

**ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS
SUPPLEMENTARY STATEMENT OF SIMON JAMES OVERLAND**

1. My full name is Simon James Overland.
2. I have previously made a statement to the Royal Commission dated 19 September 2019. I have also provided oral evidence to this Commission from 16 to 20 December 2019. I expect to continue my oral evidence on 21 January 2020.
3. Approximately half an hour after the completion of cross-examination by Senior Counsel Assisting the Royal Commission, Mr Chris Winneke QC, I was informed by representatives of Victoria Police that diaries which appeared to have been authored by me had been recovered from a storage facility in Laverton in a box marked 'miscellaneous'.
4. Over the course of the Christmas break, I have reviewed these diaries and I make the following further statement to supplement my evidence with the benefit of having reviewed my diary entries.
5. This statement is produced to the Royal Commission in response to a Notice to Produce.

Diaries

6. I apologise to the Commission for not remembering the existence of diaries kept during my time at Victoria Police. Had I recalled and been provided with these materials they would have greatly assisted me in preparing my statement, and in giving evidence before this Commission.
7. By way of background on my attempts to refresh my memory prior to giving evidence before the Commission, my solicitors wrote to the solicitors for Victoria Police on 14 March 2019 requesting a number of categories of documents, including one category for *'material authored by or sent to or from Overland falling within the terms of reference.'*
8. My solicitors repeated the above request for documents, including the abovementioned category on 22 May 2019, 14 June 2019, 1 July 2019, 9 August 2019 and 23 August 2019. The solicitors for Victoria Police provided a response by letter on 30 August 2019. Attached to Victoria Police's response was a table responding to each of the items requested by my solicitors. In response to the request for material authored by me falling within the

Commission's terms of reference, Victoria Police stated that *'efforts to identify such material remain ongoing.'*

9. My solicitors received no further correspondence in relation to this issue.
10. I am now aware that, by email on the evening of Monday 16 December 2019, solicitors for Victoria Police informed my solicitors that *'Taskforce Landow has just become aware that three diaries have been recorded as being issued under Simon's name at the Chief Commissioner's Office.'* These diaries had been sent to archiving following my resignation from Victoria Police, and *'no further details of where/how/who placed these ...'* was provided in the search. Further, it was noted that *'it was not clear whether the diaries were ever used.'* These matters were brought to the attention of my solicitors by the solicitors for Victoria Police so that they could seek my instructions on the diaries. However, my cross examination by Counsel Assisting had commenced and my solicitors did not raise these matters with me.
11. The circumstances surrounding the discovery of my diaries were outlined by Counsel for Victoria Police, Mr Saul Holt QC, following the lunch adjournment of the hearing of this Royal Commission on Friday 20 December 2019. Mr Holt explained, in short, that:

Mr Overland's diaries were searched for on Victoria Police's archive system, as for all potential witnesses, in February this year, and no records of any diaries were indicated in Victoria Police's archive system. On the first day of Mr Overland's evidence, when he was giving evidence about record keeping, his former chief of staff had a recollection, passed it to Task Force Landow at Victoria Police, which was that he recalled when he packed up Mr Overland's office after Mr Overland's resignation, that there were three PB13's, that's the blue diaries the Commission will be familiar with, in that office. As a result of that there was an ability to search through a different mechanism to see whether that recollection was correct or not and a record which indicated that there were three such diaries, one from 2003, one from 2004 and one from 2007 was found. That information was immediately shared with

those assisting you and with counsel for Mr Overland and we indicated that we would then do what we could to see whether the physical diaries themselves could be located. Again, a search indicated no electronic record which would indicate where those diaries were.

I'm instructed that what Victoria Police Task Force Landow then did was to send staff to the Laverton archive centre, to identify the physical part of the centre where those things were (sic) Mr Overland's office were stored were and they went through the laborious process of going through boxes. An unmarked box or a box marked something helpful like 'miscellaneous' had within it another officer's day books not relevant to the Commission, and the three blue diaries which were allocated to Mr Overland... With Mr Winneke's consent they've been shown to Mr Overland and at least of the basis of the poor photographs, and they appear to be consistent with Mr Overland's handwriting.

12. I am grateful to my former Chief of Staff for prompting this search, and that these materials are now available to be considered by this Commission and myself.
13. Over the course of the Christmas / New Year break, my solicitors have transcribed all entries from my diary that appear relevant to the Commission's terms of reference. I have reviewed the transcriptions against my handwritten entries and consider they accurately reflect what is recorded in the diary entries.
14. I knew that I had kept diaries for a period of time during my career. I remembered keeping a diary during much of my time at the Australian Federal Police (AFP), but I also remembered that I did not keep a diary in the latter part of my time at the AFP. My recollection (of a time that dates back over 15 years) was that I had ceased keeping a diary upon my arrival at Victoria Police in February 2003. While this recollection has been proven incorrect, it was formed on the following basis.
15. My resignation as Chief Commissioner in mid-2011 happened very suddenly and in circumstances of enormous political and media pressure that had built over a 6 to 8 month

period. I left office immediately on resigning and I did not pack up my office. I can only assume that on becoming Chief Commissioner these diaries were moved along with my other files etc. into the Chief Commissioner's office. I would not have physically moved this material, meaning they had assumedly been stored in my Deputy Commissioner's office since mid-2008, when I stopped keeping a hand written diary altogether.

16. Since 2011 I have been involved in nine separate inquiries in relation to my time as Assistant Commissioner Crime, Deputy Commissioner and Chief Commissioner of Victoria Police during the time period relevant to the terms of reference in this Commission. These inquiries were undertaken by bodies with coercive powers to request, review and collate any information considered relevant to the subject matter, such as, and among other things, my diaries. So far as I am aware, the above inquiries were conducted with the full cooperation and support of Victoria Police. Diaries assigned to me were not referenced during the course of those inquiries.
17. My recollection that I had not kept a hand written diary while with Victoria Police was solidified during my preparations for this Commission in early 2019. My solicitors, in correspondence with the solicitors for Victoria Police, made numerous requests for materials, including documents authored by me. My solicitors made these requests on my instruction that I was unsure whether such material existed, but nonetheless sought to confirm as such.
18. These requests, and Victoria Police's response that they were unable to locate any diaries assigned to me during the course of my career within the organisation, confirmed in my mind my recollection that I ceased keeping a diary in around 2000 (that is, 20 years ago) while I was still with the AFP. I proceeded on such basis.
19. There are three diaries that have now been provided to me by Victoria Police. They cover the following periods:
 - Official Diary A003585 – 2 February 2003 to 10 June 2004
 - Official Diary A005626 – 10 June 2004 to 6 October 2006

