

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**

STATEMENT OF PAUL MICHAEL MILLETT

1. My full name is Paul Michael Millett. I am the Acting Commander of Taskforce Landow.
2. I make this statement in response to a request from the Royal Commission received on 29 April 2020, following the production of telephone intercept (**TI**) materials to the Royal Commission on 27 April 2020.
3. The Royal Commission has requested that a person from Taskforce Landow explain what measures were undertaken to comply with the relevant Notices to Produce (**NPs**), including which members or former members who had knowledge of the TI material were approached for assistance with identifying materials relevant to the NPs, what they were asked and what information those members provided to Taskforce Landow.

A Executive Summary

4. This statement is divided into a number of parts.
5. **Part B** sets out the general processes adopted by Taskforce Landow in response to Notices to Produce issued by the Royal Commission. It explains how Taskforce Landow is committed to fulfilling Victoria Police's obligations comprehensively and transparently and assisting the Royal Commission with its important work. Part B also describes some of the challenges that the Taskforce has encountered along the way.
6. **Part C** sets out the specific processes adopted by Taskforce Landow in response to Notice to Produce Documents to the Royal Commission No. NP-002 (**NP-002**) and Notice to Produce Documents to the Royal Commission No. NP-004 (**NP-004**). It explains the breadth of those notices and that Taskforce Landow treats its obligations to produce documents under those notices as ongoing.
7. Part C also explains the steps that I have taken to work out why the TI materials that were produced on 27 April 2020 were not identified sooner. In summary:
 - a. by April 2019, Taskforce Landow had produced all documents responsive to category 7 of NP-002 that it was aware of;

- b. Taskforce Landow understood that it was not possible to conduct a search across all intercepted material for a particular individual and accordingly, that it was only possible to manually identify intercepted material that might have been responsive to category 7 in the context of a specific warrant or investigation. By letter dated 13 March 2019, Corrs Chambers Westgarth (**Corrs**) notified the solicitors assisting the Royal Commission that no listening device (**LD**) or TI material had been identified as responsive to category 7 but that inquiries would continue as the review of briefs identified potential lines of inquiry. I believe this was because intercepted material included in a brief of evidence would be a means to identify the relevant warrant details, enabling a search for relevant recordings, if they existed; and
 - c. there was an assumption that some of the intercepted material may have been destroyed in accordance with statutory obligations.
8. **Part D** sets out the steps that Taskforce Landow took to ensure that no TI or LD materials were destroyed.
9. **Part E** explains how outstanding tasks were prioritised at meetings between Taskforce Landow and the Royal Commission, especially in the period from around April to June 2019. TI and LD recordings were never ascribed a specific priority and accordingly, locating such materials was not prioritised ahead of the other priorities identified at the time by the Royal Commission.
10. **Part F** sets out a specific example of how the audio recording of a telephone conversation between Nicola Gobbo and Carl Williams was located from the date and transcript of the call. The process was manual. The date and call number on the transcript of the call was provided to the evidence preparation section of the Special Projects Unit (**SPU**) and it identified the relevant warrant and then the specific recording of it from its holdings.
11. It was understood by Taskforce Landow that the approach taken by the SPU to identify this call was the only way to identify a recording of an intercepted call.
12. **Part G** sets out the specific processes adopted by Taskforce Landow in response to Notice to Produce Documents NP-311 (**NP-311**). Under NP-311, hundreds of warrants and affidavits in support of TI and LD applications were produced. NP-311 was an opportunity for Taskforce Landow to have revisited whether there were recordings of intercepted conversations and it is regrettable that this did not occur.
13. **Part H** sets out my conclusions on why these materials were not identified sooner. I have spent many hours reflecting on this issue, speaking to other relevant areas within Victoria

Police and making my own inquiries in order to make this statement. While there are deficiencies in the processes I have described in Parts B to G, I am absolutely confident that these documents were not deliberately withheld from the Royal Commission.

