

**DEFTEROS****Lawyers****Barristers & Solicitors**

ABN: 20 877 598 659

George Defteros  
 B. Juris. LL.B  
 Accredited Criminal Law Specialist

3 St. Edmonds Road,  
 Prahran, VIC 3181

Tel: 03 9510 0134  
 Fax: 03 9510 7719

info@defteroslawyers.com.au

Our Ref: MC:082350

Your Ref:

11 April 2019

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

The Honourable Margaret McMurdo AC  
 By online submission

Dear Commissioner,

**Re: Victoria Police attempts to procure breach of Legal Professional Privilege**

- 
1. We act on behalf of George Defteros, who is an Accredited Criminal Law Specialist (accredited in 1995 by the Law Institute of Victoria) and has practised extensively in criminal law for a period of approximately 40 years. Our client was a former partner in the firm of Pryles and Defteros for approximately 25 years, and since 2007 has been the principal in the firm of Defteros Lawyers of 3 St Edmonds Road, Prahran.
  2. Our client has a significant amount of information to give the Royal Commission about the activities of Victoria Police in charging him with conspiracy and incitement to murder in circumstances where he had not committed those offences, and the charges were laid to pressure him to give Victoria Police information about his clients, in breach of his obligations to those clients to preserve their legal professional privilege. After some months of great stress and significant personal and financial hardship those charges were eventually the subject of a *nolle prosequi*. Our client also has a significant amount of material relating to the extraordinary [REDACTED] provided to [REDACTED] and [REDACTED] and the attempts by Victoria Police to have [REDACTED] and [REDACTED] [REDACTED] (including lengthy [REDACTED] Court proceedings between [REDACTED] and Victoria Police). Our client is of the belief that [REDACTED] and [REDACTED]

3. It appears clear that the conduct of Victoria Police towards our client falls squarely within Terms of Reference 3 and 5, since that conduct was directed to the (unsuccessful) attempts of the relevant officers to procure the breach of our client's professional obligations. He respectfully requests the Commission to investigate these events.
4. The facts set out below are provided in order to give an outline of what occurred. They are taken from the various materials with which our client was served during the period of the charge plus other information known to him. He has a large amount of other factual material which may assist the Commission and would be happy to engage with the staff of the Commission to develop the most efficient approach to investigating what occurred.

#### **Background - the charges laid on 17 June 2004**

5. The Purana Task Force investigation into the so-called "Gangland Wars" was active during 2003.
6. On [REDACTED] 2003, [REDACTED] was arrested at [REDACTED] and found to be in possession of [REDACTED]. His arrest was connected with an ongoing [REDACTED] Operation code named [REDACTED] concerning [REDACTED] in which he and [REDACTED] were targets. At this time [REDACTED] was also the target of another [REDACTED] Operation code named [REDACTED] which was investigating, inter alia, the [REDACTED] and trafficking of commercial quantities of [REDACTED].
7. Following his arrest, [REDACTED] was permitted to return to [REDACTED] without charge. Subsequent telephone conversations (in particular a TI on [REDACTED]) provide evidence of [REDACTED] extorting the [REDACTED] from another target of Operation [REDACTED] who [REDACTED] believed was responsible for inadvertently informing the [REDACTED] of the presence and purpose of [REDACTED]. During the conversation [REDACTED] stated that he believed he is facing at least 4 years gaol for [REDACTED] offences.

8. On [REDACTED] 2003, [REDACTED] was arrested as part of the arrest phase of Operation [REDACTED]. He was interviewed by [REDACTED] of the [REDACTED]. He was initially charged with trafficking [REDACTED] was also charged with serious drug-related offences, including trafficking [REDACTED] commercial quantity of [REDACTED]. Both [REDACTED] and [REDACTED] knew that they faced the prospect of further charges, including conspiracy to traffick in a commercial quantity of [REDACTED]. This had implications in respect of the automatic forfeiture of [REDACTED] home in which they both resided, in addition to the prospect of substantial gaol sentences.
9. On [REDACTED] 2004, [REDACTED] met with [REDACTED] and offered to provide intelligence and evidence in relation to the targets of Operation [REDACTED]. From that time on, [REDACTED] met with [REDACTED] and [REDACTED] from [REDACTED], during which meetings he provided them with information concerning the subject matters of both Operations [REDACTED] and [REDACTED]. Whenever contact was made with [REDACTED] both [REDACTED] and [REDACTED] wrote contact reports detailing the circumstances of each meeting.
10. In return for assisting [REDACTED], [REDACTED] wanted immunity from prosecution for both [REDACTED]. As a result of this and other information, officers of [REDACTED] met with officers from the Purana Task Force on [REDACTED] 2004. This led to the commencement of Operation [REDACTED] which was a combined operation with the [REDACTED]. For the purpose of the Operation, [REDACTED] was to meet with [REDACTED] and [REDACTED] and to [REDACTED] those meetings. [REDACTED] was [REDACTED] as the [REDACTED] for [REDACTED].
11. During Operation [REDACTED] the handling of [REDACTED] was conducted exclusively by [REDACTED] and [REDACTED]. At the conclusion of meetings between [REDACTED] and [REDACTED] or [REDACTED], [REDACTED] participated in a debriefing with either [REDACTED] or [REDACTED] and handed over the [REDACTED].
12. A summary of the debriefing was orally communicated to the relevant officers at the