- Official Diary A002861 – 13 November 2007 to 12 May 2008

20. I note that there is a gap between 6 October 2006 and 13 November 2007. I cannot explain this gap. It is possible that I maintained a fourth diary during the course of my career at Victoria Police. If so, this has not been provided to me by Victoria Police.
21. There was no requirement that I keep a diary at Victoria Police. My earlier diaries are, generally speaking, more detailed than the diaries I later kept. The three roles I occupied while with Victoria Police were all very senior, busy and demanding roles. I found it more and more difficult to make contemporaneous diary notes, given the many demands and pace of these roles. Diarising notes necessarily required subjective judgements about what to record and what not to record and often at the end of long-days trying to piece together the issues of the day about which to make a diary entry. In addition, increasingly there were other records – an electronic appointment diary, emails, meeting agendas and minutes etc., all of which provided layers of transparency and accountability.
22. As the circumstances and nature of my roles changed during my time at Victoria Police, my approach to keeping a hand written diary also changed. This is reflected in the lesser entries over time, breaks in the latter diaries, including apparently stopping and restarting and finally stopping.
23. I evidently finally stopped keeping a hand written diary in 2008. I consider this to also be another reason why I did not recall keeping a diary: because in my later years at Victoria Police I did not. I thought the delineation between when I did and didn't keep a diary was before I left the AFP in approximately 2000, when the nature of my then roles did not require or justify keeping a hand written diary.
24. Upon review of the entries, and placing each within the context of the evidence unearthed by this Commission, the diaries confirm many of the events as I had recalled within my initial statement to this Commission, and my evidence under cross-examination. To the extent there are discrepancies, I have sought to outline them below.

25. They also assist me in positively answering some matters put to me under cross-examination by Mr Winneke QC, which I was unable to do so from my independent recollection.

26. I have set out below certain diary entries, separated by topic:

My involvement in the Purana Task Force

27. At paragraph [58] and [59] of my initial statement to this Commission, I made the following comments in relation to my role with respect to the Purana Task Force:

My role was initially engaged in establishing, resourcing and focusing the investigation in its early stages. I then monitored progress, largely via weekly written and verbal reports, and contributed to managing the intense media interest. As necessary I became involved in managing key strategic issues.

I was most closely involved through 2003 and 2004, when Victoria Police was under intense pressure to resolve these murders. From late 2004 I had less direct role in Purana, because by then key arrests had been made and I had many other priorities in leading Victoria Police and protecting the ongoing safety of the community.

28. On a number of occasions throughout the course of my oral examination, I also gave evidence that I was not involved in operational matters

29. My diary entries related to the Purana Task Force accord with this evidence. My diary indicates that throughout 2003 and 2004 I was briefed on the key issues being faced by Purana – murders of gangland identities, arrests of persons charged with these acts, media management, resourcing issues and the consideration of the overall strategy for the Task Force – rather than being involved in the detailed operational matters.

30. By way of example, I reproduce the below notes from my diary on [REDACTED] 2003, following the murder of [REDACTED] and [REDACTED] 2003, following the murder of [REDACTED]

██████████ 2003

(11.05 am): Meeting with Terry Purton regarding update on ██████████ Homicide – convene meeting at 2 pm this afternoon with John Whitmore and Andy Allen.

(11.40 am): Meeting with Bill Kelly re ██████████ Homicide

(2.00 pm) Meeting with Terry Purton, John Whitmore, Andrew Allen, Phil Swindells and Roland Legg – Kevin Loomes also present – *Management arrangements regarding Operations Purana and Dozer – Purana and Dozer to proceed as separate investigations with intel links. Purana needs to develop comprehensive intel picture. Resourced to do this. Weekly meeting at this time.*

██████████ 2003

(6.30 pm): Call from Andrew Allen – *advised of shooting – v limited details – Appears to be ██████████ and ██████████ Shots heard over listening device in vehicle – Condition of victim not yet know – identity not known – believe returning to ██████████ residence – permission to call out SOG granted – regular updates requested - Billy Kelly advised - Kevin Loomes advised.*

(7.30 pm) Attended office – *speak with Andrew Allen and Gavan Ryan – confirmed identity of offender at ██████████ home – evidence being destroyed - SOG monitoring. AA + GR moving forward (Commanders in the field).*

(8.25 pm) Andy Allen – *Two in custody – victim ██████████ – shot up to five times in ██████████ – offenders to be conveyed to St Kilda Road – Discussion with Loomes regarding media strategy – foreshadowed that we may not want to say anything tomorrow – depending on progress tonight and tactical issues*

(9.10 pm) Bill Kelly updated – *Discussion with Andy Allen + Gavan Ryan re tactical issues – view both suspects in Homicide interview rooms – both refusing to face camera – listen to LD product from ██████████ vehicle – further discussions with AA + GR*

31. To clarify the reference to 'tactical issues' in this entry this relates to media management. Often it is necessary for investigative and prosecution reasons to exercise care around any

media statement, particularly in very high profile crimes such as this one. Understandably the police media unit wants to assist the media, but sometimes there is little or nothing that can or should be said, and this note reflects the discussion I had with Mr Loomes about these issues.

██████████ 2006

(9.30 am) Prepare for media conference re arrest of ██████████ – Kevin Loomes and Andy Allen – conduct media conference – VPC

(10.30 am) Concluded duty.

32. It was brought to my attention during cross-examination by Mr Winneke QC, that on 26 ██████████ 2003, Ms Gobbo visited ██████████ in custody. Mr Winneke QC put to me that I may not recall this now, but I would have been aware of it at the time.¹ My evidence was that I don't believe I was aware of it at the time. Having reviewed my diary, particularly given how detailed my diary entries are for 25-26 ██████████, I consider that had I been made aware that Ms Gobbo visited ██████████ in custody, this would have been recorded in my diary.

Establishment of Purana

33. An example of my involvement in the key strategic issues relating to the Purana Task Force is an entry in my diary on 22 October 2003 at 12.15 pm. Below is an extract of this entry:

Operation Purana Meeting – Discussion Points:

- *History of Violence in Melbourne*
- *Initially markets – painters and dockers – current*
- *Organised crime – profit driven, shift to where the profits are greatest – now about drugs – amphetamine – also about personal animosity*
- *Designer drugs*
- *Corruption – major drug entrepreneurs untouchable*
- *Market focus removal of competitions – no rules*
- *Must operate within legal frameworks*

¹ Line 1, TT 11363.

34. As I stated in my first statement at paragraphs 52-53, Operation Purana was established in around April 2003 but grew as the 'gangland war' escalated, and in particular a number of murders under investigation were added to the operation in 2003 and 2004. I do not have an independent recollection of this meeting of 22 October 2003. However, the entry and, in particular, the last point, speaks for itself. I was conscious of operating within legal frameworks, and made this directive known to Purana investigators at the outset of the Operation, in a key time when a number of investigations were added to the operation.

