

Witness Statement of Cameron Matthew DAVEY (Supplementary)

1. My name is Cameron Matthew DAVEY and I am currently employed as a Principal Investigator at the Independent Broad-based Anti-corruption Commission (**IBAC**).
2. I previously made a statement to the Royal Commission into the Management of Police Informants (**Royal Commission**) dated 13 May 2019 and a supplementary statement dated 4 March 2020.
3. I now provide this further supplementary statement to address a number of topics raised with me by the solicitors for the Royal Commission on 11 March 2020, principally relating to the subpoenas issued by Paul DALE (**DALE**) and Rodney COLLINS (**COLLINS**) in February and March 2010. I respond to each of those topics under the headings below.

GOBBO advice to HODSON

4. I have no knowledge of Nicola GOBBO (**GOBBO**) providing legal advice to Andrew HODSON in around March 2008.

7 January 2009: GOBBO's statement and conversation with O'CONNELL

5. As referred to in paragraph 25 of my statement dated 13 May 2019, GOBBO made a statement to Victoria Police dated 7 January 2009. That statement implicated DALE in relation to the murders of Terence and Christine HODSON (**HODSONs**). I was present when GOBBO read and signed the statement.
6. I understand from information provided to me that evidence was given to the Royal Commission in 2019 and 2020 that Detective Senior Sergeant Shane O'CONNELL (**O'CONNELL**) and GOBBO had a conversation on the same date. I also understand that this conversation occurred prior to the signing of her statement.
7. From memory, I was aware on 7 January 2009 that O'CONNELL and GOBBO had met prior to me meeting with GOBBO on that date, however I was never informed by either O'CONNELL or GOBBO of the subject matter of their conversation. I was not present during the conversation between O'CONNELL and GOBBO and had no knowledge of the contents of their conversation prior to reading the transcript of their conversation, referred to below.

8. On 11 March 2020, for the purpose of preparing this statement I was provided by the solicitors for the Royal Commission with a transcript of the conversation between O'CONNELL and GOBBO on 7 January 2009. Prior to reading the transcript on 11 March 2020, I had never read the transcript, I have never listened to the recording of that conversation, and I have never been told by any person what was discussed between O'CONNELL and GOBBO during that conversation.

Arrest and charging of DALE

9. On 13 February 2009, DALE was arrested in connection with the murders of the HODSONs, interviewed by Detective Sergeant Sol SOLOMON (**SOLOMON**) and myself and subsequently charged with the murder of Terence HODSON.

MAGUIRE and the Briars Taskforce

10. I have no knowledge of Gerard MAGUIRE (**MAGUIRE**) providing advice to Briars Taskforce investigators in September 2009 relevant to Petra Taskforce proceedings. I have no knowledge of what information or advice from MAGUIRE may have been relevant to the Petra Taskforce proceedings.

Responding to the DALE and COLLINS subpoenas

11. I have been provided by the solicitors for the Royal Commission with copies of a number of emails and documents relating to the committal proceedings involving DALE and COLLINS, subpoenas issued to Victoria Police on their respective behalves and affidavits prepared by O'CONNELL and me in relation to those subpoenas.
12. Given the substantial amount of time that has now passed since these events, my independent recollection of much of the detail of events around this time is limited. However, I do remember key events. My memory has also been refreshed by reviewing the documents provided by the Royal Commission.
13. During the DALE and COLLINS committal proceedings, Barrister Ron GIPP (**GIPP**) was engaged by the Victorian Government Solicitors Office (**VGSO**) to assist in responding to the subpoenas issued by COLLINS and DALE.

Correspondence leading up to the preparation of the confidential affidavits

14. On 1 February 2010 at 2:49pm, I sent an email to O'CONNELL, Detective Inspector Steve SMITH (**SMITH**) and SOLOMON.¹ That email followed a mention hearing

¹ VPL.6058.0036.5729.

relevant to the first subpoena issued by DALE. In the email I delegated to O'CONNELL, SMITH and SOLOMON responsibility for the collection of information and documents in response to the subpoenas, including the identification of information appropriate for exclusion on the grounds of public interest immunity.

