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My name is [Green-O] [PI] I retired from Victoria Police in 2014 as a [PI] [PI] I
am known as [Green-O] for the purposes of this Royal Commission

I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 6 May 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.

Background and experience

1. Detail your educational background and employment history, including progression through the ranks and roles assigned.

Education Background

Form 5 - Leaving Certificate

Summary of my 37 years of service

Started with Victoria Police 1977 as a cadet at 16½ years

Graduated as a Constable in February 1979

1980 - Uniform duties at [PI] Police Station

1985 - [PI] - [PI] CIB

1986 - [PI] - CIB [PI]

1989 - Promoted to [PI] - [PI]

1991 - Promoted to [PI] - [PI] C.I.B

1993 - Transfer to [PI] - [PI] C.I.B.

1998 - Transfer to [PI] - [PI] Squad

2000 - Transfer to [PI] - [PI] Squad (OMCG)

2002 - Transfer to [PI] - [PI] Taskforce (IOC)

2004 - Transfer to [PI] - Source Development Unit

2013 - Transfer to [PI] - [PI] C.I.U.

2014 - Retired in July.

Courses Completed During Service:

Detective Training School
Sub-officers Course
Advanced Sub-officer Course
Advanced Detective Training School
Clan Lab Course
Coastal Navigation and Seamanship - RMIT
NZ Ski Tour Guide - Mt Hutt N.Z.

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2. Detail your training and experience in respect to the handling and / or Management of human sources.

Training - [REDACTED] courses in Human Source Management Course. Participated in subsequent course as a Role player and Syndicate leader in [REDACTED] courses.

Experience - I recall, that since 1983, I discovered the benefits of a source in policing, whilst at [REDACTED] Police Station during Operation Cyclops (drug dealers, armed robbery and murderers). Managed numerous sources for longer periods of time, whilst at the C.I.B. [REDACTED] I dealt with numerous sources at [REDACTED] C.I.B. whilst investigating crimes on the [REDACTED] this is where I learnt the subtle art of confidentiality. Some more sources were used whilst at [REDACTED] CIU, [REDACTED] Squad, various assorted sources whilst investigating OMCG's at the [REDACTED] PII Squad, The basis for the [REDACTED] Taskforce was source driven. Some of these sources were registered along the lines of the requirements of the day (Not much required). The majority of these sources I handled until 2004 would have been unregistered sources. Finally at the DSU/SDU I managed [REDACTED] sources with new strict guidelines and adherence to policy. This came along with intrusive supervision and reporting requirements along with the support of high level management and budgets that had never been experienced before by me in the organisation.

Source Development Unit (SDU)

3. Provide details of your involvement, if any, in the development by Victoria Police of the SDU.

I was selected to participate in the Dedicated Source Unit starting in 2004 as a source handler during the Pilot project then leading into the eventual approval of the SDU concept. My selection for the Pilot Project was based on research conducted by [REDACTED] Sandy White-O and approved by a steering committee. My input into the development of the SDU was based on the lessons we learnt through the practical application of existing policies and procedures with a view to developing useful practical changes to improve the policy of the Victoria Police.

4. Provide details of any national or overseas travel you undertook as part of the development of the SDU.

None

5. Provide details of your awareness of the involvement of officers of Victoria Police more senior in rank than you in the development of the SDU.

The SDU was driven at the conceptual and practical level by [REDACTED] Sandy White-O who reported up to a steering committee of high ranking officers whose names I cannot specifically recall but would recognise.

6. Provide details of your awareness, if any, of any policies and procedures adopted in other states or countries in relation to the management of human sources who are subject to legal obligations of confidentiality or privilege.

None. I was not aware that this had ever happened before or it reasonably anticipated by anyone

Use of Ms Gobbo as a Human Source**7. Provide details of any:**

- a. contact you had with Ms Gobbo prior to your work at the SDU;
- b. knowledge you had of Ms Gobbo's use as a human source, prior to your work at the SDU.