B General processes adopted by Taskforce Landow in response to Notices to Produce

14. The Taskforce Landow Operations Team holds primary responsibility for locating material relevant to the Royal Commission and organising production of that material. The Operations Team comprises 14 sworn and unsworn employees of Victoria Police. The Taskforce Landow Operations Team has grown in size as its workload has increased and as the complexity of the task became apparent.
15. Taskforce Landow is committed to fully cooperating with the Royal Commission. I have given a presentation to all team members as they have joined Taskforce Landow. My presentation emphasises that Taskforce Landow's role is to support the Royal Commission, not to protect Victoria Police. I also reinforce the importance of the need for transparency in relation to the identification of materials that may be relevant to the Royal Commission.
16. A team of investigators sits within the Operations Team as it was recognised when the taskforce was established that there would be a need to proactively search for material across many work areas, and physical locations and to engage with many former and current members of Victoria Police. This has been a challenging task. There is no central repository of this material. It has been searched for right across Victoria Police in a number of locations and has required speaking to a large number of people to seek direction as to where we might locate relevant documents or files. Finding some material has been particularly challenging and time consuming, including because over the relevant periods, Victoria Police had no central electronic document management system. On occasion, it has been necessary to trawl through the entire contents of unmarked archive boxes or a dump of data from a computer drive, and to secure the cooperation of some Victoria Police units who utilise stand-alone or access-restricted IT systems for security purposes.
17. From the establishment of the Taskforce, it was identified that there were two streams for collection of relevant materials.
18. *First*, there was a need for Taskforce Landow to proactively gather material that was relevant to Victoria Police dealings with Ms Gobbo. For example:
 - a. Documents relating to Ms Gobbo's registration in 1995 – something which had not been identified in any of the previous inquiries or investigations into Ms Gobbo – were

identified by Taskforce Landow through inquiries that it made of the HSMU as part of its proactive collection of material in January 2019.

- b. After the 1995 registration was identified, Taskforce Landow spent a significant amount of time reconstructing the 1995 and 1999 registrations. The production of documents related to the 1995 registration by Taskforce Landow necessitated amendments to the Letters Patent of the Royal Commission. Understandably, the Royal Commission wanted to know more about this period and it became an immediate priority. It was also a period that had not previously been reviewed and therefore Victoria Police knew little about. There was no database equivalent to the Loricated database for these registrations and the systems Victoria Police had in place at the time no longer existed. The investigation and location of documents related to the 1995 and 1999 registrations required significant effort. And as the early time periods were the first periods to be examined by the Royal Commission in public hearings, Taskforce Landow prioritised the identification of all materials relevant to these registrations so that they could be provided to the Royal Commission as quickly as possible.
- c. The Human Source Landow Liaison Office (HSLLO), in the course of searching for materials within the HSMU, as requested by the Operations Team, located a number of loosely stored hard drives. Some of these drives were corrupted and efforts were made by Taskforce Landow to restore these drives through a Queensland based company, and a data recovery expert in the USA, so that the contents of those drives could be considered by the Royal Commission. Taskforce Landow also initiated searches within the holdings of the Information Technology department and potentially relevant archived drives were located which had not been appropriately stored or catalogued. These drives contained large volumes of data which were then restored and analysed manually by the Operations Team. As a result, further material potentially relevant to the Royal Commission was identified and subsequently produced.
- d. An analyst in the Operations Team completed a substantial piece of investigative work addressing dissemination of information from Nicola Gobbo to investigators within Victoria Police and to other law enforcement agencies. This was then presented in documentary form to the Royal Commission.
- e. As witnesses were giving evidence, further lines of inquiry arose and were actioned by Victoria Police. From time to time, this has resulted in the identification and production of further material relevant to the Royal Commission. For example, when Officer White gave evidence about the dissemination of information from Ms Gobbo in relation to the

'tomato tins investigation', further investigations were immediately initiated. This included a review of relevant SDU member diary entries, transcripts of meetings between the SDU and Ms Gobbo, relevant ICR's, and the diaries of an officer seconded to the [REDACTED]. Through these investigations the Taskforce Landow disclosure team located four further Information Reports that had not been part of the Operation Loricated project. These Information Reports were thought to be of forensic relevance to the Royal Commission's inquiries into the dissemination of information from Nicola Gobbo. A summary of these enquiries was provided by Corrs to the Royal Commission on 29 August 2019 and this material was put to a witness by Counsel Assisting the Royal Commission.

