

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

STATEMENT OF JOHN TIMOTHY O'CONNOR

- 1 My full name is John Timothy O'Connor.
- 2 I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 11 July 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.
- 3 I am currently a Superintendent in charge of Western Region, Division 6.
- 4 I was the Detective Inspector in charge of the Source Development Unit (SDU) from 3 May 2010 until the SDU was closed in February 2013. My immediate superior officer was Superintendent Paul Sheridan, who was in charge of the Covert Services Division. In that role, I became aware that Ms Gobbo had acted as a human source for Victoria Police.

Educational background and employment history (Q1)

- 5 I graduated from the Victorian Police Academy in 1985. Details of my progression through the ranks and my relevant training are contained in Annexure A to this statement.

Training and experience regarding human sources (Q2)

- 6 I have completed the ^{PII} [REDACTED] Human Source Management Course and have attended many sessions of the ^{PII} [REDACTED] Human Source Management Courses, which the Human Source Management Unit (HSMU) and the SDU ran while I was the officer in charge.
- 7 I had experience handling human sources in a number of my earlier investigative roles and when I was a Detective Sergeant in the Crime Department.

Source Development Unit

Involvement in development of the SDU (Q3-Q5)

- 8 I was not involved in the development of the SDU and I am not aware of those officers more senior in rank who were.

Overseas management of sources subject to confidentiality or privilege (Q6)

9 I am not aware of any such policies.

Awareness surrounding closure of the SDU (Q7)

10 I refer to my response to Question 27 below.

Use of Ms Gobbo as a Human Source**Contact with Ms Gobbo prior to work at the SDU (Q8)**

11 I was not aware that Ms Gobbo acted as a human source prior to my work at the SDU.

12 I do not believe I had any contact with Ms Gobbo prior to my work at the SDU. I believe I knew that she was practising lawyer. It is possible that I had met Ms Gobbo in the course of my duties, but I do not recall doing so.

Management of Ms Gobbo as a human source (Q9)

13 I was not involved in managing Ms Gobbo as a human source because by the time I arrived at SDU, Ms Gobbo had been deregistered as a source and was not being managed by the SDU.

14 I believe that I became aware that Ms Gobbo had acted as a human source within days of arriving at the SDU. I believe I became aware of this when I was asked to make information from the SDU records available to Victoria Police Legal Services in the context of a civil suit Ms Gobbo had brought against Victoria Police

15 Later, from August 2010 until November 2012, I was Ms Gobbo's point of contact if she needed to contact Victoria Police.

Ms Gobbo's civil suit

16 When I arrived at the SDU on 3 May 2010, Ms Gobbo had recently brought a civil claim against Victoria Police. I was not involved in defending the claim, but I was asked to provide assistance to those who were because I had access to the records of the SDU.

17 On 4 May 2010, Supt Sheridan forwarded me an email passing on a request from Chief Commissioner, Simon Overland, that the SDU compile a chronology detailing the SDU's dealings with Ms Gobbo up to the point her management was taken over by the Petra Taskforce¹. I understood around this time that Ms Gobbo was still being managed by the Petra Taskforce. As my reply to Supt Sheridan records, I spoke with Officer Sandy White and Officer Richards about the request. They were concerned about the

¹ VPL.0005.0013.1200.

and the SDU if a chronology were disclosed because they wanted to limit the number of those who knew about Ms Gobbo's role as a source.

- 18 I told Officers Sandy White and ~~Black~~ ^{Richards} that I would read the chronology and discuss the matter with Supt Sheridan. The "chronology" document referred to in my email was the source management log, a document prepared by her SDU controllers that summarised the SDU's contact with Ms Gobbo when she was a source.
- 19 Over the next fortnight, I reviewed the source management log in between other duties. I did this to understand generally the extent of the risk to Ms Gobbo if details of her role as a human source became widely known. I do not believe I made any notes or prepared any records of what was in the log, beyond the references to reviewing the document that I kept in my diary.
- 20 I finished reviewing the source management log on 17 May 2010. I recall thinking that there was extensive and detailed contact with SDU members over a long period and that because of the high-level criminals she had provided information about, there was a serious risk to Ms Gobbo's safety if her role as a human source was disclosed.
- 21 On 20 May 2010, I emailed Officer Sandy White and Officer Richards regarding public interest immunity around Ms Gobbo². This was in the context of the request that details of Ms Gobbo's involvement with the SDU be available as part of formulating a response to her civil suit.
- 22 On 21 May 2010, I met with Supt Sheridan and AC Pope regarding Ms Gobbo. My diary records that we discussed the file and that AC Pope might read the source management log over the following weekend. I do not recall if AC Pope did read the log. Beyond what is recorded in my diary, I do not recall anything further about this discussion.
- 23 On 24 May 2010, I met with Supt Sheridan with Officer Sandy White and Officer Richards regarding Ms Gobbo. I do not recall the details of what we discussed, but I believe it would have related to a public interest immunity claim over materials related to Ms Gobbo's civil proceedings.
- 24 On 26 May 2010, I spoke to Supt Sheridan about the source management log being provided to Victoria Police Legal Services to assist with defending Ms Gobbo's legal claim. The next day, 27 May 2010, I emailed members of Victoria Police Legal Services, Supt Peter Lardner and Director of Police Legal Services, Fin McRae, to inform them that

² VPL.6025.0006.3049.

that they would be given access to the source management log and that I could assist them by clarifying who certain entries referred to³. As my diary records, I met with Supt Lardner, Fin McRae and S/Sgt Andrew Bona later that morning and discussed with them the sensitive nature of the document.

25 On 31 May 2010, I spoke to Supt Lardner about concerns that members of Petra, Briars and Purana were in contact with Ms Gobbo. I recall generally that SDU members were concerned that if Ms Gobbo was to act as a witness, her role as a human source might be disclosed. I do not recall this discussion further.

26 On 6 July 2010, I met with Supt Lardner and took back the copy of the source management log that had been given to Victoria Police Legal Services. In the weeks after, S/Sgt Bona had a few follow up questions about entries in the log, which I answered⁴.

Point of contact with Ms Gobbo

27 I was on a period of leave from 31 July 2010 to 23 August 2010. I received an email while on leave informing me that Ms Gobbo's civil suit had settled⁵. My diary records that on 23 August 2010, I spoke to Supt Sheridan about drafting standard operating procedures (SOPs) relating to Ms Gobbo. I believe that Supt Sheridan informed me during this conversation that I would be the point of contact between Ms Gobbo and Victoria Police.

28 I recall that the process would be that Ms Gobbo would call a message bank number and leave a message and I would then call back. Supt Sheridan instructed me to prepare a set of standard operating procedures on that basis. I emailed a draft set of SOPs to Supt Sheridan the next morning⁶.

29 On 26 August 2012, I sent the draft SOPs to Supt Lardner on 26 August 2012 for him to review and provide comments⁷. The SOPs were finalised around 29 August 2010⁸.

30 The SOPs required that if Ms Gobbo wanted to contact Victoria Police, she would call a message bank number and leave a message. I would then be informed of her message and call back if necessary. My contact with Ms Gobbo was to be audio recorded and

³ VPL.0005.0013.1182.

⁴ See VPL.0005.0013.1047; VPL.0005.0013.1047.

⁵ VPL.6078.0046.0609.

⁶ VPL.6078.0045.9899; VPL.6078.0045.9900.

⁷ VPL.6078.0038.9875; VPL.6078.0038.9876.

