

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

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

**SUPPLEMENTARY STATEMENT OF TIM GEOFFREY JOHNS**

1. My full name is Tim Geoffrey Johns.
2. I have previously made a statement to the Royal Commission dated 11 December 2019. Since making that statement and in preparing to appear before the Royal Commission, my legal representatives have shown me further documents, which I refer to below.

**Subpoenas in Horthy Mokbel proceedings**

3. As set out in my first statement, I was the informant in relation to certain drug trafficking charges against Horthy Mokbel.
4. In my first statement, I refer to two subpoenas that were issued by H Mokbel's legal representatives:
  - (a) at paragraphs [69] to [70], I refer to a witness summons issued in November 2007 prior to the commencement of the committal hearing; and
  - (b) beginning at paragraph [72], I refer to a subpoena issued in September 2008 in the lead up to his trial in the Supreme Court.
5. My lawyers have now showed me additional documents relating to these processes. I have also been shown documents relating to a third subpoena that was issued in August 2008 and which is not dealt with in my first statement.

Witness summons: November 2007

6. H Mokbel's legal representatives issued a witness summons in his committal proceedings. A copy of this summons has not been found, but a cover letter from Grigor Lawyers indicates the summons was served on 19 November 2007<sup>1</sup>.
7. My diary records that on 19 November 2007, I spoke to Victoria Police's legal advice office, the solicitor from the OPP and the officers at Victoria Police who had access to the documents sought. On 20 November 2007, I discussed public interest immunity issues (PII) with the prosecutor appearing at the committal, Ray Elston.

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<sup>1</sup> VPL.0216.0003.0008.



8. My diary also records that John Buxton of Counsel was engaged to provide advice and representation in relation to this process. My diary records that I met with him on 20 November 2007 and that he was to draft two affidavits to support the PII claim. I have been shown an email from Mr Buxton to me dated 21 November 2007, which suggests that Mr Buxton drafted those affidavits<sup>2</sup>.
9. As set out in my first statement at paragraph [70], I swore a confidential affidavit on 21 November 2007<sup>3</sup> to support a PII claim relating to certain methodology used in gathering evidence against H Mokbel. I have now been shown the edited and unedited warrant that I annexed to my confidential affidavit as "TJ1" and "TJ2" respectively<sup>4</sup>.
10. I have also been shown an open affidavit that I swore the same day<sup>5</sup>. A copy of the edited warrant "TJ1" was annexed to the open affidavit.
11. My diary records that John Buxton appeared on 21 November 2007 to argue the PII matters, but it does not record the outcome of the PII hearing. I do not particularly recall the outcome of the PII claim, but I believe the Magistrate upheld the claim.

Subpoena: August 2008

12. I have been shown a subpoena dated 12 August 2008 issued by H Mokbel's solicitors<sup>6</sup>. The return date for the subpoena was 18 August 2008 and it sought production of:

*All notes, memorandums, information reports and/or transcripts of conversations and/or interviews between either of Detective Sergeant Dale Flynn, [REDACTED] [REDACTED] Detective Inspector James O'Brien, Detective Senior Constable Johns and:*

*a) [REDACTED] and*

*b) [another person]*

*That occurred in the course of investigations being conducted by the Victoria Police between [a date] 2006 and the date of issue of this subpoena*

13. Records from Victoria Police's subpoena management unit indicate that this subpoena was assigned to me on 13 August 2008<sup>7</sup>.

<sup>2</sup> VPL.6161.0008.0753.

<sup>3</sup> VPL.0216.0003.0009.

<sup>4</sup> VPL.0216.0003.0013 and VPL.0216.0003.0018.

<sup>5</sup> VPL.0216.0003.0023.

<sup>6</sup> VPL.0098.0011.0001 at 0001.

<sup>7</sup> VPL.6161.0006.1389.



14. My diary records that on 12 August 2008, I spent the day dealing with matters to do with the subpoena, but I do not recall what this involved. I worked again on matters to do with the subpoena on 13 and 14 August 2008.
15. On 16 Saturday 2008, my diary records that I spoke with H Mokbel's solicitor, Alistair Grigor, about the subpoena. My diary records that Mr Grigor was content to receive a transcript of [REDACTED] record of interview in compliance with the subpoena. I do not recall anything further about my discussion with Mr Grigor.
16. On 15 August 2008, I received an email from Acting Inspector Luke Charlesworth noting that there may be PII issues with this subpoena. I recall that A/Insp Charlesworth was part of the Subpoena Management Unit at Victoria Police. I responded the next day to confirm that there were no longer any PII issues and that the subpoena would be complied with on the return date, 18 August 2008<sup>8</sup>. My email refers to me "check[ing] the transcript". I believe this refers to the transcript of [REDACTED] interview, which was to be provided to H Mokbel's solicitor.
17. My diary records that on the morning of 18 August 2008, I attended to "Horty Mokbel subpoena response". I do not recall what this involved, but I expect it related to providing the transcript of interview to H Mokbel's solicitor.