- f. Through its inquiries, Taskforce Landow discovered the existence of audio recordings in connection with Operation Stellified. Having identified this material, and its potential relevance to the Royal Commission's inquiry, the matter was promptly raised with the solicitors assisting the Royal Commission at the next meeting to discuss the Commission's priorities and a Notice to Produce the material was requested. Transcription of this material was also promptly arranged, saving the Royal Commission from having to devote time and resources to this task.
19. *Secondly*, there was a need for processes for responsive collection of material, which could fall into any one of the following categories:
 - a. material requested by the Royal Commission under a Notice to Produce;
 - b. material that was either identified by witnesses (including serving members, veterans or others) or was requested by those witnesses in the course of giving evidence; and
 - c. material requested by the Royal Commission other than by a Notice to Produce.
 20. Annexure A to this statement is a flowchart which diagrammatically describes the process of collection by the Operations Team of Taskforce Landow.
 21. The approach to responsive collection of material varies, depending on the request. The general approach to collection of material in response to a Notice to Produce is set out below.
 22. *First*, the Notice to Produce is recorded as received and disseminated amongst the Taskforce Landow Operations Team for tasking. At this point consideration is also given to whether there are other areas within Victoria Police that may be able to support the response to the notice. For example, some responsibility for collating material responsive

to NP-311 was allocated to the Special Projects Unit (SPU) as that Unit holds records about TI warrants, including the warrant applications, affidavits in support and warrants.

23. *Secondly*, the Inspector of the Operations Team determines the priority of the Notice to Produce against other outstanding requests of the kind described at paragraph 19.b and 19.c above, as well as the nature of inquiries that will be required to comply with the Notice. At any one time during the past 12 months, this has included:
 - a. Searches to locate and produce relevant extracts from official police diaries for current and former members which have been stored in various locations throughout Victoria. In some instances these diaries have not been located, but searches are continuing. To place this task in context, I estimate that it has been necessary to make inquiries about police diaries for at least 130 current and former members. Inquiries of current members are typically straight forward as they have possession of their police diaries, but there is a need to make production of relevant extracts from those diaries. Considering the lengthy time period covered by the Commission's inquiry, many witnesses have either retired or changed employment and searches for these diaries has been more challenging;
 - b. Extensive technical investigations in relation to the restoration of Victoria Police email archives;
 - c. As noted above, investigations, technical forensic analysis and restoration of a number of hard drives containing potentially relevant material;
 - d. Interrogation of voluminous hard copy archive records which have not been catalogued in a way that would permit ready identification of relevant materials;
 - e. Responding to a large number of ad hoc inquiries from the Royal Commission as the hearings have progressed and for the purposes of disclosure to potentially affected individuals, which often require detailed forensic inquiries and analysis; and
 - f. Providing welfare support to current and former members of Victoria Police in the lead up to, during and after they have prepared witness statements or appeared before the Royal Commission.
24. These inquiries have been made more challenging by the absence of a central electronic document management system, which has required the Operations Team to make many internal inquiries of Victoria Police members and employees located throughout the organisation to work out where to look.