⁸ VPL.0005.0171.0010.

saved. If Ms Gobbo had immediate safety concerns, she was to call emergency services on 000.

- 31 I understood this was designed to discourage Ms Gobbo from seeking the constant contact she previously had with her handlers. I understood I was chosen as the point of contact in part because I did not have an existing relationship or rapport with Ms Gobbo.
- 32 The SOPs also made clear that Ms Gobbo was not to be registered as a human source, and that she was not to be tasked with gathering information. The SOPs did give me discretion to pass on information provided by Ms Gobbo in certain circumstances. The SOPs dealt with this situation because apparently Ms Gobbo would volunteer information without being asked, so the SOPs needed to deal with that situation.
- 33 On 24 August 2010, before the SOPs had been finalised, DSS Jason Kelly contacted me because he wished to speak with Ms Gobbo in order to facilitate access to another witness. As my diary records, I advised him that contact was permitted because it was part of normal investigative processes. DSS Kelly sent an email to me confirming this⁹.
- 34 On the morning of 26 August 2010, I spoke to Supt Lardner from Civil Litigation and Fin McRae about the SOPs and the contact between DSS Kelly and Ms Gobbo. I prepared an issue cover sheet requesting legal advice about how Ms Gobbo could be contacted¹⁰ because I was unclear about when and how Ms Gobbo could be contacted, and what I should do in response.
- 35 As my diary records, Supt Lardner told me that a legal agreement had already been reached with Ms Gobbo. I have never seen the legal agreement and do not know all of what it contains, but I believe I was told by Supt Lardner that part of the agreement was that Ms Gobbo was not to be actively tasked with seeking any information. After speaking to Supt Lardner and Fin McRae, I spoke to DSS Kelly and informed him that Ms Gobbo could not be actively tasked and that he would need to speak with Assistant Commissioner Dannye Moloney to discuss this issue. Later that day, AC Moloney confirmed by email that DSS Kelly's contact with Ms Gobbo was authorised and that AC Moloney would separately authorise any such contact with Ms Gobbo¹¹.

⁹ VPL.0005.0060.0219.

¹⁰ VPL.0005.0013.1368.

¹¹ VPL.0005.0060.0223.

- 36 On 27 August 2010, DSS Kelly contacted me seeking approval to contact Ms Gobbo. I replied that I would respond to him early next week¹². I did this because I was still uncertain about what could be done because of the agreement with Ms Gobbo.
- 37 On 31 August 2010, Supt Lardner sent me an email explaining the requirements of the agreement with Ms Gobbo. As the email states, he sent me this advice so I could fulfil my role as the contact point without compromising the terms of the agreement¹³.
- 38 Later that morning on 31 August 2010, I spoke to DSS Kelly about his proposal to contact Ms Gobbo. As my diary records, I told him he could contact Ms Gobbo directly, as I was not in a position to arrange contact between Ms Gobbo and investigators. I did this because I understood from the advice that I had received from Supt Lardner that DSS Kelly's contact was allowed under the agreement but was separate to my role as a contact point.
- 39 On 2 September 2010, I spoke to Supt Lardner about the legal agreement with Ms Gobbo. I do not recall this discussion, but I believe it would have related to DSS Kelly's request. Later that day, DSS Kelly emailed me about his proposed contact with Ms Gobbo. I agreed to his proposed contact with Ms Gobbo as it was furthering an investigation¹⁴. DSS Kelly noted in his email that he would obtain separate approval from AC Moloney.
- 40 DSS Kelly contacted me for similar approval on a number of other occasions while I was the contact point for Ms Gobbo. I did not attend any meetings between Ms Gobbo, DSS Kelly and the witness. As explained below, Ms Gobbo also later mentioned her involvement in this process during a phone call on 28 August 2012.
- 41 I also met with this proposed witness on two occasions in August and September 2012. This is set out in my response to Questions 15 and 16 below.

Contact with Ms Gobbo up to November 2010

- 42 I maintained a log of the contact I had with Ms Gobbo from 30 August 2010 until I ceased to be her point of contact on 28 November 2012¹⁵. I have noted below where my diary or other documents provide greater relevant detail or refer to a contact that is not in the log. I recorded my contact with Ms Gobbo, except on a few occasions noted in the log. I have reviewed transcripts of these recordings in preparing my statement.

¹² VPL.0005.0060.0231.

¹³ VPL.0005.0010.1954.

¹⁴ VPL.0005.0013.1022.

¹⁵ VPL.0100.0255.0433.

43 I notified Supt Sheridan after I spoke to Ms Gobbo, as I had to do under the SOPs. My discussions with Supt Sheridan about Ms Gobbo generally involved me briefly telling him that I had contacted her.

44 On 6 September 2010, Ms Gobbo said during a call that the phones she had been given were going to be cut off and that she wanted to speak to someone about witness protection. Ms Gobbo also asked whether she could speak to me about information to do with Carl Williams. I told Ms Gobbo that she could either give that information to me or anonymously report information through Crime Stoppers. I also said I was not going to re-establish any ongoing source relationship, and that any information she did give may or may not be acted on. This call was recorded¹⁶.

45 On 7 and 8 September 2010, Supt Sheridan exchanged emails with Supt Lardner (copying me and AC Pope) about how to respond to the issues raised by Ms Gobbo's call. In respect of her providing information, Supt Lardner's advice was to receive any information volunteered but not task her to make any enquiry or follow up any piece of information. AC Pope confirmed by email that that he was comfortable with this approach¹⁷.

46 On 8 September 2010, I called Ms Gobbo. The call was recorded¹⁸. Ms Gobbo told me about a solicitor visiting Matthew Johnson around the time of Carl Williams' death, which was the information she had mentioned in the earlier call. The next day, 9 September 2012, I spoke to Detective Superintendent Doug Fryer, the officer in charge of the investigation into the circumstances surrounding Carl Williams' death. D/Supt Fryer said he was on a rest day but was happy to get the information the next day. I informed Supt Sheridan of this by email¹⁹. I have no further record of speaking to D/Supt Fryer about this and do not recall whether I did.

47 During September and early October, 2010 Ms Gobbo requested on a number of occasions to speak to someone about [REDACTED]. I contacted officers from Victoria Police's [REDACTED] about arranging this contact on 15 and 23 September 2010. An officer from the [REDACTED] initially expressed concerns on 24 September 2010 that contact might not be useful because Ms Gobbo [REDACTED]
[REDACTED] [REDACTED]

¹⁶ VPL.0100.0255.0066.

¹⁷ VPL.6078.0045.9251.

¹⁸ VPL.0100.0255.0088.