None
None

8. Provide details of the management of Ms Gobbo as a human source, including:

- a. the structure of that management;
- b. whether any procedures or processes were put in place to manage the use of information provided by Ms Gobbo; and
- c. whether any procedures or practices were put in place to manage the risks arising from the use of information provided by Ms Gobbo.

- a) Handlers spoke directly to the source and reported daily to Controller who reported to Supt BIGGIN and then to a steering committee. The oversight of each registered source was managed by the LSR at HSMU (IMU). [REDACTED]
- b) The information provided by this source was handled the same as other [REDACTED] source information. The exception with this source was that after a time it was decided that any information that was provided was not used or disseminated. This was done at the direction of the Controller. (Noted on ICR's) Information was recorded in handlers diary then put onto a Contact report. Information that was considered useful to investigations was recorded on an IR and disseminated. An IR matrix was developed to record where these IR's were forwarded to. On occasions with Purana Taskforce information was disseminated to DDI O'Brien is it was time sensitive.
- c) Risk assessments in line with policy and procedures and conducted daily as contact demanded. IR's were generated in line with the SDU policy. The background to these practices are outlined in the numerous documents filed on the SDU data base and used in the development and management of the unit as it evolved. The original Risk assessments completed by us at the SDU proved to be inadequate for the task so alternatives were sought and the AUS/NZ Standard was adapted to suit our needs. I recall a request being submitted early days to seek additional outside training for us at the SDU, for Cert III or Cert IV level in the Risk Management but this never eventuated.

9. Provide details of the involvement or oversight by senior officers who had management, oversight or control of the SDU of the SDU's use of Nicola Gobbo as a human source.

I reported directly to my controllers [REDACTED] Sandy White-O [REDACTED] Black-O [REDACTED] who reported up the management line. The source registration process is managed administratively by the IMU/HSMU Local Source Registrar. Supt BIGGIN was our direct supervisor and was

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advised on all source management issues frequently. He played an active role in the oversight of the SDU and was aware of each of the sources being managed and the issues surrounding them. He knew all his team members at a personal and professional level. I also understood that high level audits were being conducted on our unit from time to time but I am not aware of the specifics (CMRD). The unit was managed from time to time by a wide variety of Detective Inspectors whose names I would need refreshing to recall them all.

10. Provide details of person(s) you believe were involved in the authorisation, and continued authorisation, of the use of Ms Gobbo as a human source, including the name of the person(s); the role of those person(s); and the basis of your belief.

As above

11. Provide details of your understanding of Ms Gobbo's motivations for becoming a human source, including:

- a. her initial motivations for assisting Victoria Police; and
- b. her motivations for providing ongoing assistance to Victoria Police in that manner.

Initially, I was of the opinion that she was sick of the MOKBEL's getting away with as much criminal activity as they did and their ability of manipulating the legal system and outsmarting the police to continue unabated. Her role in that process bothered her and she saw no way out of it other than assisting police. Example -- 19/02/06 1305hrs "Ease her conscience and do the right thing" The source felt she could not approach anyone within the legal profession, as it had no method of 'helping' lawyers in this position and with other lawyers having issues she saw that the source detailed to me, other than the fear of debaring them.

Her desire to help increased due to her concerns as to her possible involvement with the murder of the Hodsons. She expressed concerns over her relationship with clients putting her in a position of a conspirator/knowingly concerned with drug imports. The changes are noted in ICR's along the journey.