Subpoena: September 2008

18. In my first statement in paragraph [72] to [82] I set out the process which occurred in the lead up to H Mokbel's trial.
19. I have now been shown a facsimile from Grigor Lawyers to the Subpoena Management Unit of Victoria Police dated 1 September 2008, which encloses the subpoena that had been issued<sup>9</sup>. The return date for the subpoena was 3 September 2008 and it sought production of:

*All information and reports relating to or touching upon [REDACTED] and his activities in the period of November 2004 to April 2006.*

20. At paragraph [76] of my first statement I refer to discussions I had with Luke Charlesworth on 2 September 2008 regarding the subpoena. I have been shown three documents dated 2 September 2008 which show that:

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<sup>8</sup> VPL.6161.0006.1802.

<sup>9</sup> VPL.6161.0008.7808.



- (a) On the morning of 2 September 2008, I was copied into an email from Mr Charlesworth to Kirsty McIntyre in which Mr Charlesworth approved counsel being briefed for the PII claim. I believe Ms McIntyre was a lawyer at VGSO. Mr Charlesworth's email indicates I was compiling an objection schedule<sup>10</sup>.
- (b) The subpoena was formally assigned to me by the Subpoena Management Unit on 2 September 2008<sup>11</sup>.
- (c) I completed an objection schedule and forwarded this to Luke Charlesworth. The schedule indicated that I wished to object to the release of the information reports on the basis of public interest immunity based upon the potential identification of human sources and prejudice to ongoing criminal investigations.<sup>12</sup> I do not recall preparing this document.
21. At paragraphs [79] and [80] of my first statement I refer to a confidential affidavit and supplementary affidavit I swore. I am informed that the redacted information reports, which were exhibited to my confidential affidavits, have not been located.
22. I have been shown redacted information reports that were attached to <sup>Fox-O</sup> email to me dated 3 September 2008. Looking at these redacted information reports and the contents of the confidential affidavit, it seems like some of the redactions sought in the confidential affidavit are different to the redactions from <sup>Fox-O</sup>
23. When preparing the confidential affidavits, I do not believe I would have told Mr Gipp the identity of any of the human sources involved. I believe I would have done this in order to maintain the confidentiality of any sources' identity for their safety.
24. I also knew the legal fraternity was close and that human sources' identities might become known if more people knew about them. My training had also emphasised throughout keeping a human source's identity confidential in order to protect their safety.
25. My diary notes that on 5 September 2008, I received the confidential affidavit back from the Court and returned it to <sup>Fox-O</sup>

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<sup>10</sup> VPL.6161.0008.7807.

<sup>11</sup> VPL.6161.0008.6359.

<sup>12</sup> VPL.6161.0013.0845.



26. I have been shown a memorandum by Ronald Gipp dated 15 September 2008, which summarises the process that was followed and the outcome of the subpoena argument<sup>13</sup>. This is consistent with my recollection of the proceedings.

Other H Mokbel subpoenas

27. I have been shown three further subpoenas issued on behalf of H Mokbel:

- (a) Magistrates' Court witness summons dated 20 November 2008, which lists the informant as LSC Angela Hantsis<sup>14</sup>;
- (b) Magistrates' Court witness summons dated 8 May 2009, which lists the informant as DSC Tamara Chippindall<sup>15</sup>; and
- (c) Supreme Court subpoena dated 21 September 2009 in a different proceeding to the H Mokbel trial referred to above<sup>16</sup>.

28. I do not believe I had any involvement in responding to these subpoenas.

Dated: 18 February 2020

  
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Tim Geoffrey Johns

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<sup>13</sup> VGSO.4200.0001.0004.

<sup>14</sup> VPL.0098.0011.0001 at 0013.

<sup>15</sup> VPL.0098.0011.0001 at 0015.

<sup>16</sup> VPL.0098.0011.0001 at 0017.