Briefing the Chain of Command

35. There has been a suggestion, in lines of questioning and matters put to me by Senior Counsel Assisting and in the media that I did not keep superiors apprised of relevant information during the course of my time at Victoria Police. I do not agree.
36. During the course of my oral examination, I could not recall the extent of my briefings to superior officers. For example I gave evidence that "I didn't brief the Chief Commissioner about ongoing operations very much at all. There were some times ... where she would come to the Crime Department and get a specific brief about matters, that didn't happen all that often and they were more the exception than the rule".²
37. While I do not have an independent recollection of specific briefings and updates provided to superior officers, my diary entries demonstrate that when necessary, I provided briefings to superior officers in relation to Operation Purana and the use of Ms Gobbo as a human source, as follows.

Deputy Commissioner Kelly

38. Having now reviewed my diary, I note that on 12 occasions between 23 June 2003 and 9 June 2004, I provided Deputy Commissioner Bill Kelly with updates and briefings in relation to Purana Task Force matters
39. From a review of the entries related to D/C Kelly, these updates related predominantly to the murders of gangland figures occurring throughout the time period, and the resourcing of the

² T.11382.

Task Force. Given the time period, there would not have been a reference to Ms Gobbo as a human source.

Chief Commissioner Christine Nixon

40. Senior Counsel Assisting put to me that I had failed to keep the Chief Commissioner, Ms Christine Nixon, aware of the situation involving Ms Gobbo and that I had done so to protect the advancement of my career at Victoria Police.³ I do not agree.
41. During the course of my oral examination, I could not recall whether I had briefed Ms Nixon on the use of Ms Gobbo as a human source, I rejected the motivation asserted by Counsel Assisting. Having now reviewed my diary, I note that I was involved in 14 meetings with Ms Nixon regarding Purana Task Force matters and I believe that I did in fact inform her of Ms Gobbo's recruitment on 29 September 2005. I have no independent recollection of this meeting, but note the contents of my diary entry that indicate I did tell her about the registration of Ms Gobbo as a human source:

29 September 2005

(8.45 am): Meeting with CCP – *Purana Re 3838*

42. I refer to this diary entry further, below (at paragraph 69).

Premier Bracks

43. Having now reviewed my diary, I note that on 3 occasions I, along with other senior members of Victoria Police, briefed the Premier of Victoria. These briefings occurred on 1 April 2004, 24 May 2004, and 23 June 2004 respectively.
44. Senior Counsel Assisting put to me that I was also part of a briefing to Premier Bracks on 29 August 2006. In response I gave evidence that I did not recall such a briefing, and that I did *remember having a conversation with the Premier in the middle of 2004.*⁴ I do not have a diary entry for 29 August 2006 indicating a meeting with the Premier on this day, but note that the above entries at paragraph 44 are consistent with my recollection of events.

³ Line 22 – TT 11663

⁴ Line 19-20 TT 11705

References to Ms Gobbo prior to Registration

██████████ 2003 – (2.00 pm) Purana Task Force Update

45. I note the following entry on ██████████ 2003 at a Purana Task Force update:
*CW to Nicola Gobbo. Bail application to test strength of evidence – liaison with OPP re handling bail application. To engage Lovett for ██████████
 Witness has new info ██████████ was person feeling scene of ██████████ murder.
 Williams – focus on timelines – initially analytical cell.*
46. While I have no independent recollection of the above entry, reviewed in the context of the other matters discussed at this meeting, and the surrounding events, I believe that the references arises from the following chain of events.
47. Very early into the investigation of the murder of ██████████ there was a line of inquiry to suggest that the murder was commissioned by Carl Williams.
48. By virtue of the events surrounding ██████████ murder, as described with reference to my diary on ██████████ 2003, police were aware of a conversation between ██████████ and Carl Williams following the murder. ██████████ called Williams and said ██████████
 ██████████ This was interpreted by investigators as ██████████ notifying Williams that the murder had been completed
49. Following this conversation and reflected in the diary note, the investigation progressed from the arrest of ██████████ and ██████████ to the pursuit of the man that commissioned the killing.
50. I believe that Williams was overheard by investigators discussing, with Ms Gobbo, the respective bail applications of the above assailants, and Williams' desire to use the respective applications as a mechanism to test the potential strength of the case police were building against these two and him.
51. The note also indicates that at this time, ██████████ was to engage 'Lovett', a reference to barrister Colin Lovitt.
52. I was taken by Counsel Assisting to the diary entry of another officer who was at this update, Gavan Ryan. With reference to his entry, I stated to Senior Counsel Assisting that *if that*

(the diary entry) *relates to a briefing I was at, I assume there was some mention made of it but I don't recall that now.*

53. Having review my entry of the above meeting, I note that the context in which Ms Gobbo's name was noted suggests that she was contacted by Williams. While there is a reference to Mr Lovitt being engaged to act for [REDACTED] I remain unclear as to whether I knew at this time that Ms Gobbo was acting for [REDACTED]

19 January 2004 – (1.30 pm) Purana Task Force Update

54. I note the following entry on 19 January 2003 at 1.30 pm, at a Purana Task Force update:
G met with W at Casino re death of Kinniburgh. Caught on video at casino
G met with V with 6 others

...

...

Complaint coming from Gobbo re W.

55. While I have no independent recollection of the entry, or the meeting, I note that with reference to the other entries taken at this update, 'W' is reference to Williams, 'G' is a reference to Gatto and V is a reference, I believe, to Veniamin. To be clear, the 'G' is not a reference to Ms Gobbo.

[REDACTED] 2004 – (5.55 pm) Meeting with Andy Allen

56. I note that the following entry states:
(p)roceed with [REDACTED] DNA application – meeting with Nicola Gobbo tomorrow regarding [REDACTED] – information from AFP disseminated – liaison with Scott Lee
57. From this entry, it appears that Mr Allen had informed me that [REDACTED] was represented by Ms Gobbo and that he would be meeting with her, presumably in relation to him rolling.
58. At [68] of my initial statement to this Commission, I stated that I was not aware that [REDACTED] was represented by Ms Gobbo at the time. I accept that this diary note demonstrates that I was informed of such information on or around [REDACTED] 2004.

12 April 2004 – (2.00 pm) Purana Update Meeting

59. My diary records (among other notes at this Purana Update meeting):

Nicola Gobbo – VicRoads – concerns that CW has contact inside – check with Paul

Hollowood re audit capacity.

60. I was taken during the course of my evidence to a phone call between Officer Allen and Ms Gobbo on [REDACTED] 2004 arranging to meet.⁵ Senior Counsel Assisting asked me during cross-examination if I was "aware of this communication between officers of your Task Force and Ms Gobbo, on her own at a café in South Melbourne on 9 April 2004", and I gave evidence "I don't believe so, no". Having now had the opportunity to review my diary entries, I wish to revisit my answer. I believe I was made aware, as follows.