25. In some instances, decisions about the prioritisation of tasks are taken in consultation with Victoria Police's external lawyers, Corrs. Given the frequency of these requests and the effort required to comply with them, prioritisation of requests has also been the subject of ongoing and productive discussions with solicitors and counsel assisting the Royal Commission, as I describe below.
26. *Thirdly*, depending on the size and breadth of the inquiries to be undertaken the notice may be the subject of discussion at a Notice to Produce Tasking and Coordination Meeting. These meetings are attended by representatives of Taskforce Landow and the Taskforce Landow Legal Team. The purpose of these meetings is to ensure that all outstanding tasks are being actioned in accordance with the Royal Commission's current priorities. From time to time Corrs have joined these meetings. At a minimum the Operations Team would conduct their own tasking meetings to ensure that the investigators had understood the avenues of inquiry they were required to follow to locate relevant material.
27. *Fourthly*, the Operations Team identifies and collects the relevant sources of material. Depending on the request, these may include the examination and retrieval of material from members' notes, diaries, daybooks, emails, computer drives and internal databases such as Interpose, Recfind and LEAP. Where further inquiries are necessary, these are usually made by the investigators who sit within the Operations Team in consultation with their supervisors and manager. This has been challenging because Victoria Police does not have a central, searchable electronic database which categorises all of its information and intelligence holdings. Although the organisation does have a central storage facility for hardcopy documents, the filing and storage practises are inconsistent making this material difficult to locate. Archived computer (back up tapes) have also historically been poorly managed and have been found in random filing cabinets without any record of their location. As a result the collation of material relevant to requests from the Commission relies heavily on the knowledge sharing and information gathering capabilities of the Operations Team.
28. *Fifthly*, all collated material is uploaded to Ringtail by Corrs and then assessed for relevance to a Notice to Produce by the Taskforce Landow Legal Unit and coded for production against the relevant Notice or Notices to Produce. The documents are then provided to the HSLLO for review for public interest immunity and the material is then transferred by Corrs to the Commission. The process by which public interest immunity claims were made and the delays to production that resulted from the need to make an assessment of those claims were a major concern for the Royal Commission in the period from around March to June

2019. A considerable amount of effort has gone into updating processes and dedicating additional resources to the assessment of public interest immunity issues in order to address these concerns.

29. In total, there were 17 physical productions of documents to the Royal Commission in the period from February to March 2019 and there have been an additional 304 formal productions to the Royal Commission through Ringtail in the period from March 2019 to date.
30. If the scope of a Notice to Produce is unclear, then this is managed at first instance by the Inspector of the Operations Team, by discussion at the regular Notice to Produce Tasking and Coordination Meetings, or through advice from the Taskforce Landow legal team, Corrs and counsel. Where necessary, clarification has been sought from the solicitors assisting the Royal Commission.

C Process adopted in response to NP-002 and NP-004

31. On 23 January 2019, Victoria Police was served with NP-002. On 31 January 2019, Victoria Police was served with NP-004.
32. NP-002 and NP-004 are extremely broad. As has been the case with almost every Notice to Produce, Victoria Police was given seven days - the minimum amount of time allowable under the *Inquiries Act* – to comply with the Notices. In almost all instances, save for very straightforward requests or notices issued at the request of Victoria Police where the documents had already been located, it was not possible to comply with these time limits. As far as I am aware, Victoria Police was not asked how long it would take to obtain relevant information before a Notice to Produce was issued. The solicitors assisting the Royal Commission have issued numerous letters following up outstanding Notices to Produce and there have been many discussions with solicitors assisting the Royal Commission about progress in response to outstanding requests.
33. In total, Victoria Police has produced more than 35,000 documents in direct response to NP-002 and 2,000 documents in response to NP-004.
34. Victoria Police has received 230 Notices to Produce documents, 65 of which were directed towards Victoria Police with the balance directed towards individual members and former members. Some notices were sought proactively by Victoria Police as related inquiries identified information that Victoria Police considered may be relevant to the Royal Commission, although not responsive to any extant Notice.

