

## Royal Commission into the Management of Police Informants

### Final Submissions made on behalf of Peter Lalor

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The following submissions are provided in response to the invitation for Peter Lalor to make submissions to the Royal Commission into the Management of Police Informants (“RCMPI”) as set out in the letter from Counsel Assisting the Commissioner dated 2 July 2020. These submissions are to be read in conjunction with the Submissions provided to the Commission by Peter Lalor dated 15 March 2019.

1. Mr. Lalor is pleased to be advised by Counsel Assisting that the submissions of Counsel Assisting contain no findings adverse to him, albeit that he would have been aghast had that not been the case.
2. We note the advice of Counsel Assisting that Mr Lalor is not an ‘affected person’ under the Commission’s first term of reference and Mr Lalor can do little to challenge that assessment as technically that seems to be so and, accordingly, Mr Lalor does not challenge that assessment.
3. Be that as it may, Mr Lalor unreservedly contends that he has been dramatically and irretrievably ‘affected’ both personally and professionally ‘by the conduct of EF and a number of members of Victoria Police.
4. It is Mr Lalor’s firm position that he has been treated atrociously, particularly, but not exclusively by Victoria Police for many years.
5. Mr Lalor regards the conduct of certain members of the Victoria Police toward him as having been unprofessional at the very least, but more troublingly, opportunistic, dishonest, corrupt, unethical and unlawful.

6. Mr Lalor is disappointed that he will not be provided with the submissions of Counsel Assisting at this time as it is our view that he ought to have been provided with them for the reasons set out in the letter from Kenna Teasdale Lawyers to Counsel Assisting dated 20 July 2020.
7. Mr Lalor does however understand that this is not the forum in which to seek to re-agitate the matter and will not do so.
8. By letter dated 25 September 2019 the Commission requested that Mr. Lalor provide it with detailed information concerning a number of topics relating to, inter alia his dealings with EF. Mr. Lalor faithfully, conscientiously and comprehensively complied with the Commission's request.
9. The Commission did not call Mr. Lalor to give evidence before it, although he was more than willing to do so.
10. On the last day on which the Commission sat in 2019 (20 December 2019), pursuant to leave granted by the Commission on 16 December 2019, counsel appearing for him, Geoffrey Steward was allowed to cross-examine Simon Overland on Mr. Lalor's behalf.
11. Mr. Steward was simultaneously permitted to cross-examine Mr. Overland on Paul Dale's behalf, who had given lengthy evidence to the Commission and for whom he was also appearing.
12. It was indicated to Mr. Steward by the Commissioner, before his cross-examination of Overland commenced, that he would be allowed twenty minutes in which to conduct his cross-examination of Overland.
13. Suffice it to say, the vast majority of Steward's cross-examination of Overland, for obvious reasons, related to Dale.
14. The cross-examination of Overland insofar as it related to Lalor, given the time restraints barely 'scratched the surface,' so to speak. There were many matters about which Mr Steward had intended to cross-examine Overland pertaining to 'Operation Briars' and Lalor,

but was unable to do so. Accordingly, Mr Lalor seeks the Commission's indulgence in raising some of those matters now.

15. We shall attempt to do so as succinctly and shall restrict ourselves to EF's conduct, albeit that her conduct cannot be viewed in a vacuum, necessitating reference to various other individuals.
16. Lalor was the subject of an investigation, (Operation Briars) into the murder of Shane Chartres-Abbott for several years.
17. The Commission has heard evidence that some members of the Operation Briars taskforce had been exploiting EF's professional association with another subject of the investigation, David Waters, in order to try and obtain evidence against Lalor and Waters as to their alleged involvement in the murder.
18. These endeavours commenced in approximately 2007.
19. It is submitted by Mr Lalor that he and Waters were subjected to an unlawful and prolonged investigation estimated to have cost in the vicinity of thirty million tax-payer funded dollars. In so doing, investigators placed much reliance on <sup>Mr Gregory</sup>
20. Police officers, Black, Waddell and Cornelius gave evidence to the Commission that causes the irresistible inference to be drawn that grave concerns ought to have been raised in relying upon <sup>Mr Gregory</sup> a career criminal and convicted multiple murderer.
21. It is apparent from evidence given to the Commission that significant doubts as to <sup>Mr Gregory</sup> credibility and capacity to tell the truth were held by police, including Assistant Commissioner Cornelius as early as 2008.
22. Despite those legitimate concerns, Victoria Police continued to avail themselves of the services of an inveterate liar like <sup>Mr Gregory</sup> choosing to ignore for a number of years, credible evidence from a witness who came forward two weeks after the murder and identified a plausible suspect for the murder. The suspect identified by that witness along with two others was ultimately charged with the murder.

23. Unfathomably, a statement was not taken from that witness until four years after he first contacted investigators and the suspect he had identified was not questioned by police until three years had passed since that witness came forward. For reasons best known to themselves, investigators preferred to rely on the demonstrably fallacious and self-serving lies of <sup>Mr Gregory</sup> rather than the cogent utterances of the aforementioned witness.
24. In 2006, <sup>Mr Gregory</sup> who was facing lengthy terms of imprisonment for his role in [REDACTED] other murders approached the Purana Taskforce with a tale about his role in the murder. He did so contingent on receiving sentencing leniency for his crimes, anonymity and an undertaking that he would give truthful evidence at the trial of the three accused. That police could be so naïve or derelict in their duties to think that <sup>Mr Gregory</sup> would honour such an undertaking beggars belief.
25. <sup>Mr Gregory</sup> made six statements to police, each of which were largely fictional and in which over a period of time his tale progressively advanced, replete with new details of what he alleged had occurred. These statements and conversations <sup>Mr Gregory</sup> had with police took place while he was in gaol and continued until the trial of the three accused had concluded in 2014.
26. EF was visiting <sup>Mr Gregory</sup> throughout the time he was meeting with police.
27. The three accused were acquitted of the murder and during his evidence <sup>Mr Gregory</sup> admitted that he had lied to police. That such reliance could be placed on <sup>Mr Gregory</sup> behoves only one conclusion, namely that investigating police had only one agenda – the securing of convictions at any cost and to the detriment of the pursuit of justice.
28. Operation Briars was headed by the Briars Task Management Committee which included the OPI and Senior Command members of Victoria Police, one of whom was Simon Overland.
29. In teleconferences conducted by the Commission in early 2019, EF told the Commission that she had been visiting <sup>Mr Gregory</sup> in prison during 2005/2006 and that she had been requested by members of the Purana taskforce to visit other prisoners which could only have been for nefarious and unlawful purposes.

