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These claims are not yet resolved.

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

STATEMENT OF Mr Gardner

1. My full name is Mr Gardner
2. I hold the rank of Detective [REDACTED]
3. I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 23 May 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.
4. I knew of Nicola GOBBO as a lawyer in the early 2000s when I was a member of the [REDACTED] Squad which became the [REDACTED], then during my duties at the Purana Taskforce.
5. From my recollection, I can confidently say, that I was aware that Ms GOBBO was a human source at the time her vehicle was the subject to an arson attack in South Melbourne in April 2008. I may have been aware before that, but I can confidently state that I was aware at that time.
6. In making this statement, I have not had access to my diaries for that period of time as Victoria Police has been unable to locate them.

Educational background and employment history (Q1)

7. I graduated from the Victorian Police Academy in 1990. A summary of my progression through the ranks at relevant times is as follows:
 - (a) Between [REDACTED] I was a member of the [REDACTED] Squad. In that time, the office was renamed the [REDACTED]
 - (b) In [REDACTED] the crew that I was a member of was relocated to the Purana Taskforce;
 - (c) I remained with the Purana Taskforce until [REDACTED]. There was a period in [REDACTED] where I performed upgraded uniform duties at [REDACTED] Police Station to the rank of Acting Sergeant;
 - (d) In [REDACTED] I transferred from the Purana Taskforce on promotion to [REDACTED] Police Station as a uniform Sergeant;

- (e) Since [REDACTED] I have performed duties at the [REDACTED] DRU, [REDACTED] Uniform, and [REDACTED] CIU;
- (f) In [REDACTED] I joined the [REDACTED] at Crime Command on secondment as an Acting Detective [REDACTED]. I gained a Detective [REDACTED] position while I was at the [REDACTED]
- (g) In [REDACTED] I returned to Purana Taskforce on secondment, gaining an ongoing position there as a Detective [REDACTED] in [REDACTED]
- (h) In [REDACTED], I was seconded to the [REDACTED] Unit [REDACTED] where I currently remain.

Involvement or association with any investigation which dealt with Ms Gobbo (Q2)

Purana Taskforce

8. When I joined the Purana Taskforce in [REDACTED], all crews already embedded were responsible for investigating unsolved murders attached to what is commonly known as the underworld killings. Our crew was the first crew to join, tasked with targeting persons of interest for their illicit drug activities. My crew was led by Detective Sergeant [REDACTED]. Our whole crew came from [REDACTED]. We reported to both Detective Senior Sergeant Phil SWINDELLS and Detective Senior Sergeant Gavan RYAN. Detective Inspector ALLEN oversaw the taskforce. At some stage, Detective Sergeant [REDACTED] transferred from the Purana Taskforce. I then went on to a crew led by Detective Sergeant [REDACTED].
9. Upon our arrival at Taskforce Purana in [REDACTED], our crew was tasked to gather intelligence and evidence related to the alleged [REDACTED] activities of Carl WILLIAMS and George WILILAMS. As a result of this, Operation [REDACTED] was commenced. Operation [REDACTED] led to the arrest of [REDACTED]. [REDACTED] was arrested and charged with [REDACTED] of [REDACTED] on the [REDACTED]. [REDACTED] subsequently [REDACTED] to [REDACTED]. [REDACTED] George and Carl WILLIAMS were arrested and charged along with Dennis REARDON on 25 January 2005.
10. In relation to this operation, [REDACTED] [REDACTED] Carl WILLIAMS. I recall that Ms GOBBO was junior to Con HELIOTIS QC at the contested committal for this matter in or around April 2005.

Allegation by [REDACTED]

11. While at Purana Taskforce I would regularly listen and review lawfully intercepted telephone calls of targets.
12. By coincidence, I was listening to a telephone call between [REDACTED] and [REDACTED] when I heard [REDACTED] make an allegation of misconduct against me. I had been involved in an investigation of [REDACTED] years earlier.
13. I do not specifically recall the date of this conversation, I would have listened to the call the same day it was made. The call was made after I had arrested [REDACTED] as part of Operation [REDACTED]
14. [REDACTED]
15. I immediately reported the call and allegation to my supervisors.
16. I categorically refute and deny any involvement in any allegation made by [REDACTED] against me.
17. I understand the allegation was fully investigated and was not substantiated. I was not the subject of disciplinary proceedings or charges as a result of the allegation.
18. I recall being contacted by Detective Senior Sergeant Boris BUICK in [REDACTED] 2011 during the trial of [REDACTED] for the [REDACTED]. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

19. I recall knowing of Ms Gobbo as a lawyer when I was at the [REDACTED] prior to moving across to the Purana Taskforce.
20. I recall that Ms GOBBO was a human source at the time that her car was the subject to the arson attack in South Melbourne. I don't recall the date that Ms Gobbo's car was torched but I have been advised by my legal representatives that it was in April 2008.
21. I may have known before this date, but this is my first recollection of when I can confidently say I knew Ms GOBBO was a source and was 3838.

