that discussion. I have no reason to doubt Superintendent Biggin's note. I believe that I told Superintendent Biggin that Ms Gobbo was going to become a witness so that he could identify the issues that would arise for the SDU, and plan for the transition.
99. I have sighted a briefing note dated 31 December 2008 and prepared by Officer Black, and which was elevated to me by Superintendent Biggin.²⁴ I recall seeing this document. When I read the document, I thought it should be provided to the Steering Committee for consideration.
100. Superintendent Biggin had a practice of giving me a verbal briefing about significant matters before they were elevated to me. While I have no independent memory of such a discussion, I think it is highly likely that Superintendent Biggin spoke to me about the briefing note before sending it to me.
101. On 5 January 2009, I sent the briefing note to DC Overland, with the action "Petra Steering Committee – Consideration".²⁵ I did so because the briefing note makes clear that the SDU had concerns about the transition, and I considered it was appropriate for the Steering Committee to be informed of, and to consider, those views.

²⁴ VPL.0100.0035.0001 at 0004 – 0006.

²⁵ VPL.0100.0035.0001.

102. I note that the briefing note itself lists me on the Distribution and Authority List and bears the notation "approved / not approved". Despite that notation appearing, this document did not need to be "approved" or "not approved". The document was a briefing note. It did not require approval. Rather, it was necessary that it be distributed to others for their consideration. This is why I elevated it to DC Overland with the note "Petra Steering Committee – Consideration".
103. I am informed that there may have been a meeting of the Petra Steering Committee on 5 January 2009. I have no independent recollection of such a meeting, do not have my diary from that period and have not seen any minutes.
104. My best recollection is that the Steering Committee did not make the final decision to transition Ms Gobbo from human source to witness; rather, the issue was discussed at the Steering Committee, but the final decision rested with the head of the Petra Investigation (who at the time was DC Overland).
105. This was common. The Steering Committee made some decisions, but the majority of decisions ultimately rested with the head of the Taskforce. The Steering Committee provided advice and guidance, but in relation to key operational matters the ultimate decision rested with the head of the Taskforce. My best recollection is that I supported the transition from source to witness because of the importance of her evidence to the Petra Investigation and the options available to ensure her safety, including high level witness protection.

Events of 2009

106. I am informed that Ms Gobbo signed a witness statement on 6 January 2009. I have no recollection of ever seeing or reading Ms Gobbo's witness statement.
107. I do not recall the events of January – March 2009 in any detail. However, my general recollection is that after the decision was made to transition Ms Gobbo from human source to witness, she was deactivated as a human source. I recall that Ms Gobbo entered into a phase of negotiations with WitSec, and that she was known in this period as "Witness F".
108. I recall that I received a briefing (whether at the Steering Committee or otherwise) about the attempt to transfer Ms Gobbo into WitSec. I remember that her ongoing security was referred to WitSec, and that there were significant difficulties that resulted in Ms Gobbo

being deemed unsuitable for entry to the program. I recall being briefed that she did not meet the criteria for WitSec, or that the relationship had broken down.

109. Shortly after this occurred, Paul Dale was arrested and charged in connection with the Hodson murders.
110. Consequently, there was a significant security risk to be managed. I undertook the management of liaison on behalf of the Steering Committee. I cannot recall precisely how or when I was delegated to manage this issue. It may have fallen to me because former AC Jeff Pope had not yet been appointed, or perhaps had not yet taken up in his role.
111. In late February 2009 or early 2009, I directed that the SDU was to resume management of Ms Gobbo in the short term, and that a meeting take place with relevant people to discuss the current and future management of Ms Gobbo. I am aware that Superintendent Biggin has recorded that on about 27 February 2009 I directed that the SDU was to resume management of Ms Gobbo. Without recalling the precise discussion, I agree that I gave Superintendent Biggin the direction he describes.
112. I understand that the meeting I directed took place on 2 March 2009, and that I attended, along with DDI Smith, Wilkins, Fraser, Superintendent Biggin, Detective Senior Sergeant O'Connell and Officer White. I have no independent recollection of this meeting.
113. I recall that negotiations with Ms Gobbo continued throughout this period. My role in this period was to have oversight of the liaison arrangements for Ms Gobbo. Among other things, I recall discussions around finding a safe place for Ms Gobbo to be interviewed and to draft statements. I recall a discussion about whether it was appropriate to arrange for Ms Gobbo to travel overseas, and that arrangements were ultimately made for her to travel to Bali to be interviewed. I also recall that there was a need to change the arrangements so that SDU handlers ceased to have responsibility for managing Ms Gobbo, with others taking on this role.
114. I can't recall who had responsibility for managing these arrangements at a day to day level. It would have been an Inspector or a Superintendent. Other than in my role on the Steering Committee, I was not involved in dealing with the collection of evidence from Ms Gobbo, nor the decision-making about the use of that evidence in legal proceedings.