30. At the trial of the three accused, <sup>Mr Gregory</sup> swore that one of the reasons why he had confessed to the murder was because of conversations he had with EF who advised him of what was being said about the murder.
31. It is submitted that the Commission ought to reject the evidence of Overland who when being cross-examined before the Commission sought to distance himself from involvement in Operation Briars. The Commission should do so as Operation Briars was set up as a result of a Joint Agency Agreement between the OPI and Victoria Police.
32. The joint agency agreement stipulated that the Board of Management would comprise the Deputy Director of the OPI, Graeme Ashton, Luke Cornelius and Overland. The agreement stipulated that the Board of Management was responsible for the running of the taskforce and the dissemination of all information.
33. Much evidence was given to the Commission by Biggin, Wilson, White, Black and Iddles that Overland took more than a passing interest in the activities of both investigations and that he was the driving force to involve EF in both investigations.
34. The Commission received evidence that the Board of Management knew of the controlling and use of EF by members of the Purana and Briars taskforces. Its complicity, Mr Lalor submits, in the exploitation of EF's professional association with Waters was unethical, corrupt, unlawful and egregious.
35. Evidence was received by the Commission of a meeting between Sandy White and Iddles in which it was decided that EF be tasked [REDACTED] Waters [REDACTED] in the hope that it would result in Waters [REDACTED] that would assist the investigation.
36. Ample evidence has been received by the Commission of concerns held by police members about the exploitation of EF's association with Waters and others and that, notwithstanding those concerns, Overland remained determined to obtain a statement from EF in relation to her dealings with Waters.
37. It is understood that due to the concerns of some members of Operation Briars as to <sup>Mr Gregory</sup> lack of credibility dating back to 2008, Operation Briars then started to exploit EF's professional association with Waters.

38. Although a witness came forward in 2008 and stated that Perry had confessed his role in the murder to her and despite the fact that such a revelation completely refuted <sup>Mr Gregory</sup> account, Perry's two co-accused were nonetheless still presented on one count of murder almost solely based on <sup>Mr Gregory</sup> contradicted and false accounts.
39. Waters had previously been represented by EF in the Melbourne Magistrates' Court in 2003.
40. Members of Victoria Police told the Commission that EF conveyed this information to them or that they had second-hand knowledge of the EF/Waters association. Further, some members of Operation Briars have confirmed that EF was tasked by them from 2006 through to 2010 to [REDACTED] Waters in [REDACTED]
41. In September 2007, EF advised members of the SDU that she had [REDACTED] [REDACTED] Waters and that he was going to come and see her after he had appeared before the OPI in order that she may provide him with further advice.
42. Despite the clear client/legal practitioner relationship between EF and Waters, members of the SDU were content to abuse their oaths of office and obtain information from EF as to the advice she was giving Waters.
43. The Commission heard that EF's statement was used in part to support an application to further extend listening device warrants being used as part the investigation into Lalor and Waters' alleged involvement in the murder.
44. The Commission received much evidence relating to concerns some police had as to the veracity of EF's information, including evidence from amongst others, Waddell, Overland, Cornelius and Rod Wilson.
45. Of particular note is the trip to Bali by Iddles and Waddell for the purposes of obtaining a statement from EF, at which time she revealed for the first time a confession allegedly made to her by Perry.
46. Perusal of the affidavit seeking the extension revealed that at the time concerns were held as to the veracity of some parts of EF's unsigned statement.

47. It however has not been publicly revealed if there was reference in the affidavit to the professional association between EF and Waters.
48. The knowledge of some investigators of the professional association between EF and Waters was no impediment to the unlawful, unethical and improper means they adopted in their pursuit of Lalor and Waters.
49. Whatever one might wish to say about EF's appalling conduct and the gross breach of her professional obligations and duties over a number of years, she would not have been able to so undermine and betray adherence to the criminal justice system in this state to the extent that she did without the lamentable, unlawful and disgraceful facilitation of Victoria Police.
50. Mr Lalor respectfully suggests that the Commission ought to consider making the following recommendations:
  - i. The fact of police members being either directly or indirectly involved in the decision making process to exploit legal professional privilege between EF and Waters in order to assist their investigations ought be referred to IBAC so as to identify and ultimately prosecute any members allegedly guilty of serious ██████ misconduct that may have arisen from their actions during the Briars investigation.
  - ii. The affidavit supporting the application for a further extension of time in respect of telephone and listening devices ought be referred to IBAC in order to ascertain if the affidavit included reference to the Waters/EF professional association.
  - iii. That <sup>Mr Gregory</sup> ought be brought back to the Supreme Court in order that he be re-sentenced for breaching the undertaking he gave to give truthful evidence in the Shane Chartress-Abbott murder trial.

Date 21 July 2020

Geoffrey Steward  
Barrister

**Kenna Teasdale Lawyers**  
Solicitor for Peter Lalor