12. Provide details of any conversations you had with Ms Gobbo relevant to and / or dealing with:

- a. her Legal Professional Privilege (LPP) and confidentiality obligations or other duties in respect of her clients;
- b. acknowledgement by of her responsibilities as a Human Source;
- c. assessment of risks associated with her use as a Human Source;
- d. her motivations to act as a human source;
- e. indications of criminal conduct or other adverse motivations on her part;
- f. matters of concern as to the use of Ms Gobbo as a human source such as her mental or physical health;

- a) LPP was mentioned during my dealings with her when the topic became apparent. I am in the process of identifying the conversations regarding same (ready Reference table)
- b) Covered in earlier meetings that I was not a party to. The main points that are covered in an AOR were monitored throughout my time managing the source.
- c) I made risk assessments during my daily discussion with the source that were conveyed and assessed by the Controller daily and at regular weekly unit meetings. I felt my role towards the end was solely to monitor these risk issues rather than

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gather any information, as it would not be disseminated anyway. This was noted by me on some of my later ICR's (to be identified and listed)

- d) See above Q11 and ready reference table Ready Reference table being produced)
- e) Concerns were raised by her over her knowledge of imports and LCQ drug trafficking. This constant information flow she was party to, regarding these ongoing criminal matters were what was a significant part of her motivation to pass on the details to Police. (Ready reference table)
- f) Due to the extended period of use this source, she was offered the assistance of psychologist for her mental health. This was trialled for a short period but the source was not an active participant. Her physical health was the topic of discussion regularly with her and was noted by me as a way to monitor her ability to manage her stress levels and the ability to cope. She had regular appointments with her consulting doctor and specialists. She stated she wanted to continue assisting Police and she felt this positively impacted her overall health. This was also a part of a duty of care we have when engaging a source to assist. I believe that she was competent and capable to assist Police as the information provided was proven to be accurate. This is a test I would place on every source I handled. I included [REDACTED] during my conversations with the source to assist in monitoring her motivations and thoughts on issues. I tried to have her limit the calls she made to me to Monday Wednesday's and Friday for both our mental health with limited success. From my experience I would suggest the source had a narcissistic tendencies

13. Provide details of any knowledge you had of Ms Gobbo providing information or intelligence to any person or organisation outside the SDU.

No knowledge of any information or intelligence being provided. I was aware that some general conversation with Police informants regarding court cases came up from time to time. She did liaise with investigators regarding threats to her at one stage. Ultimately she had contact with Petra Taskforce prior to her hand over to them.

14. In relation to the following people:

- Faruk Orman;
- Tony Mokbel;
- Mr Bickley
- Zlate Cvetanovski;
- [REDACTED]
- Rob Karam;
- Pasquale Barbaro;
- Saverio Zirilli;
- Salvatore Agresta;
- Pasquale Sergi;
- Francesco Madaferri;
- Giovanni Polimeni;
- John Higgs;
- Sharon Ropa;
- Tony Sergi;
- Ken Tang;
- Carmelo Falanga;
- Pino Varallo;
- Jan (John) Visser.

15. Provide details of:

- a. information received from Nicola Gobbo in respect of those people;

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b. the dissemination of any such information including the method of dissemination and the persons to whom it was disseminated.

- a) I do not recall receiving any information about the following:- Pasquale Barbaro; Saverio Zirilli; Salvatore Agresta; Pasquale Sergi; Francesco Madaferri; Giovanni Polimeni; Sharon Ropa; Tony Sergi; Ken Tang; Carmelo Falanga; Pino Varallo; Jan (John) Visser, prior to the arrival of the shipping container of tomatoes. I do not recall any specific conversation about any of these persons even after their arrests. I am well aware of most of the people from previous investigations I was involved with

Information regarding the others is indicated in the spread sheet prepared by
 Fox-O - Annexure "A" prepared by Fox-O with my assistance

- b) I can only speak of generality – IR's as listed or verbal dissemination as noted on
 Contact report or diary. Currently working through these to itemise the occasions
 Green-O (- Ready Reference Table)

16. Provide details of your knowledge or understanding during the time you were dealing with Ms Gobbo at the SDU of a lawyer's duty or obligation;

a. of LPP;

b. confidentiality; and / or

c. to act in the best interests of his or her client.