61. I believe this reference in my diary entry relates to a threat Ms Gobbo had conveyed to Mr Allen that Carl Williams had the ability to find her home address. I believe, with reference to the phone call between Officer Allen and Ms Gobbo that was put to me in cross-examination, that this threat was conveyed by Ms Gobbo to Mr Allen. The reference to Paul Hollowood, if I recall correctly, was a reference to a senior police officer who at that time was undertaking a major investigation into VicRoads, and it was believed he would know if VicRoads' systems were auditable.

17 May 2004 – (10.15 am) Meeting with Fontana, Mitchell and Walshe

62. This meeting followed various briefings I had received earlier in the day related to the double murder of Terry and Christine Hodson, which had occurred the day before:

Dale / Michel under investigation

...

H interviewed, no comment

H son contacted De Santo through Gobbo

...

⁵ T.11379.

63. This entry accords with my recollection, and cross examination on this issue, where I was asked by Counsel Assisting whether I was aware that Andrew Hodson had contacted Nicola Gobbo and that she facilitated a call between he and Peter De Santo of the Ethical Standards Division,⁶ and my evidence was that I thought I was aware of that.

██████████ 2004 – (2.05 pm) Operation Purana Update

64. My diary records (among other notes at this meeting):

██████████ final read – ██████████

Checked by Gobbo – clarify claims re ██████████

65. It was put to me by Counsel Assisting that in the lead up to this meeting, Officer Ryan had been told by Ms Gobbo that ██████████ had said that ██████████
 ██████████ My answer to this question, and to the question of whether it was appropriate for Ms Gobbo to be shown ██████████ statement, was as follows:

Again, I've got no specific recollection but that seems to be what the notes indicate. yes.⁷

...

No, I think if it was the process of someone settling a statement and if she was acting for them then it would be appropriate for her to see the statement.⁸

...

It's perhaps not strictly in keeping with form but she expressed that view, she expressed that view.⁹

I stand by this position.

References to Ms Gobbo's Registration

26 September 2005 – (2.00 pm) Purana Task Force Update

66. My diary records the following:

⁶ TT 11383, Line 23 -26

⁷ TT 11395, Line 35 - 37

⁸ TT 11395, Line 42 -- 45

⁹ TT 11395, Line 8 -9

Purana Update Meeting:

- Williams trial underway – Marshall murder – security on prison transport
- Mokbel – 3838 – Mokbel met with **Mr Bickley** – Lanteri currently cooking for M
- Operation Quills
- Mokbel – AFP Operation – conspiracy to import
- Need to manage this source very carefully – TP.

27 September 2005 (3.45 pm) Meeting with Terry Purton regarding debrief of 3838

67. My diary records the following:

- Cooking for T – ██████████ – Mark Lantari cooking for T – ██████████ may roll – debt matters – T worried about **Mr Bickley**
- Discussed handling of information from 3838 – highly sensitive – IR as normal – content reports held by TP – discuss with Ian Thomas regarding management – need to keep info extremely tight and with audit trails – investigative strategy being developed – Monday – part of Purana – must not compromise 3838 under any circumstances particularly with proposal to corrupt police officers – need to ensure 3838 not burnt in any plan.

29 September 2005 (8.45 am) Meeting with CCP

68. My diary records, among other things:

- Purana re 3838

69. It was put to me during the course of my cross-examination by Senior Counsel Assisting that on 12 September 2005, I had a discussion with Officer Jim O'Brien about Ms Gobbo:

CW: Right, let's break it down. Do you accept that you met with Mr O'Brien on 12 September 2005?

SO: I have no recollection of that but if that's what his diary entry shows, I accept that's what his diary entry shows.

CW: Do you accept that you had a discussion by way of a Task Force Purana update?

SO: Again, is there an associated update sheet that corresponds with that day?

CW: *There may well be. It don't think we've got one, but in any event - - -*

SO: *I'd expect there to be one if that in fact occurred.*

CW: *Do you accept that you had a discussion with Mr O'Brien about Nicola Gobbo?*

SO: *I accept that I've had discussions with Jim O'Brien about Nicola Gobbo. My general recollection is that it was later than this but, you know, I'm reading what's there. I'm not in a position to dispute it, I don't remember it. My general recollection is I would have spoken to him later than this.*

CW: *do you accept that this note reflects a discussion that you had with Mr O'Brien about Nicola Gobbo and the opportunities that might arise through receiving information from her as an informer regarding a particular operation called Operation Quills?*

SO: *I accept that's what the note says.*

...

CW: *It says a little bit less than what I put to you?*

SO: *But I don't have a recollection of that and my general recollection is that the time, and I've struggled long and hard to try and recall this because I've said it consistently, I don't remember when or how I found out.*

70. Upon review of my diary, I note that there is a recording of a meeting with Mr O'Brien at 2.00 pm with the note, *Operation Purana Update*. My diary records that the meeting went for no longer than 30 minutes. I have made no other notes in this entry.

71. Further, I note my entry of 19 September 2005 at 2.00 pm:

Purana Update Meeting.

- ██████ *Guilty plea* – ██████
- *Marshall trial commences 26/9*
- *Video conference with ██████ – Stuart Bateson to visit tomorrow*
- *Garde Wilson and Mokbel – report to Law Institute*
- *Leigh Torney – still missing – didn't attend brothers funeral last week*
- *Finn – summons – possess firearm*

- *McCulloch – Connected – two counts of commercial importation*
- *Mark Lanteri – cooking for Mokbel – collate information*
- *Need to discuss future direction for Mokbel investigation next week.*

72. If investigators had informed me at this meeting that Ms Gobbo had been registered as a human source, in light of my above entries at following meetings, I believe I would have made a record of this information. I do not believe that I was informed at this meeting, based on my general recollection and this entry, that I was informed about Ms Gobbo at this meeting
73. By reference to my diary entries later in September 2005, and my general recollection of these events, I believe that I was not informed about Ms Gobbo at the 12 September 2005 meeting with Officer O'Brien, or the 19 September 2005 Purana Update.
74. The entries reflect that when informed of Ms Gobbo's registration, I gave instructions to have the Commander of Crime, Terry Purton, *be fully involved* on the matter and have reports made directly to him. The next day following this briefing, 27 September 2005, I had a meeting with Terry Purton where, as reflected in my diary notes, I stated the importance of keeping information controlled, so as to protect Ms Gobbo's identity. From my diary entry, it appears that I was particularly concerned about keeping the information extremely tight in order to protect her from corrupt police officers. The diary note also indicates that I stated the importance of the need for audit trails.
75. I believe that my reference to the need for audit trails, reflects the expectation I expressed that we needed to be highly accountable for the manner in which information was obtained from Ms Gobbo and used in criminal investigations and prosecutions. It accords with evidence I have given about my appreciation of the sensitivity of using Ms Gobbo as a human source and of my expectation that full and appropriate disclosure would be made to prosecuting authorities when necessary. I note that I have not made a note specifically about issues associated with legal/professional privilege, but I do not believe I would have made such a specific entry in my diary for the reason I have previously explained to the

Commission. To make such a specific entry would have identified the source as a lawyer and potentially endangered her.

