

# ISSUE COVER SHEET

## File No:

### Issue:

Notification of anticipated subpoena in DALE prosecution around matters concerning Victoria Police engagement with Nicola GOBBO

### Background:

On 24/01/11 Paul DALE was charged on summons for a number of offences relating to the alleged giving of false and misleading evidence at Australian Crime Commission (ACC) hearings in March 2007 and November 2008. At those hearings DALE was questioned about his relationship with Carl WILLIAMS. WILLIAMS had on 24/04/07 made a statement to Petra Taskforce investigators detailing his corrupt relationship with DALE.

The Commonwealth DPP (CDPP) are prosecuting this matter. Detective Senior Sergeant Boris BUICK is informant. The contested committal is set down to commence on 7/11/11.

Nicola GOBBO is a prosecution witness in this matter. On 7/01/09 GOBBO made a statement to Petra Taskforce investigators which detailed that on 7/12/08 she audio recorded a conversation with DALE during which DALE attested to the accuracy of WILLIAMS' 24/04/07 statement.

GOBBO'S evidence is necessary to (a) introduce the 7/12/08 recording and (b) rebut any claim DALE is expected to make that his conversation with GOBBO on 7/12/08 was a client-lawyer conversation and therefore subject to privilege.

Irrespective of any terms of any litigated agreement Victoria Police may or may not have with GOBBO, the CDPP regard her as a competent and compellable witness in their Commonwealth prosecution and will be calling her to give evidence.

Previously, DALE had been charged with the 2004 murder of Terrence HODSON. This charge was withdrawn upon the death of Carl WILLIAMS in April 2010. Whilst this was still a live prosecution DALE'S lawyer (Tony HARGRAVES) issued a number of subpoenas around a number of issues, including matters surrounding the engagement, development and management of GOBBO as a witness by Victoria Police. A number of these subpoena issues were subject to PII claim and argument preparation but left unresolved as at the time of WILLIAMS' death and the withdrawal of the HODSON murder charge against DALE.

In May 2011, pursuant to the CDPP DALE ACC prosecution, HARGRAVES wrote to the VGSO requesting that the Chief Commissioner give permission for the DALE (HODSON) subpoena material, still held by HARGRAVES, to be "released" for use in the DALE ACC defence. (refer attached email).

On 31/08/11 the DALE ACC matter was mentioned at the Melbourne Magistrate's Court. During the mention hearing HARGRAVES indicated to Magistrates ROZENCWAJG that he would be seeking forthwith a further subpoena for documents concerning the engagement, development and management of GOBBO as a witness by Victoria Police. The matter was adjourned to 6/10/11 in anticipation of PII argument around the materials to be sought in the pending subpoena.

### Comment:

The engagement, development and management of GOBBO as a witness by Victoria Police are operationally sensitive matters and ought to be subject to vigorous and well informed PII claim.

GOBBO'S dealings with Victoria Police have lead to recent litigation, the outcome of which is subject to confidentiality restrictions.

The revealing of the origins of the engagement and development of GOBBO as a witness will expose sensitive police methodologies and practices and has the potential of placing GOBBO'S life at risk.

### Recommendation:

I request that the VGSO be immediately engaged in respect of this matter so as to commence preparation of a response

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VP Form 1028

and representation for the PII claims to arise in the near future.

Boris BUICK Detective Senior Sergeant 27498

Crime Department [REDACTED]

Date: 31/08/11

1. **Detective Inspector Michael FREWEN**