

ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS

SUBMISSION ON BEHALF OF JEFFREY (JEFF) POPE

Mr Pope makes the following submissions in response to the submissions made to the Commission.

Counsel Assisting Submissions

- 1 Mr Pope does not seek to add to the matters in Counsel Assisting's submissions that concern him save with respect to the allegation by Ms Gobbo of a relationship with Mr Pope.
- 2 In addition to the evidence relied on by Counsel Assisting in support of his submission that the Commission should not find that Mr Pope had any sexual relationship with Ms Gobbo, Mr Pope refers to the matters set out below.
 - (a) Ms Gobbo gave evidence that if she had had sexual intercourse with a person she would be inclined to make a note in her diary signifying that, and that she had not made any such note signifying that she had sexual relations with Mr Pope¹.
 - (b) Ms Gobbo gave evidence indicating that she could not recall with which persons she had had sexual relationships. In paragraph 124 of Counsel Assisting's Submissions, Counsel Assisting refers to entries in Ms Gobbo's diary suggesting a sexual relationship with a federal agent to whom she was providing information, at a similar time to which she was providing information to Mr Pope. Counsel Assisting notes that in her evidence to the Commission Ms Gobbo said she could not recall that. Mr Pope joined a federal agency (the Australian Crime Commission (ACC)³) not long after his dealings with Ms Gobbo as a human source, in January 2001⁴. Mr Pope submits that Ms Gobbo has confused him with the federal agent to whom she gave information and with whom she had a sexual relationship.
 - (c) Ms Gobbo gave evidence that she was sure she met Mr Pope at a fraud investigators' course she undertook at La Trobe University, when Mr Pope attended the course as a guest lecturer⁵. Ms Gobbo conceded that in fact she undertook that course in 2001, and that she must have been mistaken as she must have met Mr Pope earlier⁶. In any event, Mr Pope did not attend any such course⁷ and was living and working in Canberra at that time⁸.
 - (d) When Ms Gobbo made the allegation of a sexual relationship with Mr Pope to Detective Senior Sergeant Buick in October 2011, DSS Buick asked Ms Gobbo whether when the alleged relationship occurred Mr Pope "was... with VicPol... or ... with the ACC?". When Ms Gobbo responded "Ah?", Mr Buick replied, "Because [Mr Pope] went across to the ACC". Ms Gobbo then said: "It carried over. I think I [sic] began when [Mr Pope] was with Vicpol and then he went to the ACC. Fraud Squad, is that where I met him? I can't remember, anyway."⁹ In fact, Mr Pope left Victoria Police and joined the ACC

¹ Transcript of Ms Nicola Gobbo, 11 February 2020, 13814, VPL.0018.0026.0 143.

² Transcript of Ms Nicola Gobbo, 4 February 2020, 13020-21, VPL.0018.0021.0034.

³ The organisation which Mr Pope joined in January 2001 was the Australian Bureau of Criminal Intelligence. It was one of the agencies that formed the Australian Crime Commission in January 2003.

⁴ Transcript of Mr Jeffrey (Jeff) Pope, 2 April 2019, 796.

⁵ Exhibit RC0788 Transcript of meeting between Ms Nicola Gobbo and the Commission 11.04.2019, 11 April 2019, 880.

⁶ Exhibit RC0788 Transcript of meeting between Ms Nicola Gobbo and the Commission 11.04.2019, 11 April 2019, 881.

⁷ Transcript of Mr Jeffrey (Jeff) Pope, 2 April 2019, 806.

⁸ Transcript of Mr Jeffrey (Jeff) Pope, 2 April 2019, 793.

⁹ Exhibit RC0062 Transcript of conversation between Ms Nicola Gobo and Inspector Boris Buick 21.10.2011, VPL.0002.0002.0072.

in January 2001¹⁰. Further, during all of the time Mr Pope was with the ACC, so until January 2003, he was living and working in Canberra, not in Melbourne¹¹.