¹⁹ VPL.6078.0039.4147.

did decide to meet with Ms Gobbo to discuss [REDACTED]
[REDACTED]

- 48 I met with Ms Gobbo and a member of the [REDACTED] on 8 October 2010. The meeting was recorded²¹. I had no role in making decisions [REDACTED] and was just facilitating contact between Ms Gobbo and [REDACTED]. On 16 November 2010, I emailed a member of [REDACTED] to inform them that they were to arrange contact with Ms Gobbo directly, and I was no longer to be involved as a point of contact²². I am not aware of what further contact Ms Gobbo had with [REDACTED]
- 49 On 29 November 2010, I returned Ms Gobbo's call after I had returned from a period of leave and she raised a number of issues, including when Horthy Mokbel and Tony Bayeh might be released from jail. I recall that she had concerns about her safety from these individuals. She also said that she wanted to receive a reward for her work with Victoria Police in addition to her existing settlement. I told her I would follow up on these issues. As the contact log and my diary record, the recording of my conversation did not work. I do not have any further record or recollection of discussing Horthy Mokbel or Tony Bayeh with Ms Gobbo.
- 50 On 30 November 2010, I called Ms Gobbo and told her to write any letter about a reward to the Chief Commissioner. This conversation was recorded²³. On 1 December 2010, Supt Lardner confirmed in an email to me that Ms Gobbo was not entitled to any reward for information provided²⁴.
- 51 As the contact log records, I did not have substantive contact with Ms Gobbo for approximately 18 months between 30 November 2010 and 1 May 2012. From 6 December 2011 until March 2012, I was on a significant period of leave. During that time, Officer Richards was Ms Gobbo's contact point. Prior to going on leave I briefed Officer Richards on the processes to be followed when dealing with Ms Gobbo.
- 52 On 31 August 2011, I received an email from DSS Kelly referring to contact he had with Ms Gobbo²⁵. I do not recall what DSS Kelly refers to as the "matter of interest".

²⁰ VPL.0005.0013.1167.

²¹ VPL.0100.0255.0153.

²² VPL.0005.0013.1051.

²³ VPL.0100.0255.0253.

²⁴ VPL.0005.0013.1021.

²⁵ VPL.6078.0018.0612.

53 While I was on leave, Officer Richards prepared a briefing note regarding some information that Ms Gobbo provided²⁶. His briefing note recommends that no further action be taken about it unless there is written agreement between Crime and ICSD. I do not recall receiving this and do not recall any further action being taken about it.

Contact from May 2012 to handover in November 2012

54 On 1 May 2012, I collected from Supt Lardner a letter addressed to Ms Gobbo. I believe that Supt Lardner told me the letter was from Deputy Commissioner Kieran Walshe. That afternoon, I called Ms Gobbo and arranged to deliver the letter. On a few occasions like this, I was asked to deliver letters from Victoria Police to Ms Gobbo. I also collected some letters from Ms Gobbo for Victoria Police. My role was only to deliver or collect the letters, and I did not read them as they were not addressed to me.

55 On 2 May 2012, I delivered the letter to Ms Gobbo in person. During the meeting, she mentioned that someone had used her credit card in New South Wales without permission. As my diary records, I told her I would give her the details of the New South Wales Police advice line so she could report it. I called Ms Gobbo later that afternoon and gave her the number. The meeting²⁷ and the call²⁸ were recorded but were not recorded in the contact log.

56 On 22 May 2012, I spoke to Inspector Campbell Milne, Staff Officer to DC Graham Ashton, who told me that DC Ashton had asked that I contact Ms Gobbo. The contact log records that I was to collect a letter from her the next day. The next day, 23 May 2012, I met with Ms Gobbo to collect the letter²⁹. During the meeting, she volunteered that she had become aware that lawyers for Faruk Orman were issuing a range of subpoenas in the prosecution for the murder of Paul Kallipolitis, and that those subpoenas might refer to Ms Gobbo. My diary records that I delivered the letter to DC Walshe on 24 May 2012.

57 I received an email related to this issue in March 2012, when DSS Buick emailed me to ask if any documents existed might need to be produced. I informed DSS Buick that the request had been provided to the officer in charge of the HSMU at the time, [REDACTED] Officer Hotham

[REDACTED] Because the HSMU had access to all source records, the HSMU responded to

²⁶ VPL.6078.0021.5727; VPL.6078.0021.5728.

²⁷ VPL.0100.0255.0117.

²⁸ VPL.0100.0255.0014.

²⁹ VPL.0100.0255.0317.

requests for subpoena materials like this. DSS Buick then responded that HSMU had located no materials³⁰. I have no recollection of this issue being raised further.

58 On 30 May 2012, I called Ms Gobbo to give her details for a Victoria Police officer who could investigate a theft she had reported. Ms Gobbo complained during the call that an article had been written about her based in part on a statement she had given about Paul Dale. She alleged that a member of Victoria Police had given her statement to a journalist. She said that she wanted to report the matter. This call was recorded³¹.

59 I reported this allegation internally because it involved alleged police corruption, and then the officers that I reported it to would decide whether to pursue the allegation further. I prepared a brief document recording what Ms Gobbo had told me and sent it to Supt Sheridan³². I have been shown a copy of an Information Report containing this information³³. I believe I did not submit this Information Report, as it incorrectly refers to me as a Superintendent. I have no record or recollection of this allegation being pursued any further.

60 On 8 June 2012, I received an email from DSS Boris Buick about the Coronial inquest brief relating to Terence and Christine Hodson, which was due to be served on 18 June 2012³⁴. As the email indicates, DSS Buick told me Ms Gobbo was not listed as a witness, but that she should be informed because the brief mentioned her. On 18 June 2012, I called Ms Gobbo but received an international dial tone. I left a message asking Ms Gobbo to contact me when she returned. I believe this call would have related to the inquest brief because DSS Buick's email says the brief was to be served on 18 June.

61 My diary records that on 6 July 2012, Ms Gobbo left a message stating she had a letter for DC Walshe and that she wanted to speak with a member of the [REDACTED] as she said she had convinced [REDACTED] to [REDACTED]. As my diary records, I informed the [REDACTED] member of this. This contact is recorded in my diary but not the contact log.

62 On 10 August 2012, I returned a phone message left by Ms Gobbo. The call was recorded³⁵. Ms Gobbo asked whether a draft statement she had given to the Briars Taskforce would be finished or used. She also spoke about the defence team Paul Dale

³⁰ VPL.6078.0022.0042.

³¹ VPL.0100.0255.0359.

³² VPL.6078.0035.0280; VPL.6078.0035.0281.

³³ VPL.0100.0216.0003.

³⁴ VPL.0005.0013.1276.

³⁵ VPL.0100.0255.0374.

had engaged and evidence that S/Sgt Tim Argall would be giving in relation to Dale's prosecution.

63 On 13 August 2012, I again returned a phone message left by Ms Gobbo³⁶. I had followed up on her draft statement given to the Briars Taskforce previously and I informed her statement was not going to be used in those proceedings. I was not part of the Briars Taskforce and was not aware of the day-to-day operations of that taskforce. I have never seen a copy of any statement that Ms Gobbo might have given to the Briars Taskforce.

64 On 17 August 2012, I called Ms Gobbo. As my diary records, Ms Gobbo spoke about Dale's trial beginning, and the contact log refers also to the CDPP and an examiner, but I do not recall what this relates to. My diary and the contact log also note that the recording for this discussion did not work.

65 On 24 August 2012, my diary records that I received calls while off duty from the officer who was investigating the allegations that someone had stolen funds from Ms Gobbo. On my next working day, 27 August 2012, I attempted to call Ms Gobbo a number of times. I assume it related to the alleged theft, but I cannot be certain.

66 I ultimately spoke to her the next day, 28 August 2012³⁷. During this call, Ms Gobbo alleged that she had drafted a statement for a witness without that witness being involved. I had met with that witness a week or so before. My diary records that I spoke to Supt Sheridan about the witness and Ms Gobbo shortly after the call, but I have no recollection of what we discussed. On 30 August 2012, I spoke to DSS Kelly about the witness.

67 In around late-November 2012, I was informed by Supt Paul Sheridan that I would no longer be the contact point with Ms Gobbo. Detective Inspector Ian Campbell was to take over that role. My diary records that on 21 November 2012, I spoke with Detective Superintendent Peter De Santo and Supt Sheridan regarding the handover. I then called Ms Gobbo on 22 November 2012 to inform her of the changeover and arranged a meeting for 28 November 2012 to introduce her to DI Campbell.