35. Consistent with its commitment to fully cooperate with the Royal Commission, Taskforce Landow has treated its obligation to produce documents under NP-002 and NP-004 as ongoing. Even now, Taskforce Landow continues to search for material that might be relevant to the Commission. Leaving to one side the TI materials produced on 27 April 2020, Victoria Police has produced documents under NP-002 as recently as February 2020.
36. The material that was produced on 27 April 2020 falls within Category 7(e) of NP-002. Category 7 of NP-002 is set out in full below:
- 7 All documents and correspondence from 1 January 2003 to date with, or concerning, 3838 that were not uploaded to the web based program titled "Operation Loricated Web-Based Solution" including, but not limited to:*
- a. Informer Contact Reports (ICRs);*
 - b. Source Management Logs (SMLs);*
 - c. Risk Assessments (RAs);*
 - d. Acknowledgement of Responsibilities (AORs);*
 - e. Recordings of telephone intercepts;*
 - f. Recordings of listening devices;*
 - g. Victoria Police powerpoint presentation provided to the SDU Training Unit on or about 14 February 2007;*
 - h. Victoria Police Corporate Management Review Division – Audit of Victoria Police Human Source Management Practices undertaken in or about 2010;*
 - i. Victoria Police Intelligence and Covert Support Department – Review of Covert Services Division undertaken in or about 2012 and dated 31 January 2013;*
 - j. Diaries and notebooks of individual Victoria Police personnel; and*
 - k. Correspondence with third parties.*
37. The process followed by the Taskforce Landow Operations Team in responding to NP-002 accords with the process that I have described in Part B above. I make the following specific observations about the approach adopted by the Operations Team of Taskforce Landow to NP-002.

38. On receipt of NP-002, the Inspector of the Operations Team requested that legal advice be sought as to its scope and the approach to compliance. This led to correspondence being exchanged between Corrs and the solicitors assisting the Royal Commission between February and March 2019.
39. By 11 February 2019, the Taskforce Landow Operations Team had investigated through the examination of the relevant computer drives and the Interpose System whether Ms Gobbo had ever been the target of a TI or LD warrant and had confirmed that she had not.
40. In the course of preparing this statement, I have asked the investigators in the Operations Team why they did not speak to anyone within SPU or the relevant investigators from the Crime Department to see whether any intercept material existed. I was told that the Operations Team did not consider that it was necessary for them to do so because their searches of the computer drives and Interpose System were conclusive. If their searches had revealed that Ms Gobbo had been the target of a TI or LD warrant, then the investigators would have made enquiries with the SPU at that point.
41. It is apparent that in the early stages of the collection of material responsive to NP-002 that an assumption was made that TI material had been destroyed. It appears that this assumption was made on the basis of the length of time that had passed since the operations relevant to the time period where Ms Gobbo was a registered human source and the investigators' knowledge of destruction requirements under the provisions of the *Commonwealth Telecommunications (Interception and Access) Act 1979*. This was conveyed to the Royal Commission in correspondence dated 7 February 2019. Unfortunately, it was not accurate to say that all of this material had been destroyed. While some material had been destroyed, we now know that there was material that was not destroyed and it appears that the assumption was not verified at that time.

D Steps taken to ensure that no TI or LD materials were destroyed

42. Despite this initial assumption about TI and LD recordings, Taskforce Landow took steps to ensure that material held by the SPU that may be relevant to the Royal Commission was not destroyed.
43. On 12 February 2019, an Inspector from Taskforce Landow contacted the Evidence Preparation Unit of the SPU to request that any TI and surveillance device affidavits which touch on or have involvement of informer 3838 not be destroyed until there was a clearer picture of what might be required by the Royal Commission. The request was focused on the existence of warrants and affidavits rather than establishing whether any TI or LD

recordings had not been destroyed (and if so ensuring that those documents were not destroyed given their potential relevance to the Royal Commission).

