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Submission to Royal Commission into the Management of Police Informants

STATEMENT OF PETER FINTAN LALOR

Executive Summary

I, along with David Waters, was the primary target of a Victoria Police investigation called Operation Briars. Briars has been called the most expensive investigation in Victoria Police history. Its purpose was to investigate the alleged involvement of a serving police officer (myself) and David Waters (an ex member) in the murder of Shane Chartres-Abbott. The central allegation was that Waters and I provided the address of Chartres Abbott to the alleged murderer.

The only evidence of this alleged involvement was a series of statements made by a Victoria Police ██████████ Mr Gregory | who confessed to the murder. No other evidence has ever been presented, and we have never been charged. We deny any involvement whatsoever in this crime. Victoria Police continue to treat this case as "open" and David and myself remain persons of interest.

████████ was already in prison for another murder, and was given no additional time in exchange for information he provided to Operation Briars. It is highly improbable that he actually committed the Chartres Abbott murder. Other more likely suspects were later charged and tried for the same murder. Former Superintendent Ian Baker has carried out an extensive examination of the investigation and is in the process of providing a comprehensive analysis of the investigation which will show that at least on the balance of probabilities Mr Gregory confession that he murdered Shane Chartres-Abbott is false.

████████ was well known to the Victoria Police as a ██████████ murderer but more importantly as an unreliable witness.

I believe that Nicola Gobbo acted for Mr Gregory during the period where she was also a human source known as 3838, and she also advised David Waters during Operation Briars. Mr Gregory's testimony as to our involvement changed materially over the course of the investigation, and it is our contention that Nicola Gobbo was used by the Victoria Police to manipulate Mr Gregory's statements to fit the allegations against us.

It is my belief that the motives behind Operation Briars were driven by ego and personal ambition in senior Police command, and in pursuit of an outcome to suit this ambition, the course of justice was perverted.

I am making this Statement to assist the Commission in uncovering this corrupt and unethical behaviour at the most senior levels of the Force. In so doing, I also seek to clear my name and that of David Waters.

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Personal Information

1. I am registered building surveyor with the Victorian Building Authority and currently self-employed.
2. I was previously employed by Victorian Police from January 1977 through to 2009 when I resigned from Victoria Police. My employment included operational duties in both uniform and the Criminal Investigation Branch (CIB).
3. I performed duties at suburban Police Stations, Prahran and St Kilda Criminal Investigation Branches, Major Crime Squad, Armed Robbery Squad and Homicide Squad. I attained the rank of Detective Sergeant whilst at St Kilda CIB and concluded my service at the Prahran CIB.

Involvement or association with any investigation which had dealings with Ms Gobbo

4. I remain a suspect in the murder of Shane Chartres-Abbott which was the subject of Operation Briars. I am aware that members of the Source Development Unit (SDU) and Operation Briars had dealings with Ms Gobbo in relation to the investigation of the Chartres-Abbott murder – I refer to the following documentation as proof of those dealings:
 - * RCO 146 ICR summary produced at the examination of former member Stephen Campbell on 21/05/2019 at VPL2000.0001.9739; and
 - * RCO 260 - Statement of Nicola Gobbo produced at the examination of Detective Senior Sergeant Peter Trichias on 27/06/2019

Use of Ms Gobbo as a human source

5. I believe that I first became aware that a solicitor had been providing information or assistance to Victoria Police from an article that appeared in the Herald-Sun newspaper referred to as Lawyer X. I later discovered that the solicitor was most likely Nicola Gobbo which was confirmed after the High Court Hearing last year resulting in the publication of her name.
6. As indicated above, I believe that members of the following units of Victoria Police were aware that Ms. Gobbo was providing information or assistance to Victoria Police:
 - a. Source Development Unit - reference: RCO 146 ICR summary at VPL2000.0001.9739 where Ms Gobbo is referred to as a human source; and
 - b. RCO 260 - Statement of Nicola Gobbo where it appears that she is providing intelligence to Ron Iddles and Steven Waddell in relation to the investigation of my involvement and that of David Waters in the murder of Chartres-Abbott – reference: Statement attributed to Ms Gobbo;
 - c. Public statements by Ron Iddles relating to Ms Gobbo's statement aired on Sky News titled Lawyer X – the untold story 27th July 2019.
7. I also believe that Mr Gregory knew that Ms Gobbo was being used as an informer – refer to an Information report prepared by Detective Trichias documenting a meeting with between Detectives Trichias, O'Brien and ██████ in 2006.