15. I have been provided with copies of a number of emails dated 19 February 2010 between David RYAN, Greg ELMS, SMITH and O'CONNELL regarding correspondence between Victoria Police and Piper Alderman, who I now know represented GOBBO (witness F).² I was not copied into this correspondence. Prior to being provided these documents for the purpose of this statement, I was not aware of this correspondence and I was not made aware of it by either SMITH or O'CONNELL.
16. On 1 March 2010, a request was made by Tony HARGREAVES (**HARGREAVES**) on behalf of DALE seeking information relevant to an ATO matter involving Carl WILLIAMS. On 2 March 2010, I forwarded that request to SMITH seeking his input. SMITH then forwarded the request to Dan TRIMBLE, staff officer to Chief Commissioner Simon OVERLAND, seeking input from OVERLAND. Later that day, OVERLAND indicated that there were no documents matching those being sought. At 2:58pm, I then forwarded that information to GIPP and set out the discussions I had with O'CONNELL and SMITH relating to information and documents that they had that were relevant to or responsive to the request.³
17. On 3 March 2010, GIPP sent an email requesting information about a memorandum of understanding between Victoria Police and GOBBO. At 8:16am, I forwarded that email to O'CONNELL asking him if he knew anything about this. I cannot recall any conversation with O'CONNELL about this matter. I do not know who responded to GIPP, or how, but at 8:38am, GIPP responded to HARGREAVES informing him that no memorandum of understanding exists between Victoria Police and GOBBO.⁴
18. On 3 March 2010, I sent an email to SOLOMON, SMITH, O'CONNELL and Detective Senior Constable Kyle SIMPSON (**SIMPSON**) attaching a copy of an additional subpoena issued by COLLINS and assigning responsibility to those people for identifying potentially relevant documents. I subsequently emailed GIPP to attach a

² VPL.6058.0036.5719 & VPL.6058.0036.5722.

³ VPL.6018.0008.7076, VPL.6018.0008.7075, VPL.6058.0036.5694 & VPL.6058.0036.5687.

⁴ VPL.6058.0036.6683 & VPL.6058.0036.5681.

copy of the subpoena and outline my initial thoughts in relation to item 1 of the subpoena. I asked GIPP to speak with COLLINS' solicitor.⁵

19. On 4 March 2010 at 10:53am, GIPP emailed me a copy of a letter from HARGREAVES dated 3 March 2010.⁶ At 11:02am, I forwarded that email to O'CONNELL and SMITH seeking their input on the 'ATO point'. Based on the emails, between 11:02am and 11:20am I had a discussion with both O'CONNELL and SMITH in relation to this point, although I do not recall that conversation now. I responded to GIPP at 11:20am advising that nothing else existed in relation to the 'ATO point', and that no recordings exist in relation to the statement taking process.⁷
20. On 4 March 2010, Phillip Dodgson (**DODGSON**) of the VGSO emailed me to inform me that barrister Lucia BOLKAS (**BOLKAS**) was briefed in relation to the public interest immunity arguments due to commence on 9 March 2010. I subsequently replied to DODGSON at 10:21am on 5 March 2010 setting out actions and information relevant to the COLLINS subpoena and requesting DODGSON contact COLLINS' solicitor.⁸ Between 10:21am and 10:43am, I had a discussion with COLLINS' solicitor and was informed that a further subpoena would be issued in respect of HODSON's informer management file. I emailed DODGSON and GIPP to inform them of that discussion at 10:43am.⁹

Confidential affidavit of O'CONNELL

21. In March 2010, GIPP prepared a confidential affidavit on behalf of O'CONNELL regarding the application to set aside part of the subpoenas to produce documents issued by COLLINS and DALE.¹⁰
22. On 8 March 2010 at 4.55pm, I received an email from GIPP attaching what I now know was a draft of O'CONNELL's confidential affidavit. In the email, GIPP requested that I pass on the document to O'CONNELL as GIPP apparently did not have O'CONNELL's email address.¹¹ I did not open the attached document and did not read it. I did not know the contents of the document other than the fact it was described as O'CONNELL's confidential affidavit.

⁵ VPL.6058.0036.5678 & VPL.6058.0036.5676.

⁶ VPL.6058.0036.5671.

⁷ VPL.6058.0036.5669.

⁸ VPL.6058.0036.5666.

⁹ VPL.6058.0036.5662.

¹⁰ VPL.6041.0004.1681.

¹¹ VPL.6041.0004.1932.