44. On 13 February 2019, this request was discussed and Taskforce Landow was told that the SPU did not have the ability to reverse engineer documentation that relates to Ms Gobbo. It was agreed that Taskforce Landow would provide the SPU with a list of operations that it had identified which relate to Ms Gobbo and that the SPU would prepare a spreadsheet that:
- a. details each operation;
 - b. sets out what information is available and where that information is located; and
 - c. identifies how that documentation refers to a human source (but not necessarily Ms Gobbo as the SPU records would not identify a specific human source).
45. On 26 February 2019, a Notice to Produce Tasking and Coordination Meeting was held in relation to NP-002, NP-004 and various Notices to Produce that were issued to individual Victoria Police members. Representatives from Corrs attended this meeting. At this meeting, clarification was sought as to whether categories 7(e) and (f) required production of recordings of TIs or LDs as a result of intelligence provided (i.e. whether it was necessary to analyse and cross reference TI and LD recordings against the information provided by Ms Gobbo). The Operations Team identified that this might require significant investigative work and may be time intensive. Following this meeting, it was understood by the Taskforce Landow Operations Team that at that point categories 7(e) and (f) only required production of recordings of TI and LDs that related to Ms Gobbo's handling as a human source.
46. On 13 March 2019, Corrs wrote to the solicitors assisting the Royal Commission to outline the steps that Victoria Police had taken and was continuing to take in response to information requests made by the Royal Commission and to ensure compliance with the Notices to Produce that had been issued at this time. With regard to categories 7(e) and (f), the annexure to the letter recorded that:

A search has been conducted to identify any telephone intercept or listening device warrants that named Ms Gobbo or which used her registered numbers. There was nil. We note that listening device and telephone intercept product is subject to a strict non-retention regime. No listening device or telephone intercept material has yet been identified that is responsive to this category but inquiries will continue as the review of briefs identifies potential lines of inquiry.

47. On 14 March 2019, an initial list of operations that related in some way to Ms Gobbo was provided to the SPU. I am told that shortly after they received this email the SPU prepared a spreadsheet of the kind that had been discussed on 13 February 2019. Taskforce Landow has no record of receiving this document.
48. Between 23 January and 25 March 2019, there were ongoing discussions and correspondence exchanged between Corrs and the solicitors for the Royal Commission regarding production of the Loricated Database. In the first instance that required Taskforce Landow to arrange for the Royal Commission to have access to the database on a number of standalone secure laptops and provide training in using and navigating the database. In March 2019, the Commission requested that it be provided with the native files comprising the Operation Loricated web based solution and these files were produced to the Royal Commission. All of these activities required significant effort and occupied a lot of time throughout this period.

E Priorities meetings

49. In early April 2019, Victoria Police and Corrs attended the first of many priorities meetings with the solicitors assisting the Royal Commission. The purpose of these meetings was to set priorities for tasks, including the production of documents and witness statements under Notices to Produce. I attended a number of these meetings.
50. These meetings were suggested by Corrs to the solicitors assisting the Royal Commission as a way to assist Taskforce Landow to determine how the Royal Commission's Notices to Produce documents, requests for witness statements and Information Requests should be prioritised. The volume of these tasks was increasing at this time as the Royal Commission developed a greater understanding of the issues relevant to its inquiry.
51. Before the first priority meeting on 17 April 2019, Corrs sent a list to the solicitors assisting the Royal Commission outlining what Taskforce Landow understood to be the outstanding tasks and invited the Royal Commission to identify an order of priority. The solicitors assisting the Royal Commission then reordered the list to reflect the Royal Commission's priorities.
52. The priorities, as set out in the amended table, were the subject of discussion at the first meeting and this document was then updated for subsequent meetings, which occurred on average on a weekly basis from April to June 2019. If Taskforce Landow anticipated that it would have difficulty in meeting the Royal Commission's expectations with regard to a given item, then this was raised at the priorities meeting. From time to time, priorities

would change during these meetings. And after each meeting, Taskforce Landow would allocate resources in accordance with the priorities set at the meeting.

53. Category 7 of NP-002 was not the subject of discussion at any of the priorities meetings and accordingly, further inquiries about documents that might have fallen within category 7(e) and (f) were not afforded attention over and above the specific items set out in the priorities list or the matters discussed at these meetings.
54. Notwithstanding this, it is clear that Taskforce Landow saw compliance with categories 7(e) and (f) as ongoing. In around May 2019, the Operations Team identified that there was a possibility that Ms Gobbo may have been the subject of a TI or LD application in the context of Taskforce Driver. The Operations Team looked into this issue through enquiries with the investigator and through searches of the Driver computer drives. Taskforce Landow determined that Ms Gobbo was not the subject of such an application.