Re-establishment of Taskforce Briars

115. From about April 2009, I attended, from time to time, meetings of the Steering Committee of the re-established Briars Taskforce. Taskforce Briars was an investigation into the murder of Chartres-Abbott.
116. I have been shown calendar invitations and meeting minutes for Briars Taskforce Steering Committee. Where minutes are available, I accept that those minutes are an accurate record of the meeting.
117. I was aware from briefings to the Taskforce Briars Steering Committee that investigators were speaking to Witness F about whether she was prepared to make a statement in relation to matters connected to Taskforce Briars. I do not recall the specifics of these discussions.
118. I continued to sit on the Taskforce Petra Steering Committee in this period. The Steering Committee received updates about Ms Gobbo, under the name "Witness F".
119. I continued to have an oversight role in relation to the liaison arrangement for Ms Gobbo.

Contact with Ms Gobbo as part of ongoing investigation

120. I recall that during 2009, Detective Sergeant Jason Kelly sought permission from me to make contact with Ms Gobbo in relation to an ongoing investigation. I do not recall precisely when this contact commenced.
121. While I cannot recall the specific dates, I recall the investigation to which the contact related, and I recall that I authorised DS Kelly's contact with Ms Gobbo for this purpose.

17 July 2009

122. I have been shown a note of a meeting that took place on 17 July 2009 about the management of Ms Gobbo.²⁶ I note that the meeting was attended by representatives of VGSO. I have no specific recollection of what occurred in this meeting, or the threat to which the note refers.

²⁶ VPL.0100.0001.0051 at 0062.

5 August 2009

123. I have seen a calendar invitation for an extraordinary meeting of the Petra Board to discuss issues around Witness F.²⁷ I have no independent recollection of the specific issues discussed at that meeting.
124. However, I recall that by late 2009 the relationship between Ms Gobbo and her handlers had broken down and that significant resources were being used attempting to manage the situation. I do not recall the details.

Special meeting of 2010

125. I recall attending a special meeting of the Petra Taskforce to discuss Ms Gobbo. On the basis of records shown to me, I believe this meeting took place on 22 January 2010.²⁸ I do not recall the specifics of the meeting.

Driver Taskforce

126. In April 2010, I was appointed to the Steering Committee of the Driver Taskforce. The Driver Taskforce was established to investigate the circumstances of the murder of Carl Williams in Barwon Prison on 19 April 2010. Fryer was appointed to lead Taskforce Driver.
127. I have seen the terms of reference for Taskforce Driver and note that Taskforce Driver staff were to have access to all relevant intelligence and information holdings.²⁹ In my view, this was an appropriate step. The nature of the investigation required access to these holdings.

Ongoing management of Ms Gobbo

128. I have seen an email from 12 May 2010 concerning Ms Gobbo's handling arrangements.³⁰ I have no specific recollection of the email.
129. At about this time, Ms Gobbo commenced legal proceedings against Victoria Police. I recall being approached about who in Victoria Police could provide instructions about

²⁷ VPL.6023.0164.5260.

²⁸ VPL.0005.0012.2981.

²⁹ VPL.0100.0136.0020.

³⁰ VPL.0005.0012.2745.

all aspects of her involvement. I recall suggesting that both myself and AC Cornelius should be spoken to, along with Superintendent Biggin.

130. In the course of preparing this statement, I have been shown communications in the period May to June 2010 about the decision not to use Ms Gobbo as a witness, concerns that the threat to her safety remained high and offers made to her, through her then solicitors, to enter witness protection. I have no specific recollection of these communications. However, they accord with my general recollection that there was a genuine concern about Ms Gobbo's safety and that she continued to refuse to enter the witness protection program.
131. In the course of preparing this statement, I have seen notes from a meeting headed "Meeting re: Witness F Status" and dated 21 June 2010.³¹ I have no independent recollection of this meeting.
132. In the course of preparing this statement, I have seen communications in the period from June 2010 dealing with matters connected to Ms Gobbo's writ against Victoria Police. I have also seen the minutes of meetings dealing with matters concerning Ms Gobbo's writ. I recall these communications and meetings in general terms, but not their specific content.
133. I have seen an email from 23 June 2010, in which I refer the issue of Ms Gobbo having ceased to hold a practising certificate on 30 June 2009 to the Petra Steering Committee.³² I have no independent recollection of this email.

