

STATEMENT

Name: [REDACTED]

Address: Financial Crimes Squad
Level 7/313 Spencer Street, Docklands, VIC. 3008

Occupation: Detective Leading Senior Constable of Police

Ph Work:

STATES:

1. My name is [REDACTED] and I am a Detective Leading Senior Constable of Police stationed at the Financial Crimes Squad, Economic Crime Division, Crime Command, Victoria Police. The squad was previously called the Fraud and Extortion Squad.

Formal Complaint.

2. I am making this formal complaint statement to [REDACTED] about apparent corruption in Victoria Police Command.
3. My complaint is specifically about the Victoria Police investigation into the "Red Shirts" rort and the fraud allegations which involve the Victorian Labor Party and later the Victorian Labor Government.
4. I have new information that the Victoria Police Fraud Squad investigation into the "Red Shirts" matter was interfered with, obstructed and prevented, by senior police high up in Police Command, from being conducted normally and properly. It may also have involved other people outside Victoria Police Command.
5. There needs to be an investigation into how the "Red Shirts" investigation was conducted by Victoria Police Command.
6. The actions of the suspect Labor MPs in the "Red Shirts" rort have never been properly investigated due to the interference and obstruction of the Fraud and Extortion Squad investigators, by senior police in Police Command.

7. The actions of the suspect Labor MPs in the "Red Shirts" rort needs to be properly re-investigated, this time without any interference whatsoever to the Fraud and Extortion Squad detectives.
8. I don't exactly know which senior police did this but I believe that it was done at the Detective Superintendent Level and/or even higher up. I do know that the investigation was obstructed.
9. It was a political job, meaning that this criminal investigation had a high level of interest from the public and the media. I believe that the interference and obstruction of the police investigation was likely done for political reasons and for personal reward, such as promotion(s) or financial benefits. It raises the very important question of "Cui Bono"/ Who Benefits?

No Criticism of the Fraud Squad Investigators.

10. I make no complaint against the Fraud and Extortion Squad. Instead I am making a complaint on behalf of my fellow detectives at the Fraud and Extortion Squad.
11. I want to make it completely clear that I make absolutely no allegations whatsoever against any of the diligent, hard working detectives of the Fraud and Extortion Squad. The investigators do an excellent job, are very professional and just want to find all of the evidence, catch any offenders and get a very good result at court for the victims of fraud.

My Background.

12. I joined Victoria Police, in October, 1988, just after the Walsh Street police murders, at 20 years of age. I have been a member of the police force for the past 33 years. During that time, I have been a uniformed member on general duties/patrol duties, a police prosecutor for about 13 years, a sergeant/acting sergeant on patrol supervision duties and most recently as a detective/investigator. I have been awarded the National Service Medal (15 years) and the Victoria Police Ethical Service Medal (30 years).
13. I transferred to the Fraud and Extortion Squad on the 22nd of March, 2015, as an investigator. I began on Team 2 in the Fraud Squad.

Red Shirts Investigation.

14. The "Red Shirts" investigation was conducted by Team 3 of the Fraud and Extortion Squad. They had their work desks alongside our work desks on Team 2. Each team in



the Fraud and Extortion Squad is run by a Detective Sergeant of Police, with about 3 – 5 Detective Senior Constables of Police as investigators.

15. The “Red Shirts” scheme came in to the Fraud and Extortion Squad for investigation twice. Each time was different, based on the criminal offence(s) that were suspected and the legal advice that had been received.

Operation PEACH.

16. The first time it came to the Fraud and Extortion Squad the investigation was given the name “Operation PEACH” or similar. The lead investigator was Detective Leading Senior Constable Steven TAYLOR of Team 3. He was the Case Officer for OP. PEACH. The Case Manager for OP. PEACH was Detective Sergeant Craig WILSON, also of Team 3.

17. I did not work on OP. PEACH but I think that the Fraud Squad investigators were allowed to carry out that investigation appropriately and without undue interference from Police Command. I was told by one of the investigators from Team 3 that OP. PEACH went nowhere because the Victorian Parliamentary rules were loosely written and full of holes. I think that, at that time, the investigators may have been looking at the suspected criminal offence of Obtaining a Financial Advantage by Deception re the suspects’ actions.

Operation OCOTILLO.