23. On 9 March 2010 at 6.05am, I forwarded the email from GIPP to O'CONNELL.¹² The attachment to the email was O'CONNELL's confidential affidavit. Again, I did not open or read the confidential affidavit.
24. On 9 March 2010 at 7.37am, I received an email from GIPP. At 7.39am I forwarded the email and its attachment to O'CONNELL.¹³ From reviewing the documents for the purposes of this statement it appears that the document attached to the email I forwarded to O'CONNELL was an amended version of O'CONNELL's confidential affidavit. Again, I did not open the document or read it at that time. On 11 March 2020, for the purpose of preparing this statement I was provided by the solicitors for the Royal Commission with a copy of O'CONNELL's confidential affidavit. Prior to reading O'CONNELL's confidential affidavit on 11 March 2020, I had never read the document or any version of O'CONNELL's confidential affidavit.

12 March 2010 affidavit

25. In early March 2010, GIPP provided me with a draft affidavit he had prepared for me to make in support of the same application referred to in paragraph 21.¹⁴
26. I reviewed the draft affidavit and on 9 March 2010 at 6.58am, I sent an email to GIPP asking him to call me as there were "*a couple of matters to discuss*". Attached to the email I sent to GIPP was a draft of my confidential affidavit. I have not been provided with the email where GIPP initially sent me a draft of my confidential affidavit, however I am certain the initial draft of my confidential affidavit was prepared by GIPP and not by me.
27. I believe the reason I wanted to speak with GIPP about "*a couple of matters*" regarding the draft of my confidential affidavit was because the initial draft GIPP prepared was not accurate. The initial draft affidavit sought to claim informer privilege relating to information GOBBO had provided to me during the interview that I had recorded in the 'questionnaire'.
28. This claim to informer privilege relating to GOBBO was not correct. I did not intend to claim any informer privilege relating to GOBBO because she was not acting as an informer for me. I reiterate that at no time did GOBBO act as an informer for me and at

¹² VPL.6041.0004.1680.

¹³ VPL.6041.0004.1697.

¹⁴ VPL.6041.0004.1667 (unsworn).

that time I was also unaware that she was a registered human source for Victoria Police.

29. There was information included in the 'questionnaire' that I wanted to claim public interest immunity over on the basis that the information may have placed GOBBO's safety at risk. I never sought to claim informer privilege over the information provided by GOBBO.
30. I can now only assume that my draft affidavit was prepared by GIPP based on conversations he had with O'CONNELL in my absence. I believe the informer privilege relating to GOBBO which was sought to be claimed in my initial draft affidavit was based on information provided to GIPP, which I was not privy to at that time. I believed my draft confidential affidavit contained an incorrect claim of informer privilege relating to GOBBO which I wanted to rectify.
31. Based on the emails and documents I have reviewed, I now believe that following my email to GIPP on 9 March 2010 I had a phone conversation with him and told him my draft confidential affidavit was not accurate, particularly relating to the informer privilege claim regarding GOBBO.
32. Following that discussion, at 7.31am on 9 March 2010 I received an email from GIPP providing an amended version of my confidential affidavit.¹⁵
33. On 11 March 2010 at 11:40pm, I received an email from GIPP in which he said he had added "*some additional paragraphs*" to the end of my confidential affidavit.¹⁶ On 12 March 2010 at 8:27am, I received a further email from GIPP with only the word "*enclosed*" in the body of the email and a further copy of the draft confidential affidavit attached.¹⁷ Because of the way the documents from the Royal Commission have been provided to me, I am unable to say what version of the draft confidential affidavit was attached to those emails.
34. However, at a meeting with solicitors assisting the Royal Commission on 13 March 2020 I was provided with a copy of the sworn version of my confidential affidavit dated 12 March 2010.¹⁸ In the sworn version, I did not claim informer privilege over information provided by GOBBO, as GIPP had claimed in the initial drafts of my

¹⁵ VPL.6041.0004.1887.

¹⁶ VPL.6041.0004.1996.

¹⁷ VPL.6041.0004.1986.

¹⁸ VGSO.2000.1510.0067.

affidavit. Instead, I claimed public interest immunity on the grounds of the public interest in maintaining GOBBO's safety as a prosecution witness and her general welfare.