68 My diary records that on 28 November 2012, I spoke with DI Campbell before we met with Ms Gobbo. I told him about recording all interactions with her and reiterated that she was not a source and should not to be registered or tasked with seeking information.

³⁶ VPL.0100.0255.0004.

³⁷ VPL.0100.0255.0415.

I also sent him the electronic version of the contact log for him to continue updating. We then met with Ms Gobbo at a café. The meeting was recorded³⁸.

69 From 28 November 2012 onward, I was no longer the contact point between Ms Gobbo and Victoria Police. I have not had contact with Ms Gobbo since the meeting on 28 November 2012.

70 I took a period of leave from 1 December 2012 until 1 February 2013.

Other matters concerning Ms Gobbo

71 In late March 2014, an article relating to Ms Gobbo's role as a human source was to be published in the Herald Sun. The Chief Commissioner of Victoria Police sought and ultimately obtained an injunction to prevent publication of that article. On 2 April 2014, I swore a confidential affidavit relating to Ms Gobbo for that proceeding³⁹.

72 In May 2014, I swore a further confidential affidavit regarding Ms Gobbo for the purposes of the Coronial Inquests into the deaths of Christine and Terence Hodson⁴⁰. I recall this affidavit was used in seeking a suppression order relating to Ms Gobbo.

73 I was the person to swear these confidential affidavits because I had been the officer in charge of the SDU and, at the time of swearing the affidavits, I was the officer in charge of the Undercover Unit of Victoria Police.

Oversight of senior officers in management of Ms Gobbo (Q10)

74 During the period I was at the SDU, the management of my ongoing contact with Ms Gobbo was overseen by my superior officers, Supt Sheridan and AC Pope.

Authorisation and continued authorisation of Ms Gobbo as a human source (Q11)

75 I am not aware of who authorised Ms Gobbo's role as a human source, as it was before my time at the SDU.

Understanding of Ms Gobbo's motivations for becoming a human source (Q12)

76 I have no knowledge of Ms Gobbo's motivations to act as a source, as I was not involved in managing Ms Gobbo as a human source. I do not recall anything in the conversations I had with Ms Gobbo as her point of contact that shed light on her motivations for acting as a source.

³⁸ VPL.0100.0134.0293.

³⁹ VPL.6078.0020.5546.

⁴⁰ VPL.0008.0001.0245.

77 I cannot recall having any conversations with members of the SDU about Ms Gobbo's motivations to act as a source.

Conversations regarding duties, responsibilities and motivations (Q13)

78 I had the following conversations with Ms Gobbo dealing with these topics:

Legal professional privilege	I do not believe I had any conversations with Ms Gobbo about this topic
Acknowledgment of her responsibilities as a source	I do not believe I had any conversations with Ms Gobbo about this topic. But as set out in my response to Question 23, I was asked to assist Supt Steve Gleeson to locate an acknowledgement of responsibilities in Ms Gobbo's management file. I was not able to locate any acknowledgement of responsibilities.
Assessment of risks relating to her use as a source	I do not believe I had any conversations with Ms Gobbo about this topic. As recorded in my response to Question 9, I facilitated Ms Gobbo's contact with Victoria Police's Witness Security Unit.
Motivations to act as a source	I do not believe I had any conversations with Ms Gobbo about this topic
Criminal conduct or adverse motivations	I do not believe I had any conversations with Ms Gobbo about this topic.
Matters of concern to her use as a source	I did not have any conversations with Ms Gobbo about health concerns while she was a source. During a phone conversation on 28 June 2012, Ms Gobbo mentioned she had a complaint with her leg related to stress ⁴¹ .

Knowledge of Ms Gobbo providing information outside the SDU (Q14)

79 I refer to my response to Question 24 below regarding the assistance Ms Gobbo provided as a proposed witness. I am not otherwise aware of Ms Gobbo providing information outside the SDU.

Information received from Ms Gobbo regarding certain individuals (Q15 & Q16)

80 As set out in response to Question 24 below, I instructed the SDU members to prepare a document on 6 November 2011 that extracted names mentioned in the source contact reports in her SDU file. The following individuals listed are referred to in that document:

⁴¹ VPL.0100.0255.0034.

- (a) Faruk Orman;
- (b) Tony Mokbel;
- (c) **Mr Bickley**
- (d) Zlate (Steve) Cvetanovski;
- (e) [REDACTED]
- (f) [REDACTED]
- (g) Rob Karam;
- (h) John Higgs; and
- (i) Tony Sergi.

81 I did not review the contact reports myself and I am not aware of the information in them that related to these individuals. I do not recall the detail of any information regarding these individuals that might have been contained in the source management log.

82 I was not aware of what information supplied by Ms Gobbo had been disseminated or how it had been disseminated. Details of dissemination were not relevant to my role at the SDU, given that Ms Gobbo was a deregistered source by the time I was at the SDU.

Meetings with a proposed witness in August and September 2012

83 On 10 August 2012, I received a call from DSS Kelly requesting that the SDU assist the Crime Department in relation to new information provided by a potential witness. DSS Kelly's informed me that access to this witness had been previously facilitated by Ms Gobbo, but by August 2012, Ms Gobbo was no longer involved in the process of speaking to the witness.

84 DSS Kelly sent me an email on the morning of 10 August 2012⁴². As the email notes, Officer Richards was to meet with the witness with Supt Gerry Ryan. I do not recall the substance of the information recorded in the attachment to DSS Kelly's email⁴³. It was not part of my role to investigate these matters given that Crime Department and ESD investigators and a Superintendent from the Crime Department were involved. I recall that the SDU was to assist to interview the witness and help prepare a reward application for the Reward Committee. It was proposed that a letter of assistance be provided to the witness if it was approved by the Reward Committee.

⁴² VPL.0005.0060.0279.

⁴³ VPL0005.0060.0285.

85 On 14 August 2012, I spoke with Officer Richards about the proposed meeting with the witness. As my diary records, Officer Richards was not happy to do the approach to the witness because he believed the risk was not acceptable. I explained that the risk had changed after the witness had requested to cooperate with investigators at Victoria Police and that Supt Sheridan and I had decided that the risk was acceptable.

86 On 17 August 2012, I again spoke with Officer Richards about his concerns about approaching the potential witness. As my diary records, it was clear that Officer Richards did not want to do the approach. I spoke with Supt Sheridan about the issue and it was decided that I would do the approach myself and Officer Richards would not be involved.

87 I met with the witness with DSS Kelly on 22 August 2012. DSS Kelly and I briefed Supt Sheridan regarding the meeting and the witness' security arrangements. I believe that the [REDACTED] I am informed that [REDACTED] has been located and reviewed by Taskforce Landow and contains no reference to Ms Gobbo. I have not [REDACTED] and do not recall the content of the conversation.

88 My diary records that the Rewards Committee meeting took place on 28 August 2012. Supt Sheridan informed me about the meeting in the lead up to it⁴⁴. I recall that the letter of assistance was approved. On 6 September 2012, I met with the witness with DSS Kelly and DSC Dan Baulch and read the letter of assistance to the witness.

89 I do not recall having any further involvement with the witness, and do not know if they provided any further assistance.