Purana Task force, principally Det Sgt Marty Robertson ("Robertson"). The [REDACTED] product was copied at the [REDACTED] and also provided to Robertson. These [REDACTED] could not be [REDACTED] by Robertson until they had been [REDACTED] by the technical section of the Victoria Police.

13. On [REDACTED] 2004, [REDACTED] spoke to [REDACTED] officers [REDACTED] and [REDACTED] who were running Operation [REDACTED] from [REDACTED]. Notes of this meeting were obtained from the [REDACTED] shortly prior to the commencement of the committal hearing for Mr Defteros. During that meeting, [REDACTED] provided [REDACTED] and [REDACTED] with an extensive account of [REDACTED] activities with [REDACTED].
14. At the conclusion of the meeting, [REDACTED] was informed that he [REDACTED] with [REDACTED] and that there would be [REDACTED] although [REDACTED] could be provided. During the [REDACTED] that as a result of the meeting of [REDACTED] 2004, he believed he would [REDACTED] with [REDACTED] and would most likely be [REDACTED].
15. On [REDACTED] 2004 [REDACTED] contacted [REDACTED] and arranged a meeting. It was at this meeting that he informed officers of the [REDACTED] that he could help them in relation to the "Gangland Killings" that were being investigated by the Purana Task Force. In particular he linked Defteros to this area of interest. [REDACTED] began to [REDACTED] his conversations with Defteros.
16. The [REDACTED] conversation between [REDACTED] and Defteros occurred on [REDACTED] 2004. During that conversation, which occurred at the offices of Pryles & Defteros, Defteros advised [REDACTED] not to get involved with Condello and his "crew" and said that if he did, he (Defteros) "does not want to know anything about it". This was a comment often repeated by Defteros during later meetings with [REDACTED] (ie: on [REDACTED], [REDACTED], [REDACTED] & [REDACTED]).
17. [REDACTED] also [REDACTED] conversations with Condello, in particular on [REDACTED], [REDACTED] & [REDACTED] 2004. Defteros was not a party to these conversations. According to [REDACTED], the

approach by Condello to murder George and Carl Williams occurred during a meeting between them at a café in Hardware Lane on [REDACTED]. Curiously, the [REDACTED] [REDACTED]. The conversations between them on [REDACTED] & [REDACTED] [REDACTED] Condello discussing with [REDACTED] the details of the plan including payment to [REDACTED].

18. Prior to the charging of Defteros, [REDACTED] gave evidence before the [REDACTED] [REDACTED]. Defteros appeared on behalf of [REDACTED] at that hearing. [REDACTED] appeared on behalf of [REDACTED] of [REDACTED] at that hearing. The evidence given by both [REDACTED] and [REDACTED] at that hearing in relation to Operation [REDACTED] and Operation [REDACTED] led Defteros, [REDACTED] and the presiding member into believing that [REDACTED] and [REDACTED] were in fact facing extremely serious criminal charges in relation to the [REDACTED] of a large [REDACTED] and drug trafficking in commercial quantities of [REDACTED].

19. It subsequently emerged that in fact this had not been the case. No charges concerning those subject matters were ever prosecuted against [REDACTED] or [REDACTED]. It has subsequently become evident that [REDACTED] at this time by [REDACTED] and [REDACTED] who were passing on information to the Purana Task Force.

20. In the week prior to his arrest our client was contacted by Detective Inspector Andrew Allen from Purana. Allen said to Defteros that "they [Victoria Police] wanted him to facilitate a meeting with Gatto off the record to speak about the "gangland wars". Allen said "it would be good for Gatto and it would be good for you". At the time Defteros was the solicitor for Mick Gatto who was in custody awaiting trial for the murder of Andrew Veniamin. The comment about him made no sense and he thought nothing of it. He did not arrange a meeting between Gatto and the police.

21. On 17 June 2004, Mr Defteros was charged with two offences by Det Snr Const Ian Marr ("Marr") of the Purana Taskforce. Those offences were:

- (a) that George Defteros and Mario Condello between 1 April 2004 and 17 June 2004 did conspire together to have a person murder George Williams, Carl

Williams and another person; and

(b) that George Defteros and Mario Condello between 1 April 2004 and 17 June incited another to murder George Williams, Carl Williams and another person.

