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Royal Commission into the Management of Police Informants
 C/- Messrs Holding Redlich
 Solicitors Assisting the Royal Commission

Via email: [contact@\[REDACTED\]](mailto:contact@[REDACTED])
 Attention Alexandria Tighe/Kylie Hall

Dear Ms Tighe and Ms Hall

**Submission in response to the Submissions of Counsel Assisting
 In respect of Alan Woodhead, as a Candidate for Review**



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We act for Alan Woodhead, whom we note is being considered by the Commission as a Candidate for Review.

1. Summary

- (a) Our client has provided us with his instructions on various matters of fact which were ignored or misrepresented by Ms Gobbo in the committal hearings which followed his 2007 arrest.
- (b) While it has always been his view that his case was never properly presented, and having heard magistrates make comments along the way supporting that view, it is now clear to him that Ms Gobbo could have presented his evidence in a favourable manner but for her arrangements with Victoria Police.
- (c) He instructs us that Victoria Police individuals were determined to gain a conviction against him by any means, and demonstrated their personal animus at the time of his arrest by bashing him so comprehensively that he subsequently lost his left kidney.
- (d) We thank Counsel Assisting for their submissions in respect of Mr Woodhead on page 640 of Volume 3, and we also acknowledge the soundness of their conclusion about the absence of proper disclosures by Ms Gobbo and Victoria Police.
- (e) Counsel Assisting make it plain that Ms Gobbo and Victoria Police at the very least breached duties owed to the court, but do not go as far as saying that their conduct caused a miscarriage of justice, saying only that "cases will inevitably turn on their facts".
- (f) This remainder of this submission sets out those facts.

2. The Coffin Cheaters Motorcycle Club (Club)

- (a) Mr Woodhead was born on [REDACTED] and was a member of the Club from the age of 37 until he was expelled at the age of 47, in 2009.

- (b) He explains his expulsion as a rejection by the club of his efforts to move it into more mainstream practices. He was treasurer when he was expelled, and as treasurer had focussed the money-making activities of the club on club room activities such as a cheap drinks bar and social fundraisers. He also encouraged members to loan money to other members in financial difficulty, without interest being charged, and did so himself. His objective was to reduce the temptation of resorting to unlawful means to overcome financial difficulties. The sums, he further instructs us, were mainly small, and generally in the vicinity of \$2,000 to \$3,000.
- (c) Regrettably, he says, one member refused to pay back a loan from him of \$2,500, and then commenced a campaign against him, which culminated in 2009 when he organised a petition to expel Mr Woodhead, which was ultimately successful.
- (d) A psychologist has explained his initial affinity for club membership as a result of an horrific childhood, in which his bank manager father was rarely home, and his mother subjected him to vicious assaults. At the age of eight Mr Woodhead lived mainly with his maternal grandfather, who protected him from his mother, and from the age of 16 years he lived with the family of the son of the man to whom he was apprenticed as a carpenter.

3. Gun Incident

- (a) In or about early 2007, in daytime, at the house that Mr Woodhead shared with his partner Ms Marshall and their blended family of four children, all the plate glass windows at the front of the house were shattered by sudden impacts.
- (b) Ms Marshall made an urgent phone call to Mr Woodhead, and drove off after a teenage person she saw running away, but lost sight of him.
- (c) The couple drove out again, and on that occasion Ms Marshall identified him again about 500 metres from their house.
- (d) Ms Marshall noticed that he had discarded a jumper that he had been wearing when she first followed him.
- (e) When he saw them, the person started running away from them.
- (f) Persons who turned out to be his neighbours pointed out to them that the person was hiding under a car.
- (g) Mr Woodhead pulled him out from under the car and subdued him.
- (h) The person admitted to him that he had been told to do it, but would not say by whom. It was obvious to Mr Woodhead that he knew who Mr Woodhead was.
- (i) Police arrived having been called by a neighbour, and the police took the person away.
- (j) When Mr Woodhead returned home and saw the damage for the first time, he noticed that the impact points had the appearance of bullet hole.