Knowledge or understanding of lawyer's duties and obligations (Q17)

90 During the time I was at the SDU, my understanding of these lawyers' duties and obligations was as follows:

Legal professional privilege

If a person was a client, then the lawyer could not disclose information they received as part of giving and getting advice. The client could give the lawyer permission to disclose something, but the lawyer could not decide to disclose something without the client's permission.

Confidentiality

If a person was a client, then the lawyer could not disclose information they received as part of that lawyer-client relationship.

⁴⁴ VPL.6078.0010.4609.

Duty to act in the best
interests of the client

If a lawyer already represents one person for something,
then they cannot represent another person for the same
thing if the second person's interests are in conflict with
the first person's interests.

Advice regarding lawyers' duties (Q18)

91 I do not recall any advice that may have related to Ms Gobbo's duties as a lawyer.

Knowledge or belief as to whether lawyers' duties were breached (Q19)

92 I have no knowledge of these matters.

Knowledge or understanding of obligation of disclosure (Q20)

93 My understanding was that Victoria Police had to disclose the evidence it intended to
rely upon as well as material used to gather evidence. I understood that it was the
responsibility of the informant in a prosecution to manage disclosure.

94 Victoria Police would also need to respond to discovery requests or subpoenas for
documents and produce documents to the court but could make public interest immunity
claims to try and prevent certain material being released. The court would decide what
claims were allowed.

Operation of public interest immunity relating to Ms Gobbo (Q21)

95 I understood that documents relating to someone's status as a human source was one
type of document that Victoria Police might claim public interest immunity over.
I understood that the informant in a prosecution was responsible for managing public
interest immunity claims as part of managing disclosure.

96 I was not involved in any public interest immunity claims in relation to Ms Gobbo, but
I was aware of discussions or advice about disclosing material relating to Ms Gobbo:

(a) as recorded in my response to Question 24, Gerard Maguire was briefed in around
September 2011 to advise regarding disclosure of material relating to Ms Gobbo.
I made certain SDU records available to him, but I was not involved in instructing
Mr Maguire to give that advice.

(b) as recorded in my response to Question 9, Ms Gobbo told me in May 2012 that
Faruk Orman's lawyers had issued subpoenas referring to Ms Gobbo when
Mr Orman was being prosecuted in relation to the murder of Paul Kallipolitis.

Concerns as to the use of Ms Gobbo as a human source (Q22)

97 I was not a member of the SDU while Ms Gobbo was a human source. As set out in my response to Question 24, I am aware that there were concerns that Ms Gobbo's role as a proposed witness might involve disclosing her role as a human source.

98 I am aware of one instance where concerns were raised about Ms Gobbo's role as a source potentially being exposed during a trial. On 12 April 2011, I received an email recording concerns raised by a Crown Prosecutor, John Champion, about comments made by defence counsel about Ms Gobbo in an ongoing County Court trial⁴⁵. I forwarded the email to Supt Sheridan. As the email states, defence counsel had made a number of allegations about Ms Gobbo and [REDACTED]. The allegations had been made in the absence of a jury. My diary records that I spoke with Supt Sheridan about this and noted that Ms Gobbo might be called as a witness, but I do not recall what we discussed beyond that.

99 I received a further email later on the afternoon of [REDACTED] 2011, noting that [REDACTED] had finished giving evidence and that allegations about Ms Gobbo were not put to him⁴⁶.

100 I do not recall receiving these emails and I have no record or recollection of whether I did anything in response to this email, other than speak to Supt Sheridan. I was not aware of the charges against that accused and was not involved in that prosecution. I believe this email would have been sent to me because I was Ms Gobbo's point of contact.

Procedures regarding the management of human sources (Q23)

101 I was not aware of how Victoria Police's policies about human sources operated regarding Ms Gobbo, because I was not a member of the SDU at the time that Ms Gobbo was a human source. I did provide some limited assistance in relation to a review conducted by former Chief Commissioner Neil Comrie (**Comrie Review**), which I have set out below.

102 On a few occasions between March and June 2012, I was asked to assist Superintendent Steve Gleeson with access to SDU materials relating to Ms Gobbo's management as a human source. I understood at the time that Supt Gleeson was assisting Mr Comrie with the Comrie Review. I was not interviewed as part of the Comrie Review and only

⁴⁵ VPL.0005.0013.1295.

⁴⁶ VPL.0005.0013.1272.

assisted Supt Gleeson on a few occasions when asked. I have never read the Comrie Review's report.

103 On 21 March 2012, I met with Supt Sheridan and Supt Gleeson regarding Ms Gobbo. There is no further detail in my diary, but I believe this related to the Comrie Review.

104 On 25 May 2012, I was asked by the officer in charge of the HSMU **Officer Hotham** and Supt Gleeson to locate the document or audio recordings that recorded Ms Gobbo's acknowledgment of responsibilities (AOR)⁴⁷. I knew that as part of Victoria Police policy, human sources would either sign a document outlining their responsibilities and the limitations of their role as a source, or have those things explained to them verbally. I hadn't had any reason to look for or review the AOR for Ms Gobbo previously. I assumed that there would be an AOR document or audio recording on her file.

105 My diary records that I listened to recordings to locate the AOR on 30 May and 4 June 2012. On 8 June 2012, I instructed **Officer Terrasse** to follow up on the review and to instruct Officer Peter Smith to review his diary and further tapes. On 15 June 2012, **Officer Terrasse** informed me in an email that although Ms Gobbo clearly understood her responsibilities **Officer Terrasse** had not been able to pinpoint an AOR⁴⁸.

106 I later instructed Officer Peter Smith to attempt to locate the AOR. He informed me on 19 July 2012 that he could not locate the AOR, but that he had spoken to Officer Sandy White, who recalled that he had presented a hard copy AOR form to Ms Gobbo and she had refused to sign it⁴⁹.

107 I supplied SDU members' diary entries on 28 and 29 May 2012 when Supt Gleeson asked for them⁵⁰. I also answered a query from Supt Gleeson on 30 May 2012 about the SDU's practice regarding telephone calls and AORs⁵¹.

Concerns regarding the transition of Ms Gobbo from a human source to a witness (Q24) and assistance to the Petra Taskforce (Q25) and Briars Taskforce (Q26)

108 As set out in my response to Question 9:

⁴⁷ VPL.0100.0040.0691.

⁴⁸ VPL.0005.0013.1301.

⁴⁹ VPL.6078.0008.6903.

⁵⁰ VPL.0100.0046.0230; VPL.0005.0013.1105.

⁵¹ VPL.0100.0058.0070 at 0299-0301.

(a) I became aware shortly after I arrived at the SDU that Ms Gobbo had provided a statement to the Petra Taskforce and was being managed by that taskforce as a prospective witness; and

(b) Ms Gobbo informed me during a phone call on 10 August 2010 that she had provided a draft statement to the Briars Taskforce⁵².

109I understand that Ms Gobbo assisted these taskforces before I arrived at the SDU. I was not involved in any decision for Ms Gobbo to assist these taskforces and I am not aware of discussions within the SDU about the use of Ms Gobbo as a witness for these taskforces.

110However, from October 2010 until November 2011, I became aware of proposals that Ms Gobbo assist the Driver Taskforce in relation to certain charges against Paul Dale. I was not part of the Driver Taskforce or its Steering Committee.