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8. I believe that the following persons were involved in the authorisation and continued authorisation of the use of Ms Gobbo as a human source:

- * Simon Overland;
- * Sandy White-O : and
- * Ron Iddles

I am relying on the following information that has emerged from the Royal Commission Hearings as the basis for that belief:

- * Transcript of White's examination by Mr Winneke on 07/08/2019 at pages 4087 – 4091; and
- * RCO 146 ICR summary produced at the examination of former member Stephen Campbell on 21/05/2019 at VPL2000.0001.9739

9. Contrary to the statement attributed to Ms. Gobbo there were only three (3) contacts that I had with her that I can recall. I have previously referred to these contacts in a submission to the Commission, dated 15th March 2019.

10. The first of those contacts was a telephone call from her in relation to a client that she was representing. I am not in a position to expand on my earlier submission other than to say that it could have related to the arrest of her client Simon Sayfe that is referred to in the statement attributed to Ms Gobbo. I cannot recall what was discussed during the course of that telephone conversation.

11. The second of those contacts occurred at a meeting with Mr. Tony Hargreaves in his office where I was asked what I knew of Mr Gregory. I told Mr Hargreaves what I had told the second OPI hearing which was that in 28 years of police service I had by my recollection only six (6) contacts with Mr Gregory, four (4) of which were incidental with the other two (2) being organised – that I knew him to be a [REDACTED] criminal who had been convicted for the [REDACTED] of [REDACTED] whom he had [REDACTED] in the course of an [REDACTED]. Mr Hargreaves said that he knew someone who might be able to shed more light on the character of [REDACTED]. Mr. Hargreaves then rang Ms Gobbo and spoke to her about [REDACTED]. I was a party to that conversation and could hear Ms Gobbo describe [REDACTED] in the following terms:

'He is a [REDACTED] criminal with convictions for [REDACTED], he is a manipulative pathological liar who cannot be trusted and been known to give perjured evidence.'

12. The last contact which I described as fleeting. I had organised to meet with David Waters to catch up with a mutual friend in the Richmond area. Prior to the meeting David indicated that he had to meet with someone at a nearby building site. We went to a building site in Richmond where we met with Ms Gobbo. Dave walked off with her to another part of the site where they were engaged in conversation for about 10 – 15 minutes. At the end of that time we

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left the site and caught up with our friend. I was not party to any part of the conversation between Ms. Gobbo and David and I could not say what was discussed between the two.

13. Prior to the commencement of the Royal Commissions Hearings I was not aware of or had reason to believe or suspect that Ms. Gobbo was providing information and assistance to Victoria Police.
14. Prior to the commencement of the Royal Commissions Hearings I had no knowledge of any assistance given to Victoria Police in any investigations being carried by that organization.

Concerns in relation to use of Ms Gobbo as a human source

15. Prior to the commencement of the Royal Commissions Hearings I was not aware of any concerns raised by Victoria Police or other law enforcement agencies, the Office of Public Prosecutions or the Commonwealth Director of Public Prosecutions in relation to the use of a legal practitioner as a human source.
16. Prior to the commencement of the Royal Commissions Hearings I was not aware of any discussions within Victoria Police about the obligation of disclosure in relation to material concerning the use of Ms Gobbo as a human source.

Other relevant matters

17. I have never had any contact with Shane Chartres-Abbott.
18. I am not aware that Shane Chartres-Abbott supplied information to Victoria Police about myself or any other member.
19. Other than Ms Gobbo I am not aware of any other human source, who would be subject to the legal obligations of confidentiality or privilege, providing information to Victoria Police or any other law enforcement agency.
20. In 1983 I graduated from Detective Training School – Course No. 128.

During the course we were lectured on the subject of privilege, disclosure, the right to silence including the rule relating to privilege between solicitors and their clients.

Legal Privilege - the main thrust of the lecture dealing with legal privilege was that lawyers are privileged from having to divulge information supplied to them by their clients in the course of defending them unless the client waives that privilege. It was clear from the lectures that only the client could waive privilege in respect of communications between themselves and their solicitor that occurred whilst the lawyer was engaged to act for them. It was apparent that any form of communication outside of that scope was not deemed to be privilege. As

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part of that subject we looked at the Cases of R v Cox and Railton (1884) 14 QBD 153 and R v Braham and Mason (1976) V.R. 547 – Reference: Detective Training School Notes Volume 1 N14 (privilege).