(referred to as *lawyers' duties*)

- a) LPP - from my perspective as a handler, it was just one of the many issues that arise when dealing with a high risk source. It was not a topic of my conversations with her unless I thought the details being provided were heading towards the issue. I would steer the conversation away. I did not actively seek out any information that I would consider LPP. I had a clear line in the sand and simply put as - nothing to be discussed if it was a matter before the courts. I needed this crystal clear in my mind whilst dealing with the barrage of other issues surrounding this person. I recall very little spoken directly about this topic as there was so much new information that investigators could act on, going forward in their operations. If it was to have become a topic of discussion, my reaction would be to not pass it on, to anyone. Not my investigation so I didn't have the vested interest in the case (sterile corridor). This is why we used the sterile corridor principle, to risk mitigation at the SDU, to prevent from putting court cases in jeopardy. Previous handling experience would have meant that an informant/handler would almost have not been able to resist this temptation.
- b) Confidentiality - Was not aware of this as a separate issue. I believed it was in a similar vein as LPP. If confidential information was to be used in the commission or furtherance of a crime then it was not considered confidential. If its gathered over a rowdy night out with a group of friends/clients then it was not confidential. Any conversation about an individual's court appearance dates etc were public knowledge and inconsequential. The confidential example given to me at my IBAC hearing expressed the view that the client is a law abiding citizen who told his lawyer he would be retiring. I would consider this to be confidential in those circumstances. If RK were seeking legal assistance for a job application, from his lawyer, I would not want to be made aware of these details for confidentiality reasons, but this was never the case. The clients of the source were predominantly, subjects of ongoing intensive police investigations into their current activities or people assisting the primary targets with company structures or businesses to be used to launder money and proceeds of crime. These clients/targets were career criminals who spent every

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day acting outside of the normal legal business and social practises. My experience told me that seemingly (to the outside world) confidential matters discussed by the source to me were in fact details of the furtherance to serious ongoing criminal activity and therefore not subject to confidentiality conditions. One example would be mobile phone numbers. The numbers provided to me by the source were numbers that the user would change very regularly and have in false names to avoid detection by LEA's whilst communicating with co offenders committing current serious crimes like LCQ drug offences that had previously led to people being murdered. They were not numbers that had been held by the client for years in the correct name and address. Police would have discovered these numbers at the commencement of the operation.

- c) Best Interests - I thought I was not interfering with this process as the individuals were all acting outside the law with monotonous regularity at this time. Current or future criminal activity is not protected.

17. Provide details of your knowledge or belief as to whether any advice was obtained from hereinafter a legal practitioner or more senior officer in relation to lawyers' duties regarding Ms Gobbo, or more generally, human sources, during your time in the SDU.

There was no legal advice sought to my knowledge. I would have sought legal advice if I felt I needed it.

18. Provide details of your knowledge or belief as to whether LPP or obligations of confidentiality or a lawyer's duty to act in the best interest of her or his client, were breached by Ms Gobbo, in respect to each of the people listed in question 14.

None to my knowledge for anyone. To my knowledge the source was acting outside of a normal client/lawyers relationship when obtaining the information and then discussing it with me. I felt that if the conversation was headed towards any LPP matters, I would be a custodian of that information and not pass it to investigators, in a similar fashion that a Call Monitor at Special Projects Unit blocking a LPP call to investigators. This gap between handlers and investigators is the essence of the "Sterile Corridor" principle.

19. Provide details of your knowledge or understanding, during the period that you were in the SDU, of the obligation on the part of Victoria Police to disclose to courts, the prosecution and the accused, any and what information obtained during the course of an investigation that was not included in a brief served on an accused.

There is an obligation on Police to disclose exculpatory material in relation to any person charged with an offence. If Police received information from the source in breach of LPP then I would need to seek advice on whether these details would be disclosed. Normally source information is covered by PII

20. Provide details of your knowledge or understanding, during the period that you were in the SDU, of the operation of the doctrine of public interest immunity (PII), concerning information provided by Ms Gobbo, and whether any advice was obtained or discussions were had in relation to this matter.