76. During the course of my cross-examination, I was made aware that on 27 September 2005, Terry Purton was briefed by ^{Sandy White-O} in the presence of Officers Hill, O'Brien, Rowe and Burrows.¹⁰ This followed my directive that Commander Purton *be fully involved* on 26 September 2005.
77. I was also made aware during the course of cross-examination that on 28 September 2005, tapes relating to Ms Gobbo were moved from the MDID Safe to one in the possession of Terry Purton¹¹, consistent with my directive on 27 September 2005.
78. On 29 September 2005, I briefed the Chief Commissioner on Purana, and referred to Ms Gobbo by her registration number. I have no independent recollection of this meeting, the extent to which Ms Gobbo was discussed, or the response to this briefing from Ms Nixon.
79. However, this entry is significant from my perspective.
80. During my cross-examination, in relation to being briefed on operational matters, I stated from my personal experience as Chief Commissioner that:

(Y)ou really don't have the time or the head space to be dealing with operational matters. This is why you have the chain of command and these matters are to be managed appropriately. There are times when you are briefed about matters, but I've got to say as Chief Commissioner I wasn't briefed much at all on operational matters.¹²

Further, more generally, later in my cross examination, I noted that briefing the Chief Commissioner:

(D)epends on the nature of the risk and it depends on the circumstances as to who and where you should report. I do make the observation at that time there were a

¹⁰ TT 11450 Lines 17 - 24

¹¹ TT 11452 Lines 3 - 6

¹² TT 11707, Lines 1 - 13

number of oversight bodies who had interests in Victoria Police, so it could depend very much on what the issue was as to where you needed to go...

81. Also, as referred to above at paragraph 35, I gave evidence that briefing Chief Commissioner Nixon on operational matters was the 'exception rather than the rule'.
82. The indication from my diary that I did brief the Chief Commissioner in relation to Ms Gobbo's registration further demonstrates in my mind that, from the outset of being made aware of Ms Gobbo's use as a human source, I appreciated the sensitivities of such use, and notified my commanding officer of the issue.
83. I have compared these entries to the events following 12 September 2005. Between the meeting with Officer O'Brien and 19 September 2005, my diary indicates that I did not attend any Purana related briefings, updates or meetings. My diary does not indicate any directive during this time. That is not my recollection of my conduct following being informed of Ms Gobbo's registration as an informer. My recollection, reflected in my entries of 26 September 2005 onwards, is that once informed, I instructed my investigators that Ms Gobbo required careful management.

References to Ms Gobbo post registration

14 January 2008 (11.00 am) – Meeting with Jack Blayney

84. My diary records the following:
- Meeting with Jack Blayney – Agamis – 3838 – compromise? – VicPol target [REDACTED] aware of limited info – conveyed via Oueida – all appropriate action taken – ESD advised.*

References to legal representatives generally

85. Following a review of my diary entries, I note that on at least 7 separate occasions, I noted the names of both solicitors and barristers representing targets of operations related to the Purana Task Force. These are in addition to references to **Solicitor 2** which I will address below.
86. This indicates to me that I was comfortable with writing the names of legal representatives down when such names were provided to me. I also consider this indicates that, during the

period I kept more detailed diary entries, whenever I was informed by investigators of the legal representatives of gangland figures, I made a note of these in my diary.

87. I also note, from my review of my diary entries, that the entries support my recollection that I was not aware that Ms Gobbo was actively informing on current clients.

Conversations with the Office and the Director of Public Prosecutions

88. In my initial statement to this Commission I noted that:

All such undertakings under my leadership were done with the full knowledge and agreement of the then Director of Public Prosecutions (Mr Paul Coghlan QC and primarily Senior Crown Counsel Mr Geoff Horgan QC)...

89. There are a number of entries in my diaries that support this position. In addition to those meetings that have already been put to me during the course of my evidence, I note that my diary reflects meetings with Mr Coghlan and Mr Horgan on 9 separate occasions regarding Purana Task Force matters.

90. By way of example, I note my entries on 27 April 2004, 29 May 2004 and 6 February 2006.

27 April 2004 (10.15 am) – Meeting with Paul Coghlan and Geoff Horgan regarding strategy regarding [REDACTED]

91. My diary records the following:

- *Plead guilty to murder of [REDACTED] – looking at life for this act*
- *Indicate extent of evidence in relation to [REDACTED]*
- *Indicate provide full and complete disclosure of admissible evidence and the giving out of that evidence at any subsequent proceedings will attach sizeable discount on life sentence*
- [REDACTED]
- *Needs to provide details of one matter to allow investigation and corroboration – suggest [REDACTED]*
- *Deceit will void offer.*
- *Discuss G and Witnesses – [REDACTED] – to do as priority – GH to be involved – SO to expedite this process*

- *Interview of G – agree need to do – discuss options at tactical approach*

92. While I recall some aspects of the matters outlined in this diary entry, such as the desire to offer ██████████ a discounted sentence as further incentive to roll, I do not recall the reference to 'G'. I do not believe it relates to Ms Gobbo. It may potentially stand for Gatto, but I cannot recall.

29 May 2004 (3.00 pm) Meeting with P Coghlan and G Horgan regarding potential Purana witness

93. My diary records the following:

Discuss latest developments and implications – additional information that can be provided – agree with proposal.

94. By way of background, this meeting followed an approach made by journalists to me on 26 May 2004 with information relevant to the Hodson murders.

6 February 2006 (11.45 am) Meeting with Paul Coghlan, Geoff Horgan and Michelle Kerley regarding approach from XXXX discussion of options and strategies

95. My diary records the following:

Agreed we need to test the veracity of the approach.

Conversations with the Office of Police Integrity

96. My diary indicates that I had a number of meetings with members of the Office of Police Integrity (OPI), in relation to a variety of issues during my time at Victoria Police.