Disclosure – we were taught that defence request for or demand for the production of statements available to the prosecution (whether comprising part of the brief of evidence or otherwise) for their inspection should be refused with the exception that the documents sought are required for a legitimate forensic purpose to assist the accused to make a full answer and defences to the charge – Reference Detective Training School Notes Volume 2 K7. It has always been my understanding that the question of disclosure was a matter for the prosecutor to deal with in consultation with the informant.

Caution - In relation to the cautioning of suspects or offenders we were taught that for a confession to be admissible it had to be voluntary in the sense that it was made in the exercise of a free choice to speak or be silent and not as a result of duress, intimidation, persistent importunity or sustained or undue insistence or pressure, or preceded by some inducement such as a threat or promise held out by a person in authority. There were subsequent amendments to the Crimes Act which required members to record the caution given to suspects/offenders prior to the commencement of the interview for indictable offences with the promulgation of Section 464.a

21. Around 1990 I attended Sergeants Course (Sub-Officers) where once again the topics of legal privilege, the cautions and disclosure were examined reaffirming what had been covered at Detective Training School and highlighting the later changes to the Crimes Act with respect to the caution.

Other matters relevant to the Commission's terms of reference

22. I, along with David Waters, was the primary target of a Victoria Police investigation called Operation Briars. In my earlier submission to the Commission I provided an extensive account of the flaws in the investigation carried out by members of the Briars Task Force. At the time I provided that account I was unaware of the statement attributed to Ms. Gobbo which I will refer to as Gobbo's statement.
23. If there was any doubt, Gobbo's statement taken at face value, removes doubt of her involvement in the Briars Investigation. It literally confirms what Waters and I have believed that for some time, Gobbo had embedded herself into the investigation.
24. However, the statement does raise a number of concerns, first and foremost is the question of who took the statement. We have former Detective Ron Iddles publicly claiming that he took the statement when he visited Ms Gobbo in Bali for the purpose of taking a statement from her in relation to the Briars investigation. We then have a counter claim by former Detective Inspection

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Steve Waddell that he took the statement – the statement produced to the Commission does identify Steve Waddell as the member who took the statement.

25. Putting that matter aside, Mr. Iddles further claims publicly that he did not get Ms Gobbo to sign it because her statement did not take the matter any further and had the potential to expose her as a police informant that could lead to a Royal Commission (rather prophetic).
26. It is interesting to note in the statement Ms. Gobbo provides what would appear to be the only corroborative evidence that Perry hired ██████ to commit the murder. It is the only substantial piece of evidence that emerges from a six (6) year investigation that in any way supports Mr Gregory testimony that he carried out the murder. I am therefore baffled by Mr Iddles comment that her statement did not take the matter any further. Unless of course the reference to the unsolicited confession by Perry to Ms Gobbo in the offices of Perry's solicitor was included in Gobbo's statement after Mr. Iddles handed the statement to Police Command on his return from Bali. An analysis of the document does show what appears to be variations in font size throughout the document and what appears to be sections of the document that have been cut and pasted.
27. Gobbo's statement refers to an unsolicited conversation with a male whose name has been redacted. I believe that Ms Gobbo's statement identifies that person as Perry who I believe is the person who Gobbo claims to have confessed to having arranged the murder of Chartres-Abbott. Whilst the statement remains silent on when this conversation took place it would appear in the context of the statement that this event was supposed to have occurred sometime in the latter part of 2003, which if correct, begs the question of why Ms. Gobbo held onto this information for as long as she and did not pass it on to investigators sooner rather than some five(5) to six(6) years later.
28. For the record I have never met Ms Gobbo in a hotel nor would I have introduced myself to her with my nickname. I have as yet not come across any documentation that records Gobbo relaying this alleged meeting to her handlers.
29. I find it all too convenient that Ms Gobbo could draw the conclusion I had sourced Chartres-Abbott's address by means other than through the interrogation of computer data bases that were available to me when it was made apparent to her (assuming that assertion to be correct) that there was no evidence of me having sourced the address from any of the computer data bases that were available to me.
30. And of course there is the question of why this statement never saw the light of day until it was produced at the Commission Hearings. Why the statement was not presented to Mr Rapke when he was asked to examine the evidence against David Waters and myself is mystifying. Equally mystifying is the fact that it was