- (k) The police came to their house later that day and told Mr Woodhead that they could not be sure that the person had been correctly identified, and that Mr Woodhead was lucky he was not being charged with assault.
- (l) That was the end of the matter so far as the police were concerned, and they would not even examine the windows.
- (m) An ex-relative of Mr Woodhead telephoned him shortly after the Police left and told him that the person was with her and was worrying about what he had done.
- (n) Because the ex-relative (known to Mr Woodhead as the ex-wife of his ex-wife's brother) was an associate of Club members, Mr Woodhead was satisfied that the incident was Club related.
- (o) Some two weeks later when Mr Woodhead was tidying his driveway and front garden, he found an old point 25 pistol (being the gun he was later charged with possessing in the bushes. He assumed it was the one used in the windows incident and hid it from his family between two mattresses on his bed, and then simply forgot about it.
- (p) When the police searched the house in April 2007, they asked him if he had any guns in the place, and he volunteered the fact that there was a pistol he had found and forgotten about between his mattresses.
- (q) Mr Woodhead is adamant that he did not intend to plead guilty on the possession charge at trial, and discovered afterwards that contrary to his instructions a guilty pleas had been made unbeknown to him and in his absence, with the excuse given by his solicitor being that he was in no mental condition to have given instructions.
- (r) By that time, Mr Woodhead had been diagnosed with brain cancer, and had a large tumour on his brain.
- (s) The tumour, by its size and position was causing him many behavioural problems. It was also affecting his relationships with people and his ability to process information.
- (t) Today Mr Woodhead is completely cured of cancer, with no medical explanation available. His X-rays still show the scars and old X-rays show the cancer.

4. The Arrest

- (a) On the day of the arrest, Mr Woodhead was visiting Christopher Ross, for the express purpose of checking out his logging equipment, as he was hoping to purchase a firewood business on a large block of land at Healesville which had all the space necessary for firewood stacking plus a large shed from which to conduct the business.
- (b) Unfortunately and unbeknown to Mr Woodhead, Mr. Ross was also tinkering with methamphetamine chemistry and was raided by the police while Mr Woodhead was visiting. They were both arrested, and Mr Woodhead was taken to his own house to be present while it was searched.

- (c) Coincidentally Mr Woodhead's daughter Jessika was undertaking a school assignment on crime and punishment and he had seen a methamphetamine book at an alternative bookshop in Richmond which discussed the methamphetamine culture in comic form, and he had purchased it for her to use in her assignment. It was an "Uncle Festus" book and explained not only the culture but also the legal consequences: the author told of his time in jail. Mr Woodhead was always on the lookout for presentations that discouraged the use of drugs, which he would give to family and to friends' children when they were of an age or were in situations where drug use was likely to be contemplated, to prepare them for those situations.
- (d) The book was in his house still with a brand-new appearance when the police seized it during the search.
- (e) Christopher Ross had access to the book when he was doing plumbing works at Mr Woodhead's house, and notes he made from it were found at Mr Woodhead's house during the search. Mr Woodhead subsequently learned that other notes about the recipes in the book were found at Mr Ross's house.