18. The second time the “Red Shirts” rort came to the Fraud and Extortion Squad for investigation was in about July, 2018 and it was named “Operation OCOTILLO”. I believe that it came with new legal advice from a Queens Counsel (QC) and that the suspected criminal offence allegedly committed was Making and/or Using a False Document(s), re false pay claims/pay sheets.
19. The investigation was allocated back to the same lead investigator, Detective Leading Senior Constable Steven TAYLOR on Team 3. He was the Case Officer for OP. OCOTILLO. I believe that there had also been some changes of staff on Team 3 and the new Detective Sergeant on Team 3 was Detective Sergeant Emma LOBB. The Case Manager for OP. OCOTILLO was Detective Sergeant LOBB.
20. The other investigators on Team 3 of the Fraud and Extortion Squad, around about the time of the OP. PEACH and/or OP. OCOTILLO investigations were;



Detective Senior Constable Steve GREGSON, Detective Senior Constable Daniel BEDDEGENOODTS, Detective Senior Constable Bradley BEALE and maybe also Detective Leading Senior Constable Andrew COCKING. I think Detective Leading Senior Constable Cameron HENRY may have arrived on the team a bit later on.

21. At the time of the investigation the Victorian State Government election was due to be held soon, on the 24th of November, 2018.

Premier Promises to Cooperate with the Police Investigation.

22. On the 28th of July, 2018, the day after the “Red Shirts” scheme was re-opened by police for investigation, The Advertiser Newspaper from Adelaide, reported on a press conference where the Premier of Victoria was asked if he would cooperate with the police investigation.

In reply Daniel ANDREWS said, “Everybody should cooperate and everybody will”.

Command Structure of the Fraud and Extortion Squad.

23. We have had a few name changes recently and some staff changes have also taken place. The Economic Crimes Division at Crime Command includes the Fraud and Extortion Squad and the Criminal Proceeds Squad.

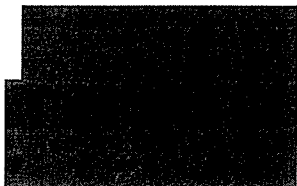
24. A Detective Superintendent is in charge of the Economic Crimes Division.

Detective Superintendent Patrick BOYLE was the long time official holder of that position but I don't know if he was actually present on deck and in the chair, during the “Red Shirts” investigation. I do not believe so.

25. When one of the bosses is away from their position, on leave etc. they are temporarily replaced by another police officer who is “Acting” in that position for a period of time. I believe that was the case during OP.OCOTILLO.

26. I believe that Detective Superintendent Peter BRIGHAM was temporarily in charge there during the “Red Shirts” investigation.

27. Detective Superintendent BRIGHAM's and Detective Superintendent BOYLE's official work diaries, emails, pay sheets and work rosters should be obtained and examined as they would show who was actually in the Detective Superintendent's chair during the investigation when certain decisions were made.



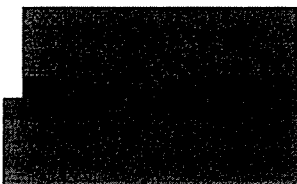
28. I believe the Officer in Charge of the Fraud and Extortion Squad during OP.OCOTILLO was Detective Inspector Gregory BOWD.
29. The Detective Senior Sergeant in charge of the Fraud and Extortion Squad, during OP.OCOTILLO, was Detective Senior Sergeant Craig RHODES and the Sub Charge was Detective Senior Sergeant Robert PIV.
30. OP.OCOTILLO took investigational priority in the Fraud and Extortion Squad for a period of time during mid 2018. This is normal when an investigation is quite big, has a number of suspects and/or has some time sensitivity. Taking investigational priority means that other Fraud Squad detectives who were working on their unrelated and separate investigations get taken off their own investigations temporarily and allocated to work on the priority investigation, which in this case was OP.OCOTILLO. This allows us to pause other criminal investigations, focus the squad's resources and make quicker progress on the priority investigation.

Investigators Instructed Don't Talk about the Red Shirts Investigation.

31. I was told by Detective Leading Senior Constable Steven TAYLOR, that the detectives on Team 3 had been called in to a meeting with some of the bosses from Police Command and that they were instructed not to talk to anyone, including other police, about the "Red Shirts" investigation, OP. OCOTILLO. They were told to keep it completely quiet.
32. The "cone of silence" treatment of other Fraud Squad detectives does not usually happen. Generally, if someone is planning on doing something wrong in the future, then the fewer people who know about it the better. This may well be the reason behind the instruction, from Police Command, to keep it completely quiet.