Discussions were had at the SDU about the Doctrine of PII and how it is used to protect a source's identity and Police methodology. If issue was raised before a

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court then a court would rule as to whether the matter was a PII issue or not. The source information that I disseminated was generally documented via IR and went onto the Police data base I am aware that Victoria Police does have a duty of care to its staff and sources to not put them in danger and it is a daily topic of conversation at the SDU regarding Risk to the source and the organisation bound by Work Cover and OH&S laws.

I am not aware if any advice was sought over his matter.

21. Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public Prosecutions, the Commonwealth Director of Public Prosecutions) as to the use of Ms Gobbo as a human source, including in relation to each of those concerns:

- a. who raised the concern, with whom it was raised and by what means (written or oral);
- b. when the concern was raised;
- c. what the concern was;
- d. whether the obtaining of legal advice was raised; and
- e. what, if anything, was done about the concern.

- a) There were concerns as to the sources personal safety and welfare. There were not any concerns as to using her as a source.
- b) The unit discussions were recorded in SML and ICR's and diary These concerns were documented by ^{Sandy White-O} in ICR's and management logs
- c) The concerns were primarily safety and welfare.
- d) No legal advice was sought to my knowledge (discussed previously)
- e) Risk management concerns were monitored and eventually it was decided that no more intelligence was to be disseminated and reduce the source contact and activity

I am not aware of any other organisation raising or knowing of these concerns. No outside Agency expressed any concern to me

22. Provide details of your awareness of any Victoria Police Standard Operating Procedure for the management of human sources, including:

- a. details of what that procedure was;
- b. whether the conduct of members of Victoria Police in relation to the use of Nicola Gobbo as a human source resulted in any failures to comply with that Standard Operating Procedure;
- c. whether any breaches of that Standard Operating Procedure as detailed at sub-paragraph (b) placed Ms Gobbo in a position of unacceptable risk to:
 - i. her personal safety;
 - ii. the individual rights of others by consequence of her position as a legal practitioner.

- a) SOP's discussed regularly within unit - Copy available and to be produced by ^{Black-O} SOP's were updated and changed as our experience evolved. The SDU was managed in an open way where any members with concerns could raise them and discuss them openly. We would come across new and challenging situations regularly such is the nature of high risk source management. It was felt the open and honest approach would reduce the possibility of corruption and produced a positive work environment.
- b) I am not aware of any failure to comply with SOP. Administration was identified as

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an issue that caused delays in processing of ICR's. This led to electronic diary's being commenced by us. Every monthly meeting I would raise the issue and request admin support staff, even suggesting giving up a Sergeants position to get support staff when the Unit expanded. These issues were passed on but sadly never eventuated. Risk assessments were introduced by us and evolved and were adapted to suit our needs and that of Victoria Police. Tradecraft was used extensively for her physical safety and ours

- c) i. I am not aware of any breaches of the SOP's that put the source at risk.
- ii. As above

23. Provide details of your awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies for example the AFP, the Office of Public Prosecutions, the Commonwealth Director of Public Prosecutions) as to the transition of Ms Gobbo from a human source into a witness, including:

- a. who raised the concern, with whom it was raised and by what means (written or oral);
- a. when the concern was raised;
- b. what the concern was;
- c. whether the obtaining of legal advice was raised; and
- d. what, if anything, was done about the concern.

- a) I held personal reservations about this occurring ^{as far as risk v reward}. I raised my view within the SDU at the time verbally with ^{Sandy White-O}
- b) I felt that we were winding back our involvement with the source and that being a witness now may reveal her previous assistance to Police and therefore risk her life. Whilst handling the source just prior to the hand over to Petra Taskforce, I heard her concerns, indecision and commitment to the process.
- c) I am not aware of legal advice sought at this time
- d) I believe that ^{Sandy White-O} ^{Black-O} raised this concern with superiors and Taskforce Petra members.