97. As noted during my cross-examination:

(W)e had a responsibility to report to OPI and then OPI would make decisions about whether or not Victoria Police was going to conduct the investigation or whether in fact they were going to take responsibility over. They always had oversight but sometimes we would conduct the investigation.¹³

(W)e had an obligation to tell them where we had any view where there was corrupt behaviour by police officers and they would then, in fact it was regular process between

¹³ TT 11571 Lines 40 - 45

certainly Assistant Commissioner Cornelius and the OPI about a significant range of small and large matters.¹⁴

98. I stand by this position, and my diaries reflect the adherence to this obligation.
99. During the course of my cross-examination it was suggested by Senior Counsel Assisting that Victoria Policc and the OPI's relationship was too close. I respectfully disagree. I accept that it is perfectly legitimate to take the view that the regulator should be at absolute arms-length from the regulated. Had that been the case during this time then I believe that a number of achievements, not relevant to the terms of reference of this Commission, would not have been possible.
100. Senior Counsel Assisting also made reference to a number of conversations between myself and Mr Graham Ashton in his role as operational head of the OPI.¹⁵
101. It was suggested to me that in a meeting between Mr Ashton, myself and Officer Biggin on 27 July 2006, Mr Ashton informed me of an impending OPI inquiry into the leaking of IR 44 ('the Fitzgerald Inquiry').
102. While I do not have a diary entry which reflects the above meeting, on review of my diaries, I note the below meetings on 22 June 2004 and 6 August 2004:

22 June 2004 (11.00 am) – Meeting with the Ombudsman

103. My diary records the following:

Fitzgerald Inquiry – George Brouwer – now effectively dealing with a standing Royal Commission – Issues of concern:

- *High quality, accountable and credible responses – volunteering of information not necessarily waiting for the question*
- *Threat of public hearings under XM to elicit information –*
 1. *Understanding of processes in place at MDID – creation, recording, filing*
 2. *SOPs Manuals*

¹⁴ TT 11572 Lines 1 - 6

¹⁵ TT 11555 Lines 45 – 47 and TT 11556 Lines 1 - 4

3. *Possible resting place for this document*

4. *THASM file*

- *Investigative management protocol. Needs to be negotiated.*

6 August 2004 (2.15 pm) Meeting with Tony Fitzgerald, George Brouwer and Greg Carroll regarding missing IRs

104. My diary does not record any other notes in relation to this meeting, possibly because of the sensitive nature of this meeting.
105. It appears, following a review of my diaries, that I was initially told about the Fitzgerald Inquiry on 22 June 2004 and had a further meeting in August 2004 in relation to same.
106. I believe the initial June meeting was to establish the boundaries of each respective investigation (Police and OPI) into IR 44, as this material was a central part of the investigation into the murder of the Hodsons.
107. I can add nothing further to the above, as I have no recollection of these meetings.
108. I remain uncertain as to whether these meetings related to Mr Fitzgerald's Inquiry into IR 44 in July 2007, or the report published by Mr Fitzgerald in 2005 concerning the leak of the IR, which was referred to by Senior Counsel Assisting during my cross-examination.¹⁶
109. My evidence under cross-examination was that I had not met Mr Fitzgerald.¹⁷ While I do not recall this meeting, I accept that my diary indicates Mr Fitzgerald and I did in fact meet on this one occasion.

Human Source Management Project

110. My diary indicates meetings related to the creation of the Human Source Management Project in July 2003, October 2003, June 2004 and July 2004.
111. These meetings are consistent with my recollection of the project and its policy development.
112. I note that in the meeting of 6 July 2004, which discussed staffing arrangements for the program, I agreed to ■■■ members of the crime department moving to the department.

¹⁶ TT 11556 Lines 34 - 36

¹⁷ TT 11761 Lines 1 - 2

113. In my initial statement to the Commission, I noted that *'the project was of direct interest to me...'* The above reallocation of resources to support the unit demonstrates my interest in the Unit and its development, as it was unusual at that time for any Assistant Commissioner to voluntarily give up resources, particularly as these were all senior investigative positions.
114. Of further note in relation to the project is my diary entry of 6 April 2004 from a meeting with former D/C Bill Kelly regarding informants, which notes:
- Sterile corridors – removal of staff from the Crime Department.*
115. I have said previously in my evidence that initially I was of the view that the SDU should be located within the Crime Department, but was persuaded that adherence to the principle of maintaining a sterile corridor between sources and investigators made this impossible. I believe it may have well been D/C Kelly who 'persuaded' me to this view, in this meeting, reinforcing that the SDU should be managed separately from the Crime Department.

Solicitor 2

116. During the course of my evidence, I made the following comment in relation to the above solicitor:
- I think that Solicitor 2 has what might be called a colourful background and I want to be careful, because I don't want to identify the person, but there was a homicide with which she had a close association I think around that time.¹⁸*
- ...
- I think there was a real question about, again, whether she was a lawyer or a crook.*
117. I note there are a several references in my diary to **Solicitor 2**. Having reviewed those entries, they are consistent with my above recollection.
118. By way of example, I reproduce my entries from 5 October 2005 and 7 October 2005.

¹⁸ TT 11409 Lines 8 - 13

2005 (1.50 pm) Meeting with Diane Preston

119. My diary records the following:

Update re [REDACTED] trial – Coghlan intervened – [Solicitor 2] to be asked to provide, preferably by way of affidavit, indication of the evidence she can give and basis for her concerns – discussion about how this is progressed – agree should be AC Crime – discuss with Gavan Ryan – will arrange service of letter once agreed – discuss with Gavan Ryan following signature – personal and electronic service.

120. I understand this entry to relate to the trial of [REDACTED] for the murder of [REDACTED] with whom [Solicitor 2] was [REDACTED] at the time of his murder. At this time I believe that Ms Preston was a VGSO lawyer attached to Victoria Police.

121. As pointed out by Counsel Assisting the Commission¹⁹, at this time, [Solicitor 2] had been charged with contempt of court for refusing to give evidence. She had also made a request to Victoria Police to enter the [REDACTED]²⁰

7 October 2005 (1.35 pm) Meeting with Diane Preston

122. My diary records the following:

Committee has decided not to accept.

123. I understand this entry to refer to the [REDACTED] decision not to accept [Solicitor 2] request for [REDACTED]. My recollection is that the [REDACTED] came to this conclusion because there were doubts over [Solicitor 2] suitability to be [REDACTED]

124. I raise these entries, because during the course of my cross-examination, it was put to me that the Purana Task Force's reports of [Solicitor 2] were similar to how the Task

¹⁹ TT 11413 Lines 34 - 35

²⁰ TT 11413 Lines 23 - 28

Force reported Ms Gobbo.²¹ Based on my recollection, and my diary entries, to the extent that this suggestion was raised, I disagree.