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not included in the brief of evidence in the matter of the Crown v Goussis, Shea & Perry

31. Whilst Mr Gregory was not bound by legal privilege [REDACTED] [REDACTED] or some might use the less flattering expression - [REDACTED] [REDACTED] I devoted some time to Mr Gregory's chequered history in my earlier submission to the Commission – I refer to that submission. Briar's willingness to invest the time and energy of seasoned investigators and the scarce resources Victoria Police on an investigation that by all accounts has been ongoing since 2006 on essentially the uncorroborated testimony of a notoriously unreliable witness is just simply baffling.

32. If members had profiled Mr Gregory before heading down the path of relying solely on his testimony [REDACTED] (which I am led to believe was standard procedure) they would have quickly discovered that he is an inveterate liar, who has on a number of occasions given perjured evidence and is prone to manipulating events to achieve an outcome that is favourable to him. Since my earlier submission to the Commission I have come across the following information that provides an insight into what motivates Mr Gregory |

In 1988, shortly after the fatal shooting death of Graeme Jensen by members of the armed robbery squad, Mr Gregory contacted Detective Senior Sergeant John Ashby who I believe was performing duties with the Homicide Squad. Mr Gregory's purpose was to seek a meeting with him out at [REDACTED] where he was [REDACTED] for [REDACTED]

Following the shooting of Jensen there was considerable conjecture as to whether Jensen was armed at the time of his death – there was a suggestion that the weapon had been planted by members of the armed robbery squad to justify the shooting. The purpose of the meeting with Detective Ashby was for Mr Gregory to offer to assist Victoria Police with a statement that he was prepared to provide stating that he had seen Jensen in possession of the firearm that was found in his possession at the time of his death and that he knew that he carried it on him – to add credibility to his statement he sought from Detective Ashby the make and model of the firearm so that he could include it in his statement. Detective Ashby told Mr Gregory that that would be a false statement and he would not contemplate taking it and would be providing a report to that effect. The said IR should still be on file.

To give some context to [REDACTED] motive in providing a false statement to police in this matter, [REDACTED] who had [REDACTED], was [REDACTED] [REDACTED] with Jensen, with Jensen having moved into the house that Mr Gregory had [REDACTED] Mr Gregory was prepared to commit perjury out of jealousy and or revenge.

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Mr Gregory was cross examined in relation to this matter at the trial of Goussis Shea & Perry – I refer you to the transcripts of that trial dated [REDACTED] 05/14 at pp. [REDACTED] – [REDACTED] it provides illuminating reading.

33. I will conclude this statement with the following revelation:

On the [REDACTED] 2004, the following conversation between Mr Gregory and his [REDACTED] was recorded on a listening device and telephone intercept at [REDACTED] where [REDACTED] at the time:

Mr Gregory *I know, I know if it comes to the crunch love I'll confess to six more murders just to prove something whatever they want me to confess to I will*

[REDACTED] Mr Gregory *please*

Mr Gregory *You know I can make a laughing stock of the whole lot of them*

[REDACTED] *You know you're confusing its absolutely ridiculous. Its just laughable*

Mr Gregory *I am not going to, I just said that as a joke*

[REDACTED] *I know its just laughable*

Mr Gregory *marionettes have been dancing to the tune of the master puppeteer.*

34. On a slightly more serious note the Commission has the opportunity to expose those responsible for what I believe was an attempt to pervert the course of justice in matter of the Chartres-Abbott investigation from both side of the law. The conduct of some members of Victoria Police during this period marks a dark and sinister period for an organization that had hitherto enjoyed a long and distinguished record in serving the State of Victoria. In exposing the corrupt behaviour of a few the Commission could make recommendations to the Government that will ensure that this sort of behaviour never occurs again. It could also have the effect that Victoria Police finally recognises that the investigation into the murder of Chartres-Abbott has been hijacked by a [REDACTED] criminal for his own benefit this freeing them to pursue with fresh eyes an investigation that could identify, arrest and convict those who were responsible for his murder – that would be justice at its finest.

END OF STATEMENT

Signed:



Peter Lalor
02nd October 2019

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