5. Ms Gobbo

- (a) Mr Woodhouse recalls Ms Gobbo telling him that she was acting for him, and had assumed that one of his solicitors, who had been organised to act for him by the Club, had briefed her to act.
- (b) He also especially remembers asking Ms Gobbo for two particular pieces of legal advice. His first question was whether simply having the knowledge to do something was illegal. His second question was about the Uncle Festus book – Was it illegal to own a book that covered not only methamphetamine recipes but the consequences of illegally manufacturing the product?
- (c) Mr Woodhouse does not recall how Ms Gobbo responded to the first question, except that she said it was not illegal, but he remembers her laughing at the second question and telling him that she had that many meth recipes herself that if it was illegal she would be going to gaol for 100 years, and him laughing with her.
- (d) Nevertheless, she started to push him towards pleading guilty, saying that there was a huge amount of evidence against him.
- (e) He remembers arguing against her constantly, and telling her that the only evidence was hearsay, apart from the gun which he had surrendered and which was obtained in extenuating circumstances at a time when he was suffering the effects of the brain tumour. He would remind her that no methamphetamine was present at his house, and the powder that the police had alleged was meth was in fact shark cartilage administered for his Crohn's Disease, which he had suffered chronically since the age of 23.
- (f) Mr Woodhead still believes that had the police conducted a proper investigation into the windows incident, he would have handed the gun to them. He had also discovered that the pistol was known as "The prostitute's pistol", and was not designed to kill.

6. Consequences of Imprisonment

- (a) Mr Woodhead sentence was 80 months, with a non-parole period of 60 months.

- (b) Mr Woodhead served the whole 80 months, with the prison parole officer telling him that he was a threat to society.
- (c) While at Beechworth Prison he was digitally raped by a prison officer. The same officer had sexually harassed him from the time he was allocated to Mr Woodhead, some two weeks after Mr Woodhead's arrival.
- (d) The prison governor refused to respond to Mr Woodhead's letter of complaint, but his subsequent phone call to Centre Management in Melbourne resulted in his immediate transfer to Dhurringile Gaol at Shepparton.
- (e) Mr Woodhead was also given a hard time at Shepparton, but without further sexual attacks.
- (f) While at Loddon Prison he was forced to work in the vicinity of jackhammers without proper personal protective equipment has suffered tinnitus and severe hearing loss as a result.
- (g) He was bankrupted in November 2011 after commencing his sentence and without notice to him. He understands that the court was told that he could not be located. He will commence action seeking to have his bankruptcy annulled shortly, as it related to a fraudulently obtained loan.
- (h) As mentioned above, Mr Woodhead lost his left kidney after a severe unjustified beating from the police when arresting him at the house of Christopher Ross, and again at St Kilda Police Complex afterwards. He was passing blood in his urine when he was transferred to Melbourne Remand Centre, and the doctor there refused him treatment on the basis that it was to be expected after a beating as severe as what he had experienced. That period of time is a blur to me Mr Woodhead, and he instructs us that he spent it drifting in and out of consciousness.
- (i) The same doctor also refused him his medications, with the refusal to give him his painkillers causing him almost unbearable pain. The doctor asserted that Mr Woodhead was not permitted them in gaol.
- (j) The damage to his kidney was diagnosed as starting his kidney cancer, with the kidney being removed after he was released on bail. His doctor said it was the worst case of damage from "blunt force trauma" that he had ever experienced.

7. Financial Consequences

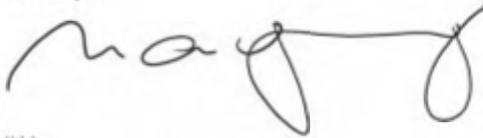
- (a) Mr Woodhead's building business was destroyed, and he lost his building practitioner's licence.
- (b) His personal reputation was destroyed, and false news articles are still linked to him in internet searches.
- (c) One story in the Herald Sun made him out to be a long-term meth manufacturer, in a story published before his trial.
- (d) He lost 12 years of income.

8. Summation

The facts alleged in this submission are not intended to supplant due process, but are brought to the Commission's attention to put into personal context the harm that can be done if persons with authority over others misuse their powers, and persons who are granted the privilege and professional qualifications with which to ensure that the rule of law is upheld, abuse their positions corruptly.

We thank the Commission for the opportunity to lodge this submission on Mr Woodhead's behalf.

Yours faithfully
Kabo Lawyers

A handwritten signature in black ink, appearing to read 'Neil Young', with a long horizontal stroke extending to the right.

Neil Young
Senior Solicitor