125. Ms Gobbo came to the organisation, as I understood it, because she feared her clients, particularly Mr Mokbel, may harm or kill her and agreed to become a confidential human source in order to extricate herself from this situation.
126. **Solicitor 2** was a named witness in a homicide prosecution who refused to testify because of her fears for her safety if she did so.
127. In addition to the above, on a number of occasions throughout the course of my oral examination to this Commission, I was taken to events that Senior Counsel Assisting suggested (directly, through questions put to me, or indirectly, by taking me to the events) were matters that I was aware of. This occurred on the following occasions.

1 October 2003

128. Counsel Assisting took me to a Purana / Dozer Progress Report involving Officers Whitmore, Bateson, Swindells and Allen on 1 October 2003.²² At this meeting, as it was put to me by Counsel Assisting, there was *a reference to Gobbo, Mokbel speaking to Gobbo and asking if they found the safe house and indicating that it was going to cost him a packet...* Counsel Assisting asked me a series of questions about this event.
129. After a review of my diary, I note that between 29 September 2003 and 3 October 2003, I was on recreational leave. I also note that my diary does not contain any notes which indicate that I was briefed in relation to the above matters.

14 November 2003

130. It was put to me by Counsel Assisting that on 14 November 2003, there was a Purana Investigators Meeting.²³ At this meeting, there is a reference to Ms Gobbo, and her association with targets of Purana – Tony Mokbel and Carl Williams.

²¹ TT 11409 Lines 19 - 21

²² T 11350-11361

²³ T 11365.

131. It was not suggested that I attended this meeting, but Mr Winneke QC asked me if I was aware, or if investigators had told me, they were interested in the connection between Mokbel, Gobbo, Williams and others. My answer was, 'I don't recall whether I knew this or not, I don't think I did but I stand to be corrected'.²⁴
132. After a review of my diary, I note that between 6 November 2003 and 2 December 2003, I was acting Deputy Commissioner, Operations.
133. Further, I note that my diary records on 15 November 2003, I was advised of a train collision and derailment in Ballan, near Ballarat. I was updated throughout the night on these events, and was involved in briefings to the Minister and the Chief Commissioner. This is one of many examples of there being incidents and issues which, at the time, were of considerable significance for Victoria Police, the State, and for my responsibilities.
134. My diary does not contain any notes which indicate that the Purana meeting, and its contents, were reported to me.

8 December 2003

135. It was put to me by Counsel Assisting that on 8 December 2003, there was a Purana Task Force Update. The update involved a briefing on (among other things) the christening of Carl Williams' daughter at Crown Casino, which included references to Gobbo.²⁵
136. Counsel Assisting suggested that, if I was in attendance at the meeting, I would have been aware of this briefing note which demonstrated *that Ms Gobbo was there associating with these criminals who were targets of your (my) operation.*²⁶
137. After a review of my diary, it appears that I was not in attendance at this meeting.
138. My diary does not contain any notes which indicate that the Purana Update, and these references, were reported to me.

²⁴ T 11366-7.

²⁵ VPL 0100.0012.0040 TT 11370 - 11371, beginning at line 23.

²⁶ TT 11370 - 11371, beginning at line 23.

16 December 2003

139. Senior Counsel Assisting took me to a request that an investigator in the Purana Task Force made on 15 December 2003 to the Prison Squad which referenced persons of interest to the Task Force making calls to Ms Gobbo via a prison phone.²⁷ The following questions were put to me by Mr Winneke QC:²⁸

Do you have any recollection at all around this time of hearing from investigators that there was a concern that Ms Gobbo was facilitating unauthorised contact with prisoners under the cover of legal professional privilege?---I don't specifically recall it but I may have been aware. I certainly became aware at some stage that that was one of the issues alleged about Ms Gobbo, that she was in fact doing exactly this.

Can I suggest to you as we go through these documents, these documents suggest that Purana, obviously there's a broad focus but there is a degree of interest in the activities of Nicola Gobbo?--- I accept that. What I'm less clear about is the extent to which I was privy to all of that information at that time. My general recollection is not the specifics. I was probably told some generalities, but again my recollection is that was probably later, later than this, so - - -

140. After review of my diary, I note that I was on recreational leave in Sydney on this day (15 December 2003). Further, my diary does not contain any notes which indicate that I was briefed by any officer on the call made by one of the Task Force's investigators to the Prison Squad mentioning Ms Gobbo. This accords with my general recollection (set out above) that I was not aware of the specifics at the time.

22 March 2004

141. Senior Counsel Assisting took me to evidence that on 22 March 2004, Ms Gobbo spoke with Officer Stuart Bateson about [REDACTED] and him pleading guilty and providing assistance to Victoria Police.
142. Counsel Assisting put to me that, following on from this meeting, *it's likely that you would have been told that Ms Gobbo was representing him?*²⁹ I responded: *You say that, I don't believe I was, but again I stand to be corrected.*

²⁷ TT 11371 line 24 - 27

²⁸ 11371-2.

²⁹ TT 11374 Lines 6 - 10

143. My diary indicates that on this day, I was, along with high ranking Police Commissioners, members of the relevant National Security Bodies and relevant members of the Department of Prime Minister and Cabinet, involved in a major counter terrorism exercise.
144. My diary does not indicate that I was provided with an update by Officer Bateson on Ms Gobbo's comments about [REDACTED]. This accords with my recollection I was not briefed on Ms Gobbo representing [REDACTED]. I also refer to my evidence above at paragraphs 82 to 84 about what appears to have been my practice of recording the names of legal representatives when I was briefed on who was acting for who.

13 Apr 2004

145. Senior Counsel Assisting took me to evidence that on 13 April 2004, there was a meeting between Purana and the MDID. This meeting was prompted by Tony Mokbel contacting police in an attempt to broker a deal.³⁰
146. I recalled the deal, and my diary records that I was briefed on this event.
147. However, it was put to me by Mr Winneke QC that Officer Jim O'Brien *wasn't particularly impressed with the offer*³¹ and that I *would have spoken to Jim O'Brien about that and about moves to get Mokbel and to pursue Mokbel in the period of time after that*. My response was that I did not recall whether I did speak to Jim O'Brien about this.³²
148. After a review of my diary, there is no indication that I discussed the above approach by Mr Mokbel with Mr O'Brien.

5 July 2004

149. Senior Counsel Assisting asked me a series of questions in relation to a Purana Task Force Progress Meeting on 5 July 2004 where it was discussed that Carl Williams would be

³⁰ TT 11380 Lines 39 - 44

³¹ TT 11381 Lines 32 - 33

³² TT 11382 Lines 2 - 9

charged within four to six weeks, that ██████████ would need to be dealt with first and that Mokbel was a worthy target for future drug operations.³³

150. Upon review of my diary, it appears that I was in Canberra on this day, and so not in attendance at this meeting.

23 Mar 2005

151. It was put to me by Counsel Assisting that on 23 March 2005, Ms Gobbo contacted Officer Bateson following a committal proceeding, thanking him for keeping her name out of the matter.³⁴
152. Upon review of my diary, I do not have an entry which indicates that I was briefed on this interaction.
153. I have a diary note on 29 March 2005 noting a Purana Task Force Update. This note does not refer to Ms Gobbo.