F Storage and retrieval of TI/LD recordings

55. TI and LD materials obtained under warrant are stored on a specific Victoria Police computer network called RADARS. RADARS is 'owned' by the SPU and is located in a secure, restricted area of Victoria Police. Based on my understanding of SPU processes, historic TI and LD recordings are either destroyed in accordance with legislative requirements or are archived and are stored on magnetic disc where there is a permissible reason to retain them.
56. During the hearing of the Royal Commission on 21 June 2019, Paul Dale was asked about the transcript of an intercepted telephone call between Carl Williams and Nicola Gobbo on 27 February 2004 (Exhibit 243A). After this evidence, enquiries were undertaken by Taskforce Landow to locate the audio of this telephone conversation. In order to locate the call, a request was made of the Evidence Preparation Section of the SPU. I have set out the process followed by the Evidence Preparation Section, below:
 57. *First*, the Evidence Preparation Section identified from the date of the call that it was intercepted under warrant D02028-02, which ran from 20 December 2003 to 20 March 2004.
 58. *Secondly*, the Evidence Preparation Section identified that there was no material held on the RADARS database in relation to the warrant and that all materials have been archived to a Magnetic Optical Disc (**MOD**).
 59. *Thirdly*, the Evidence Preparation Section downloaded the material from the MOD to the RADARS database and manually located the call.

60. The approach adopted to recover this telephone recording highlights the limitations in searching and retrieving intercepted recordings that were understood to have existed at the time. Had specific requests been made for other recordings, I have no doubt that steps would have been made to locate and produce this material in an expeditious manner – as was the case with the material was identified recently.

G Process adopted in response to NP-311

61. On 3 July 2019, I attended a meeting at which, amongst other things, the need to review TI affidavits was discussed in order to identify the extent to which information provided by Ms Gobbo had been used in these applications. My recollection is that the need to undertake this review was part of the proactive collection of material undertaken by the Covert Services Division in conjunction with Taskforce Landow, and in the context of matters that were raised in proceedings before the Court of Appeal, rather than it being responsive to a request by the Royal Commission.

62. I do not recall there being discussion at the 3 July meeting about whether intercepted calls existed, or whether there was any need to review any such material. The phrase used at the meeting was whether Ms Gobbo had “infected” the affidavit material relied on in support of TI and SD warrants. While I had no personal involvement in the collation of this material, it is clear that the potential relevance of intercepted calls – if they existed – was not contemplated and the focus was on warrants and affidavits.

63. On 18 July 2019, solicitors assisting the Royal Commission sought these materials for certain named individuals by email and on 13 August 2019, Victoria Police was served with NP-311. NP-311 sought production of:

1. *Copies of all warrants (whether for searches, or telephone interception, or for any other purposes) obtained by members of Victoria Police in respect of all Victoria Police operations between 2005 and 2010 that involved the following persons (whether as suspects or persons of interest or accused or any other capacity): Tony Mokbel; Mr Bickley, Milad Mokbel; [REDACTED] Rabie Karam; Zlate Cvetanovski; Faruk Orman; Frank Ahec; John Higgs and Karl Khoder.”*

2. *Copies of all affidavits prepared and/or relied upon in support of applications for the abovementioned warrants.*

64. The process followed by the Taskforce Landow Operations Team in responding to NP-311 accords with the process that I have described in Part B above although many of the

requirements of this notice related to material held by the SPU and this section was referred directly to them to assist with complying with this notice.

65. Unlike NP-002, the bulk of the collection of materials responsive to NP-311 was done prior to receipt of the notice. By 17 July 2019, a list of responsive affidavits had been prepared and the SPU was tasked with manually reviewing each affidavit to redact references to all human sources, other than Ms Gobbo.
66. A summary of the steps taken by the Taskforce Landow Operations Team in responding to NP-311 is recorded in a document that is to be produced to the Royal Commission with my statement.¹ In addition, the Taskforce Landow Operations Team produced a spreadsheet that provides a breakdown of the quantity of warrants and affidavits relevant to the various operations that relate to the persons the subject of NP-311.² In total, there were 433 warrants, 371 affidavits from Victoria Police in relation to searches, 215 affidavits from the Victoria Police SPU in relation to TI, LD and tracking devices, and 31 affidavits or search warrants from external law enforcement agencies.