35. The purpose of the confidential affidavit was to support a claim to set aside parts of several subpoenas addressed to the Chief Commissioner of Police from defence solicitors acting for DALE and COLLINS. During discussions between GIPP and the defence solicitors, negotiations occurred to narrow the scope of the subpoenas. Certain documents were identified by me as falling within the scope. These documents included the "questionnaire" document and my general notes. Redacted parts of my general notes fell into different categories, which were outlined in paragraph 9 of my confidential affidavit signed on 12 March 2010. One of those categories was sections of my notes which were redacted on the basis of informer privilege. It is important to understand that the claim of informer privilege on parts of my notes did not relate to GOBBO or to the "questionnaire" document, but to other individuals and references in my notes.
36. The notes over which informer privilege was claimed were initially outlined in a paragraph of my draft confidential affidavit dated 9 March 2010, but I believe that the names were removed from the confidential affidavit signed by me on 12 March 2010, and instead were included in a separate document titled confidential exhibit "CD-1". These were entirely separate to the claim of public interest immunity which I claimed over sections of the "questionnaire" regarding GOBBO.
37. I have been provided with a copy of GIPP's statement to the Royal Commission dated 12 September 2019. In paragraphs 23 to 30 of that statement GIPP describes the process of preparing my confidential affidavit and two O'CONNELL affidavits. In relation to the comments he makes in paragraph 25 of his statement, I do not know how GIPP became aware that GOBBO was a registered police informer. What I can say categorically is that I did not advise him of this, as I was unaware of her status as a registered human source for Victoria Police at that time. I can also say that no other person advised GIPP in my presence of her status as a registered police informer.

16 March 2010 affidavit

38. On 15 March 2010 at 6:25pm, I was copied into an email GIPP sent to BOLKAS.¹⁹ In that email, GIPP attached a copy of my 12 March 2010 sworn affidavit and among

¹⁹ VPL.6041.0004.2003.

other things explained that sections of the affidavit were redacted in the version provided to DALE and COLLINS because they disclosed the grounds on which I believed GOBBO was in danger.

39. On 16 March 2010 at 8:50am, BOLKAS sent me an email attaching a copy of a further draft confidential affidavit dated 16 March 2010.²⁰
40. I have no recollection of this affidavit at all. I have not been provided with a signed copy of this confidential affidavit. I have been told the Royal Commission does not have a copy of a signed version of this affidavit in its possession.
41. The unsigned copy of this confidential affidavit makes a reference in paragraph 7 to parts of the questionnaire being "*redacted from the copy provided to the legal representatives of Mr. DALE and which are matters where I claim informer privilege as per the agreement referred to in my earlier affidavit*".
42. I can only state that the "earlier affidavit", being the signed confidential affidavit of 12 March 2010, did contain reference to a claim of informer privilege, but not in regard to any information provided by GOBBO. I suspect that in drafting the confidential affidavit of 16 March 2010, BOLKAS has used the wrong language to describe my claim over information provided by GOBBO, as it is clear from my signed affidavit dated 12 March 2010 that I did not claim informer privilege over any information provided by GOBBO. I do not know whether BOLKAS knew at that time of GOBBO's status as a registered human source for other sections of Victoria Police.
43. I do not know whether I signed a version of that affidavit, dated 16 March 2010. If I did sign a copy of that affidavit, the reference to claiming informer privilege in relation to GOBBO and the "questionnaire" is an error. I have made it clear that I did not know she was an informer, I did not use her as an informer and did not claim informer privilege over information from her in my earlier affidavit dated 12 March 2010, to which the 16 March 2010 affidavit refers.
44. However, I do know that on 16 March 2010 I was incredibly unwell. I was driven home from work on that day by SIMPSON at 11.00 am from the Melbourne Magistrates Court and also did not attend work the following day.

²⁰ VPL.6041.0004.1956 and VPL.6041.0004.1960.

Informer management file dealings and O'CONNELL

45. I have no knowledge of any Informer Management File dealings by O'CONNELL following a request by defence. As already stated, I did not have any basis to believe that any informer management file existed for GOBBO as she was not a human source for myself or SOLOMON, nor to my knowledge at that time was she a human source for Victoria Police. I do not know what dealings O'CONNELL had with regard to this topic.



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Cameron Matthew DAVEY

22 May 2020