- (e) When asked on a number of occasions by Counsel Assisting and the Commissioner¹² for specific details of any one occasion of the alleged sexual relationship with Mr Pope, Ms Gobbo was not able to provide any detail of any occasion. When further pressed in her evidence Ms Gobbo became even more equivocal about whether a relationship with Mr Pope had occurred.¹³

Ms Gobbo's submissions

- 3 With respect to Ms Gobbo's submissions Mr Pope submits as follows:

Ms Gobbo's communications in August 2010

- 4 In paragraph 706 of her submissions Ms Gobbo refers to a text message she sent her sister on 26 August 2010 in which she tells her sister she remembers Mr Pope "*quite clearly from my alcohol fling days. Definitely him. Multiple times.*"¹⁴
- 5 Shortly before sending that message to her sister, on 9 August 2010, Ms Gobbo had sent an email to a journalist regarding the progress of her then current negotiations regarding a civil settlement with Victoria Police and in which she also referred to Mr Pope, whom she says she has learned would be involved in the negotiations (in fact Mr Pope had recused himself from the negotiations due to his earlier dealings with Ms Gobbo as a human source). In that email Ms Gobbo says of Mr Pope "*I don't know him, haven't met him, and anything you hear would be welcomed*"¹⁵.
- 6 Mr Pope submits that Ms Gobbo's message to her sister, sent about 10 years after the alleged relationship, and at about the same time as telling a journalist that she does not know and has not met Mr Pope, is either untrue or at least, is further evidence that Ms Gobbo is confused as to the identity of the person with whom she had a relationship 10 years earlier, and it was not Mr Pope. It is noted that the message to her sister was in the context of a 'claim' Ms Gobbo asserted she had.

Nature of Mr Pope's discussions with Ms Gobbo

- 7 In his affidavit sworn 2 November 2011, at the time Ms Gobbo communicated her allegation to Victoria Police, Mr Pope said "*I have never had a sexual, personal or any sort of inappropriate relationship with*" Ms Gobbo. Ms Gobbo submits that because Mr Pope and Ms Gobbo discussed some personal matters, in his affidavit Mr Pope was seeking to downplay his relationship with her.
- 8 Mr Pope denied a personal relationship, that is, an intimate emotional or physical relationship. There was no ongoing, personal friendship. Mr Pope's use of the word 'personal' in his affidavit was in the context of responding to an allegation of an inappropriate, sexual relationship. Mr Pope does not dispute he discussed some non work related matters with Ms Gobbo. He gave evidence about seeking to establish some form of rapport with Ms Gobbo as a human source¹⁶. He gave evidence that he discussed matters such that he was moving house (which occurred at the time he first met Ms Gobbo in May 1999 and was occupying a lot of his time and attention then)^{17,18}, that he was studying law¹⁹ (and Mr Pope agreed that Ms Gobbo gave him copies of

¹⁰ RC1306b Statement of Mr Jeffrey (Jeff) Pope, 21 January 2020, 1 [5].

¹¹ RC1306b Statement of Mr Jeffrey (Jeff) Pope, 21 January 2020, 1 [5].

¹² Transcript of Ms Nicola Gobbo, 11 February 2020, 13814, VPL.0018.0026.0143.

¹³ Transcript of Ms Nicola Gobbo, 11 February 2020, 13814, VPL. 0018.0026.0143.

¹⁴ Exhibit RC1182b Text Message exchange between Ms Gobbo and her sister (26 August 2010), M IN.7000.0004.3707.

¹⁵ Exhibit RC1464b Emails between Ms Nicola Gobbo and Ms Josie Taylor (18 August 2010), MIN.50000.0001.4696.

¹⁶ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 1444 0-41, VPL.0018.0031.0040.

¹⁷ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 1444 2, VPL.0018.0031.0040.

¹⁸ Although contrary to the assertion in her submissions, Ms Gobbo's text message to her sister dated 26 August 2010 referred only to the suburb to which Mr Pope had moved, and not to his address; Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14441, VPL.0018.0031.0041.

¹⁹ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14442, VPL.0018.0031.0042

her law notes)²⁰, and that they had discussions regarding football and politics²¹, in addition to work related matters in connection with her role as a human source.

- 9 Ms Gobbo also submits that Mr Pope's denial of a personal relationship is inconsistent with the provision of the study notes. That is illogical in circumstances where Mr Pope acknowledged and explained the provision of the notes²², and recorded being offered and accepting the law notes in an Information Report saved in the Victoria Police intelligence system²³.