H Continuing production of materials under the relevant notices

67. Production of documents to the Royal Commission has been a challenging process for Taskforce Landow for some of the reasons I have explained above. Victoria Police has devoted significant resources to the task of responding to the Notices to Produce served by the Royal Commission.
68. It is regrettable that these documents were not identified and produced to the Royal Commission sooner. As the hearings of the Royal Commission unfolded and relevant police operations and persons of interest became material to the Commission's Inquiry I acknowledge that there were a number of opportunities for Taskforce Landow to revisit the steps that it had taken to comply with category 7 of NP-002.
69. Since its inception, Taskforce Landow has been committed to transparency and to fully cooperating with the Royal Commission. This is a direction of Victoria Police Executive Command and the Taskforce Landow Steering Committee, chaired by Deputy Commissioner Steendam. Every member of the taskforce knows that it is their obligation to support the Commission in its work and provide all available information regardless of whether the material might be damaging to the reputation of Victoria Police and or individual current or former members. I continue to review and reflect upon why these

¹ VPL.2100.0011.0001

² VPL.2100.0011.0003

documents were not identified sooner. While these inquiries have identified deficiencies in the processes adopted by Taskforce Landow in relation to responding to this issue, I can assure the Commissioner that this material was not deliberately withheld from the Royal Commission.

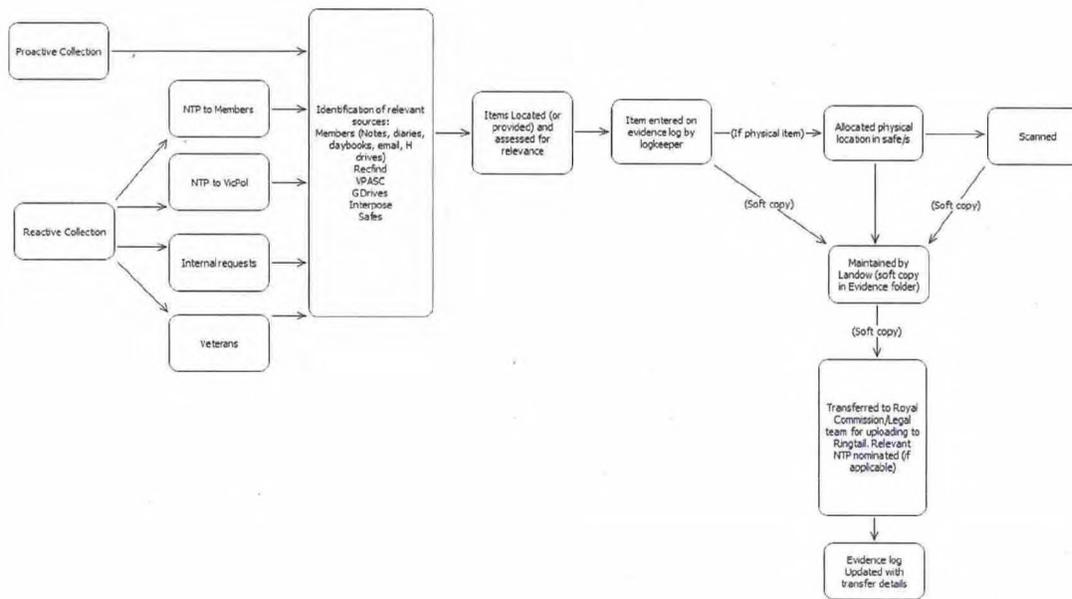
Dated: 6 May 2020



Paul Michael Millett

Royal Commission
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ANNEXURE



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