¹ VPL [REDACTED]

22. I recall the heightened activity in the office on the morning of that event. I don't specifically recall how I found out that Ms Gobbo was a human source or who was involved in discussions about it, but I recall discussions between other Purana members on the floor on the day of the event.
23. I expect that when I discovered Ms GOBBO was 3838 I would have spoken about it with Detective Sergeant [REDACTED] and to others on my crew, although I do not specifically recall those discussions.
24. I was aware that a person was registered source 3838 prior to that event in April 2008, but I didn't know who it was. I think I became aware of a person being referred to as 3838 after seeing the number written on the office carboard. From time to time 3838 was written on the carboard next to a vehicle allocated to Detective Senior Constable Paul ROWE.
25. I don't recall hearing discussions in the office about 3838 prior to April 2008.
26. When I became aware that Ms GOBBO was 3838, I automatically assumed that management were aware, given that 3838 had been recorded on the carboard. It was common practice to shorten the full registration of a source to their last four or so digits.
27. My crew had already moved across to Purana Taskforce from [REDACTED] prior to D/A/Inspector Jim O'BRIEN starting with [REDACTED] from MDID.
28. I don't recall seeing 3838 in any information reports (IRs) that I received. My recollection of 3838 is in connection to the two drug crews that joined the Purana Taskforce with DSS O'BRIEN.
29. I have been shown a document that contains a list of police members who were thought to be aware of 3838's identity. I dispute the inference in that document that I became aware at the same time as Detective Sergeant [REDACTED]. I believe that I became aware of the identity of 3838 in the circumstances outlined above. I believe that DS [REDACTED] had left the Purana Taskforce when I discovered that Ms GOBBO was a human source and assigned to 3838.

Awareness of others (Q4)

30. I expect that other members of the Purana Taskforce at this time were aware that Ms GOBBO was a human source. However, I do not have any specific knowledge beyond the matters outlined in response to question 3.



Authorisation of the use of Ms Gobbo as a human source (Q5)

31. I have no knowledge of these matters.

Personal contact with Ms Gobbo (Q6)

32. I had some contact with Ms GOBBO at court and recall seeing her at some Victoria Police squad functions.

33. As previously set out, Ms Gobbo appeared with Mr HELIOTIS QC for Carl WILLIAMS in a matter [REDACTED]

34. Otherwise, I knew Ms GOBBO well enough to acknowledge her in passing around the court precinct but we would not generally converse.

Information & assistance received (Q7 & Q8)

35. I have no knowledge of these matters.

Concerns raised as to the use of a legal practitioner as a human source (Q9)

36. I have no knowledge of this matter.

Concerns raised as to the use of Ms Gobbo as a human source (Q10)

37. I have no knowledge of this matter.

Awareness about disclosure in relation to Ms Gobbo (Q11)

38. I have no knowledge of this matter.

Other human sources with obligations of confidentiality or privilege (Q12)

39. I have no knowledge of this matter.

Training (Q13)

40. I have been asked about my relevant training in relation to the following topics:

- (a) Obligation of disclosure;
- (b) The right of accused person to silence and to a legal practitioner;
- (c) Legal professional privilege;
- (d) Public interest immunity; and
- (e) Professional and ethical decision making. from the start, SELF test. Would I be comfortable justifying my decision-making in the witness box.

41. I would have received training on all these subjects to some extent at Detective Training School (200█), Advanced DTS (201█), and the █ Human Source Management course I completed in the early 2000s.
42. A lot of training occurred on the job with experience and exposure to different investigative techniques. For example, legal professional privilege regularly arose in the course of monitoring telephone intercepts where there would be missing calls in the call sequence numbering.
43. Public interest immunity has been covered in covert training I have completed.
44. I am aware of the SELF test. The question I always ask myself is: would I be comfortable justifying my decision making, in the witness box in open court.

Other information (Q14)

45. I have nothing further to add.

Dated: 2 December 2019