Briefing re OP. OCOTILLO.

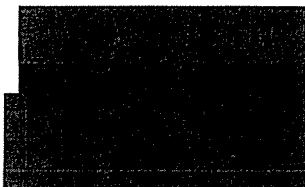
At 1pm, on the 1st of August, 2018, I was present at a large briefing for investigators conducted by Detective Senior Sergeant RHODES, in the training room at the Fraud and Extortion Squad re OP.OCOTILLO. We were told that this operation was following on from OP.PEACH. The suspects were approximately seventeen Labor party underlings. We were informed that we were acting on legal advice that we had received from a Queens Counsel (QC), advice that the Labor volunteers or staffers were suspected of committing the indictable criminal offence(s) of Making and/or Using a False Document(s) re pay sheets for the first week of their employment under the "Red Shirts" scheme.



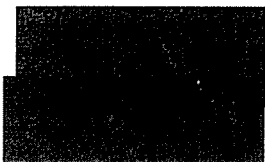
33. We were tasked to arrest different suspects of the approximately seventeen Labor staffers or volunteers, early the following morning. I was tasked to work with Detective Senior Constable Lloyd FELBER from the E-Crime Squad. We were tasked to arrest a female suspect named Michaela SETTLE. SETTLE was running as a Labor Candidate for the seat of Buninyong in the upcoming Victorian State Election in November.
34. Everyone present in the briefing at the Fraud and Extortion Squad was told that we were just to arrest the suspects at their house and take them to the local police station for a video recorded interview. We were told not to search the houses. We were told to be very professional and not to talk to the media.
35. We were given the names and phone numbers of two different legal firms. One of the legal firms was SLATER & GORDON, the other firm was HOLDING & REDLICH, which the suspects could call for legal advice, if they wished, before the video recorded interview commenced.
36. We were given an "interview pack" which contained a list of the relevant questions about the circumstances and criminal allegations of allegedly Making and/or Using a False Document(s). We were instructed to ask them all of the questions on the list, to go through every question, even if they chose to make a "No Comment" interview and not to answer any of the questions.
37. Detective Senior Sergeant RHODES was the Forward Commander for the planned first wave of arrests at different houses the following day. Detective Sergeant LOBB would be supervising the management of the video recorded records of interview of the suspects from the command centre. Most of the approximately seventeen arrests were to occur in different locations in Victoria. I think one or two arrests may have been interstate.

First "Day of Action".

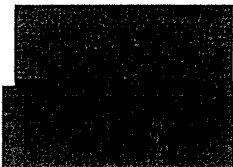
38. Early the next morning, on the 2nd of August, 2018, I met up with Detective Senior Constable FELBER. We then drove to the house of our suspect in the Ballarat area.
39. At 5.58am, Detective Senior Constable FELBER and I went up to the suspect SETTLE's house and I knocked on the front door. The door was answered by a teenage boy I now know to be SETTLE's son. I then spoke with a female I now know to be the suspect, Michaela SETTLE. We introduced ourselves to her and I confirmed her identity.



40. I then informed her that she was under arrest for Making a False Document(s). She said, "Why at 6 o'clock in the morning?" I gave her the police "Caution", meaning that I informed her that she did not have to say or do anything but anything she did say or do may be given in evidence. I then advised her of her "Rights", meaning that I told her that she could contact a friend or relative to inform them of her whereabouts. I also told her that she could contact a legal practitioner, for legal advice, if she wished to do so. She said that she understood. She also said "It's been 6 years". She said she wanted to contact a lawyer.
41. I gave her the phone number of HOLDING & REDLICH lawyers. I made a phone call to Detective Sergeant LOBB with a sit-rep. SETTLE then made a phone call in private. She then received a phone call and was permitted to have a phone conversation in private. Then she made some other arrangements re her children and work plans for the day.
42. At 6.45am, Detective Senior Constable FELBER and I conveyed her to the Ballarat Police Station for interview. She was not handcuffed. We arrived at the Ballarat Police Station within about five minutes. I made a phone call to Detective Sergeant LOBB and gave her an update.
43. At approximately 7.29am I began an audio recorded record of interview with SETTLE. Detective Senior Constable FELBER was also present. I gave SETTLE another caution and again advised her of her rights. She said she understood and she wanted to get legal advice. I suspended the record of interview for her to do so.
44. At 8.10am, SETTLE received a phone call from a male named "David" from HOLDING & REDLICH lawyers and was permitted to have a phone conversation with him in private. Then we waited for a lawyer to attend at the police station for her. She was permitted to retain her mobile phone. She was allowed to use the toilet.
45. At 9.26am, SETTLE received a phone call from a solicitor Marcus MANN from the STARY & NORTON legal firm. She was permitted to have a phone conversation with MANN in private and receive legal advice from him.
46. At 9.35am, another lawyer named Adrian PAUL, a local Ballarat solicitor, attended at the police station and spoke with SETTLE privately re more legal advice. PAUL left after his private conversation with SETTLE.