Initial contact regarding Driver Taskforce

111On 13 October 2010, I received an email from D/Supt Fryer, where it was proposed that I inform Ms Gobbo that she was required as a witness in relation to certain charges against Paul Dale⁵³. My diary records that I discussed this issue with Supt Sheridan. I do not recall what we discussed apart from my concern being that part of the legal agreement with Ms Gobbo was that she would not appear as a witness in certain prosecutions. I replied to D/Supt Fryer on 13 October 2010, saying that I had spoken about this issue with Supt Sheridan and was awaiting further advice on how to proceed⁵⁴.

112I have no record or recollection of being involved in any further discussions about this issue at this time. I have no record or recollection of informing Ms Gobbo that she was to be a witness in any prosecution related to Paul Dale, and do not believe I did.

113On 7 January 2011, I received an email from DSS Boris Buick from the Driver Taskforce requesting Ms Gobbo's current phone numbers. As the email states, DSS Buick wanted her contact details for the purposes of profiles and to investigate contact between targets of the operation and others. Supt Sheridan gave permission for this to occur⁵⁵.

114On 4 February 2011, I was copied to a further email that DSS Buick sent to DI Mick Frewen, requesting to speak with Ms Gobbo about proceedings that had been

⁵² VPL.0100.0255.0374.

⁵³ VPL.0005.0013.1043.

⁵⁴ VPL.0005.0013.1043.

⁵⁵ VPL.6078.0016.8891.

commenced against Paul Dale⁵⁶. I forwarded this email to Supt Sheridan but otherwise, I have no record or recollection of being involved in any decision about this proposed contact with Ms Gobbo. I expect that any decision about re-engaging Ms Gobbo to act as a witness would need to be made by senior officers in charge of the relevant investigations in consultation with Victoria Police Legal Services, given the agreement that was in place with Ms Gobbo.

115 On 18 February 2011, Supt Sheridan informed me and Officer Sandy White that the existing contact arrangements with Ms Gobbo would remain in place, but that investigators would play more of a role as the time for Ms Gobbo to give evidence approached⁵⁷.

116 On 18 August 2011, I spoke with DSS Buick regarding Ms Gobbo. My diary records that we spoke regarding an upcoming court matter where Ms Gobbo was a witness. I do not recall this discussion beyond what is recorded in my diary, but I assume it would have related to the Driver Taskforce.

Disclosure issues regarding Ms Gobbo

117 On 8 September 2011, Officer Sandy White forwarded me an email chain between him and DSS Buick⁵⁸. The email chain concerned subpoenas that might be issued that mentioned Ms Gobbo. I believe that I would have been informed of this because I was the point of contact for Ms Gobbo and the head of the SDU, not because I was expected to respond about how the disclosure matters should be handled. Disclosure and public interest immunity matters would be addressed by the informant in the prosecution, with the benefit of legal advice from VGSO or Victoria Police Legal Services.

118 On 21 September 2011, there was a meeting about these subpoena issues between members of the Driver Taskforce, DI Steve Waddell, Officer Sandy White, VGSO, the CDPD and Gerard Maguire. I was not invited to this meeting. DSS Buick sent me the agenda the night before the meeting occurred⁵⁹. My diary records that I spoke to DSS Buick about this on the afternoon of 21 September 2011, but I do not recall what we discussed.

119 The next day, on 22 September 2011, I spoke to DI Steve Waddell regarding a request for Gerard Maguire to read the source management log for Ms Gobbo. I knew that

⁵⁶ VPL.0005.0013.1101.

⁵⁷ VPL.6078.0016.6722.

⁵⁸ VPL.0005.0013.1273.

⁵⁹ VPL.6078.0031.2140; VPL.6078.0031.2142.

Gerard Maguire was a barrister who had advised Victoria Police on a number of occasions, including in relation to public interest immunity matters. I spoke to Mr Maguire later that afternoon and arranged for him to view the source management log.

120 On 23 September 2011, I met with Mr Maguire. He read the source management log relating to Ms Gobbo in one of the conference rooms at St Kilda Road. My diary records that Supt Sheridan and I had a brief discussion with Mr Maguire about the Driver Taskforce that afternoon, but I cannot recall what we discussed. My role was only to provide access to records of the SDU and to be there to clarify any questions Mr Maguire might have had about the log. I was not involved in briefing Mr Maguire to provide advice about these issues.

Involvement of the office of the CDPP

121 In early November 2011, members of the Driver Taskforce organised for prosecutors from the office of the Commonwealth Director of Public Prosecutions (CDPP) to review documents about Ms Gobbo's role as a source. I believe I knew at the time that this was in the context Ms Gobbo assisting the Driver Taskforce as a witness. I was involved in this process only to facilitate access to SDU records and respond to the CDPP's requests for information. I was not aware of the detail of the charges against Paul Dale.

122 On 2 November 2011, I was copied into an email chain between DSS Buick and Krista Breckweg from the CDPP⁶⁰. DSS Buick had arranged for Ms Breckweg and Chris Beale to review disclosure documents relating to Ms Gobbo. As DSS Buick's email states, he copied me into the email chain because I was the officer in charge of the unit that held the documents.

123 Later in the morning of 2 November 2011, D/Supt Fryer sent an email to Supt Sheridan, copied to me, requesting that DSS Buick, DI Mick Frewen and D/Supt Fryer from the Driver Taskforce be permitted to read Ms Gobbo's source management log⁶¹. My diary records that I discussed this with Supt Sheridan, but I do not recall what we discussed.

124 On 3 November 2011, D/Supt Fryer sent an email to DI Frewen and DSS Buick that was copied to Assistant Commissioner Graham Ashton, AC Pope, Supt Sheridan and me. It attached a memorandum of advice prepared by Gerard Maguire⁶². The email noted a decision from the Driver Steering Committee and a meeting between D/Supt

⁶⁰ VPL.0005.0013.1158.

⁶¹ VPL.0005.0013.1158.

⁶² VPL.0005.0013.1152.

Fryer and Supt Sheridan about whether members of the Driver Taskforce and the CDPP should review Ms Gobbo's source management log.

125 My diary records that I discussed this issue with Supt Sheridan on the morning of 3 November 2011. I was not involved in the discussion between D/Supt Fryer and Supt Sheridan about whether members of the Driver Taskforce or the CDPP should review the source management log. I was not involved in any discussions about whether certain charges against Paul Dale should or should not be pursued.

126 At 2:00 pm on 3 November 2011, I met with Ms Breckweg and Mr Beale from the CDPP with Supt Sheridan and DSS Buick. My diary records that at 2:50 pm, Ms Breckweg and Mr Beale (incorrectly recorded as Mr Cairns in my diary) were given Ms Gobbo's source management log to read, which they did until 5:30 pm. I then briefed Officer Peter Smith and Officer Anderson regarding the need to potentially work that weekend. I recall that the need to work over the weekend arose because the CDPP had requested that the SDU prepare a briefing document that gave an overview of the contact between Victoria Police and Ms Gobbo. I met with Supt Sheridan and AC Pope on the afternoon of 4 November 2011 so they could brief me about what the CDPP wanted. I then briefed Officer Peter Smith and Officer Anderson about what was required.

127 On Sunday 6 November 2011, I attended the SDU office with Officer Peter Smith, Officer Anderson and Officer Fox to prepare the briefing document for the CDPP⁶³. Officers Peter Smith, Anderson and Fox prepared the document by reviewing source contact reports for Ms Gobbo and creating a list of people who were mentioned. The document was prepared quickly and does not refer to the detail of any information Ms Gobbo provided. I recall that Officers Peter Smith, Anderson and Fox then wrote a few brief paragraphs about the SDU's experiences of handling Ms Gobbo. I signed off on the document as I was the head of the unit and had instructed the officers to prepare it. Once the document was complete, I sent a link to the document to Supt Sheridan⁶⁴. I have no recollection or record of what happened with this document after I sent it to Supt Sheridan.