22. The brief of evidence was served some months later. The significant parts of the brief were the [REDACTED] and the [REDACTED]. The [REDACTED] was [REDACTED] the charging of Defteros. This was the first occasion that officers from the [REDACTED] spoke to [REDACTED]. The [REDACTED] was taken by Robertson in [REDACTED]. Robertson testified, during the committal proceedings, that at the time he took the [REDACTED] from [REDACTED] in [REDACTED] 2004 he was not aware of the content of the [REDACTED] prepared by [REDACTED].

23. Our client instructs that he had not committed the offences with which he was charged. At the committal hearing for Defteros and Condello [REDACTED] that prior to [REDACTED] 2004 [REDACTED] had been led to believe by Victoria Police that neither of them would go to gaol, that they would be [REDACTED] and would [REDACTED].

24. Upon being arrested and conveyed to the St Kilda Road Complex, Robertson in the presence of Marr said to Defteros words to the effect "you had better tell us what you know about Gatto or other clients because once we charge you it will be too late. We know that there is always a question of privilege and you may not be able to say anything, but we have spoken to Horgan and he has given us permission to negotiate with you." The reference to "Horgan" was to Crown prosecutor Geoff Horgan with whom Robertson and Marr had met two days earlier (15 May).

25. Defteros was then asked what he knew about the murder of Lewis Caine. He said "I'm able to tell you about what [REDACTED] because he [REDACTED] when he came up to [REDACTED] that day". To which Robertson said "that will not be enough for charges not to be laid against you". Defteros says that he told Robertson that he was not in a position to provide any further information. To which Robertson replied "oh, come on you know more than that". Defteros was given the unequivocal belief that if he gave them the information they wanted (in particular about Mick Gatto) he would not be charged.

26. On Friday 18 May Defteros was on bail. On that day Robertson and Marr attended at his home, where he was with his mother and his son Christian. They had attended to discuss security concerns. During the ensuing conversation Mrs. Defteros senior asked Robertson "why is this happening to my son, he has done nothing wrong". Robertson replied "don't worry Mrs. Defteros the first few days are the hardest, we know he hasn't done anything much wrong but we still have to proceed".
27. On 23 June, the day after our client's wife Sandy had returned from overseas, Robertson and Det/SC Andrew Stamper attended at the Defteros home. They were discussing with Defteros his [REDACTED] with [REDACTED]. In the course of which Robertson said to him "off the record I know you've done nothing wrong". This was also said in the presence of Sandy Defteros who confirms the conversation.
28. In August 2005, the Director of Public Prosecutions informed Mr Defteros via his legal representatives, that the proceedings against him would be terminated. The Director told Mr Defteros' legal representatives that he had come to this conclusion after consulting with his Chief Crown Prosecutor, Jeremy Rapke QC (who was then the Director of Public Prosecutions), and Ray Elston QC, the prosecutor at the committal. He said that he had also considered what was necessary to prove the offence of incitement.
29. On the morning of 7 February 2006 Robertson and Det Snr Const Dean Grande attended the Defteros home. This was shortly after the murder of Condello. Defteros was asked some questions about Condello. During the conversation Sandy Defteros raised with Robertson what he had said on 23 June 2004 about Defteros ("I know you've done nothing wrong"). Robertson didn't respond. Defteros then said to Robertson "you know there was no evidence against me, what did you achieve by charging me and destroying my career and business?" Again there was no response. Defteros then said to Robertson "as if I would talk to [naming the person known as [REDACTED] about a thing like that even if I was minded to do which I surely wasn't?" Robertson replied "the [REDACTED] were ambiguous."

**Impact of conduct of Victoria Police on George Defteros**

30. As a consequence of being charged Mr Defteros has suffered considerable personal and economic loss. An immediate consequence of being charged was the requirement of the Law Institute that he surrender his practising certificate. This occurred within days of 17 June 2004 and led to the dissolution of the partnership of Pryles and Defteros. His name in the profession was blackened, and to this day he is spoken of with suspicion and concern by many in the legal profession.
31. Mr Defteros also suffered the onset of stress related symptoms and ultimately was diagnosed with a post traumatic anxiety state. It took him some years to re-establish a practice, and his current employment does not nearly equal the level he had achieved as a partner in a thriving law practice prior to the events set out above. He continues to receive psychiatric treatment to the present day.

Yours faithfully,

**GEORGE DEFTEROS PTY LTD LAWYERS**



Michael Cunningham  
michael.cunningham@defterosl原因.com.au