Closure of Petra Taskforce

134. In July and August 2010, I was involved in the proposal to consider merging the Petra and Driver Taskforces, culminating in the closure of the Petra Taskforce in August 2010.

Change in management of Witness F – August 2010

135. I have seen an email from Peter Lardner dated 27 August 2010.³³ I recall receiving this email and reading its contents. From that time, the provisions of that document governed contact with Ms Gobbo.

³¹ VPL.0005.0010.2322.

³² VPL.0005.0012.2609.

³³ VPL.0005.0003.3008.

136. However, I continued to authorise DS Kelly to make contact with Ms Gobbo as required from time to time for the purposes of an investigation.
137. From this time onwards, my role in relation to Witness F was limited to my position on the Taskforce Driver Steering Committee.
138. I have seen the minutes of a special meeting of the Taskforce Driver Steering Committee from 25 February 2011 which records contact between VicPol and Witness F through [Relevance] ³⁴ I note that I am delegated to be the point of contact with [Relevance] between Steering Committee meetings. I do not recall what, if any, contact I had with [Relevance] in this period.

Retirement

139. I retired from VicPol on 16 April 2011.

Other members of Victoria Police or any other organisation I believe were aware, prior to the end of 2012, that Ms Gobbo was providing information or assistance to Victoria Police (question 4)

140. I believe that each of the individuals referred to in my answer to question 2 above were aware that Ms Gobbo was providing information or assistance to Victoria Police. This includes the members of the Petra and Briars Steering Committees. members of the SDU and the HSDU and members of the SIG.

People involved in the authorisation (question 5)

141. I was not aware that Ms Gobbo had previously been registered as an informer in 1995 and again in 1999. I became aware of those earlier registrations when I was informed of them by my legal representatives in the course of preparing this statement.
142. As set out above, I do not recall when I became aware that Ms Gobbo had been registered in 2005. I do not know who was involved in the authorisation.

Personal contact with Ms Gobbo (question 6)

143. I did not have any personal contact with Ms Gobbo.

³⁴ VPL.0005.0066.0274.

Details of information received by Victoria Police where I knew or suspected that the source of the information was Ms Gobbo (question 7)

144. I have no knowledge of these matters, apart from what I have described in response to question 3.

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 (question 8)

145. I have no knowledge of these matters, apart from what I have described in response to question 3.

Whether any concerns were raised at any time about the use of a legal practitioner as a human sources (question 9)

146. Superintendent Biggin raised concerns with me as set out in my answer to question 2 above. I believe that these concerns were discussed at the Petra Steering Committee. I have no recollection of other concerns being raised.

Whether any concerns were raised at any time about the use of Ms Gobbo as a human source (question 10)

147. Superintendent Biggin raised concerns with me as set out in my answer to question 2 above. I believe that these concerns were discussed at the Petra Steering Committee. I have no recollection of other concerns being raised.

Awareness about disclosure in relation to Ms Gobbo (question 11)

148. I have no knowledge of these matters, apart from what I have described in response to question 3.

Other human sources with obligations of confidentiality or privilege (question 12)

149. I have no knowledge of these matters.

Training (question 13)

150. I completed a number of courses during my time at Victoria Police and do not currently have access to the content of those courses. however, I recall receiving training in relation to:

- (a) obligations of disclosure at Detective Training School, Advanced Detective Training School, Sub officer's course and Airlie College;
- (b) the rights of an accused person to silence and to a legal practitioner and legal professional privilege at the Academy and reinforced in every other internal course relating to investigations;
- (c) public interest immunity at Detective Training School, Advanced Detective Training School and Airlie College; and
- (d) professional ethical decision-making from the Academy and reinforced at subsequent courses, including the Ethical Standards Division course.

Other information (question 14)

151. There are no other relevant matters.

Dated: 28 November 2019

A handwritten signature in black ink, appearing to read 'D. Owen', written over a dotted line.

Dannye Owen Moloney