128 I have been shown a copy of a letter from D/Supt Fryer to Ms Gobbo dated 8 November 2011⁶⁵. The letter informs Ms Gobbo that she was to be withdrawn as a prosecution

⁶³ GLA.0003.0001.0318.

⁶⁴ VPL.0005.0013.1198.

⁶⁵ GLA.0003.0007.0905.

witness in the charges against Paul Dale. I do not believe I had seen this letter before it was shown to me when preparing my statement. My diary records that I received calls about Ms Gobbo on 8 November 2011 and that I spoke with DSS Buick regarding Ms Gobbo on 9 November 2011. I assume that my conversations on 8 and 9 November 2011 relate to the decision not to call Ms Gobbo as a witness, but I do not recall what was discussed.

Details regarding the disbanding of the SDU (Q27)

Process for closing the SDU

129I was not directly involved in the decision making around disbanding the SDU. I recall being aware when I went on leave on 1 December 2012 (until 1 February 2013) that serious consideration was being given to closing the SDU. However, I was not aware if any final decision had been made to close the SDU by that time.

130I was formally told that the SDU was closing on 11 February 2013, when I attended a meeting with Acting Deputy Commissioner Pope, Supt Waddell and Supt Seagrave. As my diary records, ADC Pope advised us of the outcome of the Covert Services Division Review that had recently been completed. Part of the outcome was that the SDU would be closed. ADC Pope told us that Acting Assistant Commissioner Fryer and Supt Sheridan would tell the unit of the findings the next morning, and that the SDU would be closed within two weeks. We were told not to inform the members in the meantime.

131I have not read the Covert Services Division Review. I do not recall if ADC Pope referred to the Comrie Review as a reason why the SDU would be closing.

132I assume that my experience managing the SDU (described below) was part of the decision to close the SDU, as I informed Supt Sheridan on an ongoing basis of my day-to-day experiences with managing the SDU. I also gave him documents that listed the key concerns I had about staff wellbeing⁶⁶ and instances where SDU members had taken or proposed to take unacceptable operational risks⁶⁷.

133On the morning of 12 February 2013, I met with Supt Sheridan to discuss the closure. At 9:00 am, I called the SDU members into the conference room at the office. I had arranged for all available staff to be present in the office that morning, including Officer Sandy White, who had been working at the Briars Taskforce. I recall that I and the SDU

⁶⁶ VPL.0005.0171.0008.

⁶⁷ VPL.0005.0171.0005.

members were each given a letter and that AAC Fryer and Supt Sheridan spoke briefly. I recall that they said the reason for closing the SDU was that the members had been too long in the covert environment. I believe they also mentioned that there was too great a risk from the SDU continuing to operate. They told the SDU members that the unit would close in approximately two weeks, and that new positions would be found for them within Victoria Police. I do not recall who said what.

134I recall that after AAC Fryer and Supt Sheridan had finished speaking, Officer Sandy White stood up, said he was leaving, and the other SDU members followed him out of the office. The members returned over the course of the day. My diary records that I separately called Officer Green and Officer Peter Smith to inform them that the SDU would be closing.

135Over the next few weeks, I met with the SDU members to discuss closing the unit and had one-on-one discussions with them about where they wanted to be reassigned. From 1 April 2013, I began a role in the Undercover Unit but continued to manage administration related to closing the SDU for several weeks.

136At the time of closing the SDU, there were ^{PII} active sources. As part of closing the SDU, ^{PII} of these sources were transitioned to other qualified source handlers who were not attached to the SDU. ^{PII} were deactivated. There were also ^{PII} sources in the early stages of the assessment process. The registration process was completed for these sources. As a result, ^{PII} of the sources was transitioned to a qualified handler not attached to the SDU, while the remaining ^{PII} sources were not registered.

Reasons for closing the SDU

137My understanding of why the SDU closed is that the SDU members had become desensitised to taking risks after spending too long in a high-risk covert area. The culture of the unit came to resist management's attempts to intervene to control those risks to Victoria Police and the community.

138Managing the risks relating to the SDU's operation was a long-term issue. Before May 2010, a single Inspector was responsible for both the SDU and the Undercover Unit (UCU). The SDU and UCU each operated out of different offsite premises, with the Inspector prior to my arrival basing himself out of the UCU. This made it difficult for him to have the involvement and oversight an Inspector would usually have over their unit. In May 2010, I was appointed as a dedicated Inspector to manage only the SDU.

139I recall that one reason why a dedicated Inspector was appointed was because of concern about an operation in late-January and early-February 2010. As part of that operation, SDU members had operated interstate without proper authorisations and without being aware of different state laws. I prepared a report about this operation within a few months of arriving at the SDU⁶⁸.

140A key part of my role as Inspector was to intrusively supervise the controllers and handlers in relation to the management of the high risk sources. This was to ensure the SDU members understood and maintained the balance between the reward of valuable intelligence and the risks that the SDU's operations posed to Victoria Police, to the community, and to the high risk human sources. The risks to Victoria Police included SDU members not following policies, procedures or applicable laws in pursuing valuable intelligence. The risks to the community included risks that sources would be given leeway to commit crimes. The risks to sources included SDU members continuing to use a valuable source for such a period where doing so might expose the source's cooperation or identity.

141There were also risks to the SDU members themselves, in regards to their health and wellbeing. Contact from sources was irregular and very unpredictable. High-risk sources were often manipulative individuals who were career criminals. The work was high pressure because sources risked death or serious injury if their cooperation was discovered. The SDU members' work could also not be praised outside the covert context because doing so might expose sources.

142From the time that I began at the SDU, it was clear that the members were very hard working and dedicated to their roles. They did a lot of great work in managing high risk sources, and worked hard to protect their sources' safety. However, the SDU members continued to take unacceptable risks in their work and actively resisted managerial intervention and direction. On some occasions they adopted work arounds management to try and circumvent management decisions.

143I maintained a list of serious instances where the SDU members took or proposed to take unacceptable risks or resisted attempts to manage risks⁶⁹. I spoke about these issues with Supt Sheridan regularly and believe I gave him this list at some point in late-2012. These instances indicated to me that a number of SDU members were not able to appropriately

⁶⁸ VPL.0100.0169.0001.

⁶⁹ VPL.0005.0171.0005.

judge what was an unacceptable risk, and the culture of the SDU was to take too many risks in pursuing valuable intelligence.

144The instances also showed that the culture of the SDU was such that they did not accept that management's role was to control the level of risk. I believe this stemmed in part from an attitude amongst the longer serving controllers and handlers that management could not properly assess risks because we had not completed the same training courses on source management.

145I also saw that the SDU members' work was having a negative effect on their wellbeing. I set out my concerns about the SDU members' health and wellbeing in a document I gave to Supt Sheridan as part of a review of the Covert Services Division that he was conducting in mid-2012⁷⁰.

146As I explained in that document, there were a number of incentives to stay longer in the unit, such as exciting work as well as generous allowances, which were linked to their superannuation benefits. I believe this contributed to members remaining in the unit longer than they should have and discouraged them from leaving the unit, even once the work began to take its toll on the individual members and the culture of the SDU. There were three other key examples that demonstrated to me the concerns about health and wellbeing in the SDU.