24. Provide details of your awareness as to any discussions within the SDU or Victoria Police more generally regarding the use of Nicola Gobbo as a witness for the criminal prosecution of Paul Noel Dale in relation to the murders of Terrence and Christine Hodson, including:

- a. what that assistance would be;
- b. whether there were any concerns raised as to the use of Ms Gobbo as a witness in that proceeding;
- c. who raised that concern; and
- d. whether anything was done about that concern.

- a) I believe she was going to record a conversation with Dale and make a statement re same and eventually, with a view to give evidence about this matter
- a) I believe it was raised by ^{Sandy White-O} to the Petra Taskforce. Full details would be recorded in the SML.

25. Provide details of your awareness as to any discussions within the SDU or Victoria Police more generally regarding the use of Nicola Gobbo as a witness for the criminal prosecution in relation to the murder of Shane Chartres-Abbott, including:

- a. what that assistance would be;
- b. whether there were any concerns raised as to the use of Ms Gobbo as

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- a witness in that proceeding;
- c. who raised that concern; and
- d. whether anything was done about that concern.

I do not recall anything specific about this issue

26. Provide details of the disbanding of the SDU, including your understanding of:

- a. the reasons for its disbandment;
 - b. the procedures undertaken to disband it.
- a) I was never given a reason by management. I later became aware of the Comrie Report that recommended the closure and that it supported AC Pope's and Supt Sheridan's view of the unit.
 - b) No one in a senior management position has ever spoken to me about the SDU and its practices and methods. It has become evident to me at my IBAC hearing and until now, that no one has ever read over the extensive records kept and the documents produced by me and others in our role as handlers at the SDU, over the 8 years of operation. The procedure for me was that I was on leave with a broken shoulder and looking after my wife who had just commenced chemo after surviving massive surgery when I was called at home by DDI O'Connor who told the unit is closing in two weeks and I have 6 months to find a new place to work or one will be found for me.

Other Relevant Matters

27. Provide details of any other human source who, to your knowledge, has provided information or assistance to Victoria Police who were subject to legal obligations of confidentiality or privilege, including:

- a. the name of the human source;
- b. if registered, the number of the human source;
- c. the nature of the legal obligations of confidentiality or privilege;
- d. the nature of the information or assistance provided by the human source.

- a) No need to name (An [REDACTED])
- b) PII [REDACTED]
- c) No requirement at this point in time. There was nothing spoken about that was remotely like LPP etc, it was all historical information about [REDACTED] Organised Crime figures as part of an assessment process.
- d) An assessment was conducted by [REDACTED] ^{Officer Hotham} and myself after an initial recommendation and introduction by D/SGT BUICK. A little general info was provided but was not suitable for SDU and of no assistance to current investigations. This individual was not registered as a source. I believe he was supported by the [REDACTED] through [REDACTED] to hopefully run [REDACTED] one day. I did not trust this persons motivations and did not believe he would adhere to our conditions or instructions. No IR's were disseminated to my knowledge

28. Detail any training, including any retraining, you have received in relation to:

- a. your obligation of disclosure to accused persons, prosecution agencies and the courts;
- b. the right of an accused person to silence;
- c. the right of an accused person to a legal practitioner;

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- d. LPP;
- e. public interest immunity; and
- f. professional and ethical decision making.

a) Do not recall any specific disclosure training. I may have been informed of its existence via email or similar. There was some issue once about signing affidavits that required some education.

b) The training for 464Z, was at the academy, then I can recall a lecture at DTS. I don't recall specifically the training just my awareness of it.

c) same as above

d) I recall thinking about these issues in 1983 and realised that I was bound by common law rules applied at this time. It was whilst working as a [REDACTED] at [REDACTED] Police Station. I have had an awareness of it during my career particularly when working on Organised Crime targets.

e) Discussed during Source Management training

f) I had a strong personal moral background I always with acted with integrity. These values were recognised by my selection to the DSU

29. Are there other matters relevant to the Commission's terms of reference about which you are able to provide assistance to the Commission?

No

Green-O

29th May, 2019