Mr Pope's contact with Ms Gobbo

- 10 Ms Gobbo submits that Mr Pope underplayed the contact he had with Ms Gobbo, and did not reveal the full extent of his contact with Ms Gobbo in his affidavit sworn on 2 November 2011. Ms Gobbo relies on diary entries of hers in late 1999 and 2000 in which Mr Pope's name appears.
- 11 Mr Pope swore his affidavit of 2 November 2011 some 11 years after the time of his dealings with Ms Gobbo. He swore it to the best of his recollection.²⁴ He had not reviewed Victoria Police records of his dealings with Ms Gobbo before he swore it²⁵.
- 12 In his first statement to the Commission²⁶, after having then reviewed Victoria Police records, Mr Pope referred to the records of his contact with Ms Gobbo in 1999 (the last being recorded on 1 October 1999²⁷), a meeting near the court precinct after the investigation was abandoned²⁸, and one possible further conversation with Ms Gobbo sometime in 2000²⁹, and said that otherwise he could not recall any contact with Ms Gobbo between 1993 and 2000³⁰. However Mr Pope's evidence was that while he would record all interactions with a human source about an investigation in a log, once an investigation had become dormant (as the investigation here was by late 1999³¹), a source such as Ms Gobbo would be looked at through a different lens³² and references in his diary would decline³³. Mr Pope also agreed in his evidence that Ms Gobbo was someone who appeared to be motivated to provide information to police, and that she was the sort of person who would pursue the police and seek to find out what was going on with investigations^{34 35}.
- 13 Mr Pope submits that in the circumstances, Ms Gobbo's diary entries in late 1999 and 2000 to the extent they record contact that actually occurred (which was not clear³⁶), may record attempts by Ms Gobbo to initiate contact with Mr Pope to seek to provide information, or to find out what was going on with investigations.

Conclusion

- 14 In all of the circumstances Mr Pope submits that the Commission should accept his evidence denying any sexual relationship and find that Mr Pope did not have a sexual relationship with Ms Gobbo. This issue is a contest of fact between Mr Pope and Ms Gobbo. Mr Pope was a

²⁰ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14442, VPL.0018.0031.0042

²¹ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14442, VPL.0018.0031.0042 .

²² Transcript of Mr Jeffrey (Jeff) Pope, 2 April 2019, 775-776.

²³ Exhibit RC0057 Statement of Mr Jeffrey (Jeff) Pope, 1 April 2019, 3; Transcript of Mr Jeffrey (Jeff) Pope, 2 April 2019, 775-776.

²⁴ Exhibit RC0061 Affidavit of Mr Jeffrey (Jeff) Pope, 2 November 2011, 1 [4].

²⁵ Transcript of Mr Jeffrey (Jeff) Pope, 2 April 2019, 762.

²⁶ Exhibit RC0057 Statement of Mr Jeffrey (Jeff) Pope, 1 April 2019.

²⁷ Exhibit RC0057 Statement of Mr Jeffrey (Jeff) Pope, 1 April 2019, 2-4.

²⁸ Exhibit RC0057 Statement of Mr Jeffrey (Jeff) Pope, 1 April 2019, 5 [24].

²⁹ Exhibit RC0057 Statement of Mr Jeffrey (Jeff) Pope, 1 April 2019, 5 [25].

³⁰ Exhibit RC0057 Statement of Mr Jeffrey (Jeff) Pope, 1 April 2019, 5 [26].

³¹ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14439, VPL.0018.00 31.0039.

³² Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14439, VPL.0018.00 31.0039.

³³ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14444, VPL.0018.0031.0044.

³⁴ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14440, VPL.0018.00 31.0040.

³⁵ Transcript of Mr Jeffrey (Jeff) Pope, 2 April 2019, 785.

³⁶ Transcript of Mr Jeffrey (Jeff) Pope, 19 February 2020, 14439 - 14444, VPL.0018.0031.0039; For example, Counsel Assisting noted when he raised this issue with Mr Pope that many of these entries appeared in a different colour pen; that one entry (14 December 1999) appeared to have a cross through it; and that another entry referred to lunch when Ms Gobbo had had lunch with another person on that day.

reliable, credible witness. That cannot be said of Ms Gobbo, either generally, or specifically in regard to this issue.

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