147First, in around October 2010, there was a complaint against a member of the SDU about his inappropriate use of his work-issued phone. I recall that he defended his use of the phone as related to his work when that was clearly not the case. It appeared he had lost perspective on what was appropriate conduct as a police officer. In May 2011, the SDU member went sick during a disciplinary hearing related to this complaint. He subsequently retired due to ill health.

148Second, in October 2011, the SDU office was relocated from offsite covert premises to the St Kilda Road Police Complex. AC Pope made the decision to move the unit in early May 2011, around the time that the lease on the offsite covert premises was due to be renewed. My diary records that I was informed of the final decision on 11 May 2011 and informed senior members of the SDU later that afternoon.

149The SDU members strongly and continually resisted AC Pope's decision, to an extent that demonstrated to me they simply refused to accept management's decision. On 10 June 2011, the Staff Officer to the Chief Commissioner informed me that an SDU

⁷⁰ VPL.0005.0171.0008.

member had contacted the Staff Officer to try and arrange for an SDU member to speak directly with the Chief Commissioner and convince him to overrule AC Pope's direction. This was concerning because those members had tried to circumvent the chain of command to get AC Pope's decision changed.

150 On 14 June 2011, there was a two-hour discussion at the SDU offices about the office move, with the SDU members wanting to do their own risk assessment of the office move. The risk assessment was completed by the SDU staff in September 2011. It recommended remaining in the covert premises. I gave the risk assessment to Supt Sheridan with a covering note⁷¹. As that covering note says, I believed that there were sufficient risk mitigation strategies available that meant the move to St Kilda Road was safe.

151 The office move took place on 22 October 2011. There seemed to me to be a subdued sense of anger from the staff during the move. After the move, the SDU members continued to resist and complain about the move in the hope the decision would be reversed. The continued resistance was such that on 14 November 2011, Supt Sheridan came to the new SDU office premises to listen to the SDU members' concerns and discuss strategies for mitigating the risks they saw⁷². However, the SDU members were not satisfied with this and continued to complain about the office move.

152 Third, in April 2012, new policies were introduced to improve safety and wellbeing for SDU members. All members would travel to work and source meetings two-up, rather than all travelling in their own individual Victoria Police-issued cars. Prior to this, the [REDACTED] and [REDACTED] in the SDU all had individual cars for their own use. The members would also be required to carry a baton and OC spray, rather than just a firearm. These policy changes were in part a response to an anonymous letter that an SDU members' spouse had sent to the Chief Commissioner, expressing serious concerns about how safety and stress were affecting the SDU member.

153 As my diary records, I was informed on 20 April 2012 that Supt Sheridan and AC Pope directed that these changes take place. On 23 April 2012, I informed the SDU members about the changes. I recall that the members were upset and angry about the changes. My diary records that on that day, Officer Peter Smith and Officer Green requested that the direction be removed because it would be inefficient. I explained that member welfare was more important than efficiency.

⁷¹ VPL.0100.0080.0012 at 0014-0015.

⁷² VPL.0100.0080.0012 at 0013.

154 The two-up travel policy was an ongoing source of dispute. On 30 April 2012, Officer Richards raised further complaints about the policy changes. On 10 July 2012, my diary records that I spoke with Officer Wolf about members working half shifts from home and including their commuting times as part of their shifts. I believed that the members were doing these things to be uncooperative as a protest against the policy changes. On 1 October 2012, the continued resistance was such that Supt Sheridan came to the SDU office to meet with the SDU members to reiterate that their safety was the priority behind these changes.

155 From early 2011 onward, I spoke with Victoria Police's psychologists on numerous occasions to understand the welfare issues related to the SDU's work and to understand how those issues could be managed. However the SDU's culture of resisting management got stronger, particularly after the office move in 2011 and the policy changes in 2012.

156 For me, the growing culture of resistance was concerning as the SDU staff would often not accept management decisions, this increased the risks associated with the SDU's operations. In circumstances where there were serious issues with SDU members appropriately assessing the risks of their actions, this was even more concerning.

157 Ultimately, when ADC Pope informed me in February 2013 of the decision to close the SDU, I was not surprised that that decision had been made.

Other Relevant Matters

Other human sources subject to obligations of confidentiality or privilege (Q28)

158 I have no knowledge of any such sources.

Training and retraining (Q29)

159 My recollection of the relevant training or retraining I have received on these specific topics is as follows:

- (a) Obligation of disclosure – during Detective Training School and Advanced Detective Training School, as well as experience in running cases.
- (b) The right of accused person to silence and to a legal practitioner – during the Academy and was reinforced whenever I made an arrest;
- (c) Legal professional privilege – I do not recall receiving specific training on legal professional privilege but have become acquainted with it through experience in running prosecutions;

- (d) Public interest immunity – during Detective Training School and Advanced Detective Training School as well as when observing sessions that were run by HSMU and SDU members during the various Human Source Management course;
- (e) Professional and ethical decision making – this was a thread running through all Victoria Police training.

Other relevant matters (Q30)

160 I have nothing further to add.

Dated: 11 October 2019

A handwritten signature in blue ink, appearing to read "John O'Connor", written over a dotted line.

John Timothy O'Connor

Annexure A

1. A summary of the major roles I have undertaken and my progression through the ranks is as follows:
 - (a) 1985 – 1988: Constable, Hawthorn, South Melbourne, St Kilda
 - (b) 1989 – 1991: National Crime Authority, Surveillance Unit;
 - (c) 1991 – 1997: Detective Senior Constable, St Kilda CIU and Prahran CIU;
 - (d) 1998 – 2000: Sergeant, Collingwood Police Station;
 - (e) 2000 – 2003: Sergeant, Australian Crime Commission, Surveillance Unit;
 - (f) 2003 – 2004: Detective Sergeant, Tactical Response Squad;
 - (g) 2005 – 2006: Detective Sergeant, Caulfield CIU;
 - (h) 2006 – 2009: Senior Sergeant, Cobram and South Melbourne Police Stations;
 - (i) 2009 – 2010: Inspector, Western Region, Professional Development;
 - (j) 2010 – 2013: Detective Inspector, SDU;
 - (k) 2013 – 2014: Detective Inspector, Undercover Unit;
 - (l) 2014 – 2015: Inspector, Southern Region, Division 2;
 - (m) 2015 – 2016: Superintendent, Southern Region, Support Services;
 - (n) 2016 – 2018: Detective Superintendent, Counter-Terrorism Command;
 - (o) 2019 – Current: Superintendent, Western Region, Capability Division/Division 6.
2. I also hold a Graduate Certificate, Applied Management from the Australian Institute of Police Management.
3. In 2009 I was highly commended by the Chief Commissioner of Police for exceptional dedication to duty and professionalism during Operation Landlocked 2002-2005 and subsequent post investigation activities resulting in the successful prosecution of members of a Russian Organised Crime Group and significant disruption to organised crime in Victoria.
4. In 2018 I received the Victoria Police Medal of Merit for exemplary service in the sustained delivery of a complex oversight role of counter terrorism activities 2016 to 2018.

5. In 2018 I was awarded the Australian Federal Police Commissioners Certificate. It reads, in recognition of his excellence, dedication and commitment to the Joint Counter Terrorism Team (Victoria) between 2016 and 2018, overseeing significant terrorism investigations. His devotion to duty was illustrated through building law enforcement capability, managing and maturing tri-agency relationships and driving operational outcomes that prevented terrorism attacks, delivered prosecution success and ensured the protection of the Australian community.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.