19 Sep 2005

154. I was taken to the notes of Jim O'Brien by Counsel Assisting in relation to a meeting said to have occurred at 10.05 am on 19 September 2005.³⁵ It was put to me by Mr Winneke QC that *it seems the very next thing he [O'Brien] does at five minutes past 10 is go to your office ... effectively would it be fair to say that [O'Brien] has come from that meeting and he's then gone and briefed you ... on some of the aspects of the meeting that he'd been involved in previously just before.*³⁶ The meeting 'just before' involved Officers Hill, O'Brien, ^{Sandy White-O} Peter Smith-C and Mansell regarding information received from Gobbo about Tony Mokbel. I replied: *'That's what the notes indicate'*.

³³ TT 11393 Lines 31 - 46

³⁴ TT 11689 Lines 1 - 13

³⁵ TT 11444 Lines 34 to 47

³⁶ TT 11444 - 11445

155. Mr Winneke QC and I then had the following exchange:

It was about Gobbo, the meeting effectively was about Gobbo? --- Again, I don't, I don't recall the meeting.

156. Then Mr Winneke QC put to me:³⁷

Do you accept, given that on 12 September, about a week before, he had told you about the opportunities that Ms Gobbo presented and then there's a meeting on the 16th where there's an initial debrief and that's discussed in the meeting immediately before, do you agree that it's likely that it [being the meeting between Ms Gobbo and the SDU] would have been conveyed to you by Mr O'Brien?

I answered:

Well look, again, all I can do is comment on the notes that you've put in front of me. This is not material that I have seen before. It's going back to events that happened now some 14 years ago.

I have on previous occasions been asked about these matters without having reference to any of this material. I've done my best to recall what happened. My recollection is not entirely consistent with what you're putting to me now.

So all I can do is say I acknowledge the notes that are made at the time. But they do not accord with my recollection of events.³⁸

157. Upon review of my diary, I note that on 19 September 2005 I did not commence duty until 10.30 am. My diary entries, accordingly, indicate contrary to O'Brien's notes (which I refer to above at paragraph 131) that I would not yet have been at work for a briefing at 10.05 am.

158. My diary records that I attended a Purana Update Meeting at 2.00 pm on 19 September 2005. My diary notes that at this briefing, I recorded, among other things, *Mark Lanteri --- cooking for Mokbel --- collate information and need to discuss future direction for Mokbel investigation next week.*

³⁷ TT 11445 Lines 28-34.

³⁸ TT 11445 Lines 34 - 47.

159. My diary does not make reference to Ms Gobbo at this meeting.
160. As I have noted above in my statement regarding my knowledge of Ms Gobbo's registration, my recollection, supported by my diaries, is that I was not informed at this meeting that the information regarding Mr Mokbel had been provided by Ms Gobbo.
161. Based on this entry, and my recollection of events, I disagree with the proposition that I was told on 19 September about the SDU meeting with Ms Gobbo.

22 October 2005 to 22 November 2005

162. Upon review of my diary, I note that between 22 October 2005 and 22 November 2005 I was on an overseas study tour, travelling to various locations including Boston, Washington, New York and Israel. I recall that I was not in contact throughout the course of this trip.
163. It was put to me by Mr Winneke QC that on 15 November 2005, that O'Brien attended a meeting which included myself and officers Hill, Purton and Grant:
*If we got to 15 November. He's at the office with Hill, AC Crime, Purton and Grant and various other people. Was that a meeting that you would have been at?*³⁹
164. I answered: *"It seems to suggest I was there, yet"* However, based on my diary and my recollection of the overseas study tour, I now wish to clarify that I could not have attended this meeting. I did not attend any meeting in relation to Purana, between 22 October 2005 and 22 November 2005, and because I was not in contact while overseas, I would not have been briefed on matters coming out of those meetings during this period.

2005

165. Senior Counsel Assisting asked me if I remembered when I went to prison to visit 'the first gangland roller', and I gave evidence that it was 'just before their decision to roll was finalised, so whatever that that is, it would have been reasonably proximate to that'.⁴⁰
166. On [REDACTED] 2005, I have an entry in my diary at 1.00 pm stating:

³⁹ TT 11455 Lines 21 to 24

⁴⁰ TT 11484 Lines 17 - 21

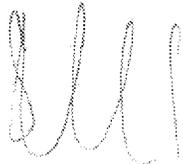
Attended [REDACTED] with Phil Swindells -- visit to [REDACTED] re executive order -- ethical process and assurances as to VP support provided [REDACTED] gives full and complete evidence in all matters.

167. To the best of my recollection, I only recall attending prison on one occasion to meet with a gangland figure who was about to roll. My diary supports the position that this occurred on [REDACTED] 2005, in relation to [REDACTED]

Concluding comments

168. Senior Counsel Assisting took me to a number of occasions where Ms Gobbo was tasked by handlers, and a number of occasions where Ms Gobbo provided information on targets of operations under the auspices of Purana, Petra and Briars
169. Having now had the opportunity to review my diaries and compare these occasions which Senior Counsel Assisting put to me with the number of times I was briefed on matters involving Ms Gobbo, my evidence to this Commission remains the same. I was briefed at a high level, not to the intricate level of detail of operational matters which Senior Counsel Assisting has put to me.
170. I reminded my investigators at the infancy of the Purana Taskforce, that we, as police officers, were to operate within legal frameworks.
171. On becoming first aware of Ms Gobbo's registration at a human source in late September 2005, I instructed my investigators to ensure that Ms Gobbo was not compromised in any circumstances, or burnt in any plan, and that IRs were to be made as normal, but kept securely, and an audit trail maintained.
172. On a number of occasions throughout the course of her time as a registered informer I reminded my investigators and Ms Gobbo's handlers of the need to be mindful of her management, and to develop plans to exit her from the organisation.
173. Soon after learning of her registration, I made her registration known to my Chief Commissioner, and I also liaised with the OPP at a high level on the information within my knowledge at the time in relation to the prosecutions of Purana targets.

174. Any suggestion that my conduct at Victoria Police as Assistant Commissioner Crime, Deputy Commissioner and Chief Commissioner was corrupt, perverted the course of justice, was dishonest or facilitated any dishonesty in the court system, or sought to cover up the use of Ms Gobbo is completely denied by me and does not accord with my conduct as reflected in my contemporaneous diary notes.

A handwritten signature in black ink, appearing to read 'S. Overland', with a stylized, cursive script.

Simon James Overland

17 January 2020