47. At approximately 9.58am, I recommenced the audio recorded record of interview with the suspect Michaela SETTLE. Detective Senior Constable FELBER was also present. I gave her a caution and also advised her of her rights again. She said she understood. I asked her the questions from the list of questions contained in the "interview pack". I showed her some exhibit documents numbered # 0319 and # 0226. She made a "No Comment" interview. She also declined to give police a written statement. She was told that the matter would be reported and that she may receive a summons to go to court for it in the future. She consented to be fingerprinted.
48. At 10.19am, I concluded the audio recorded record of interview and gave SETTLE the third original DVD of the record of interview.
49. She was then fingerprinted by Leading Senior Constable Stephanie CAWSEY and I think SETTLE was also photographed. She was spoken to by Section Sergeant Neville LEISHMAN and asked if she was satisfied with her treatment by police. I believe SETTLE said that she was satisfied with her treatment.
50. At 10.38am, SETTLE was released from custody and allowed to leave the Ballarat Police Station. We had offered to drive her back to her house but she declined because she had friends waiting for her in the front foyer of the police station.
51. I contacted Detective Sergeant LOBB by phone and gave her an update. Detective Senior Constable FELBER and I cleared from the Ballarat Police Station and we were dismissed afterwards and ceased duty.
52. Later in the afternoon I heard and saw some media reports about the wave of approximately seventeen arrests re the Labor "Red Shirts" riot which had taken place across Victoria and interstate during the morning.
53. I later compiled a written statement about our duties that we conducted on the 2nd of August, 2018 re OP.OCOTILLO. I think this was done at the request of Detective Sergeant LOBB. I believe Detective Senior Constable FELBER also made a written statement about it for Detective Sergeant LOBB.
54. At 2pm, on the 3rd of August, 2018, we had a Fraud Squad Meeting about OP.OCOTILLO at the Fraud Squad with Detective Senior Sergeant RHODES.
55. After the first "Day of Action" re OP.OCOTILLO, it was expected by investigators that it would be followed soon by a second "Day of Action", similar to the first, where all of the



Labor politicians suspected of being involved would also be arrested, questioned re the criminal allegations, (photographed and fingerprinted), the same as had occurred with the Labor volunteers and staffers during the first wave of arrests. After obtaining the suspects' phone data and computer data, then that would be the usual and next logical step to take.

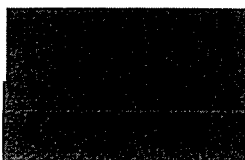
Red Shirts Investigation was Stop - Start.

56. For an investigation that had investigational priority for the Fraud Squad OP. OCOTILLO was strange. Inexplicably it seemed to be very stop, start. Normally if an investigation has investigational priority everything will be go until it's completed. But this wasn't normal, there were periods when nothing seemed to be getting done.
57. With the benefit of hindsight, I would now say that this was due to interference from Police Command, obstructing the detectives from doing their job and completing the investigation, including the arrests of the suspect Labor MPs. Why was the investigation slowed down and stopped before the election?
58. On the 23rd of October, 2018, The Age Newspaper, in a news article titled, *"Labor MPs in "red shirts" rort decline police request for interview"* reported, inter alia;
- Labor MPs accused of rorting taxpayer funds in the "red shirts" affair have refused to be interviewed by fraud squad detectives.
 - Prominent lawyer Rob Stary, who is representing about 20 members of the Andrews government including six ministers, is understood to have informed police last week that his clients would not be attending formal interviews.
 - The refusal to co-operate with the police request has caused frustration among some officers involved in the investigation, who must now make a decision on laying charges without the opportunity to question the MPs or hear their accounts.
 - Police have the power to arrest the MPs, who would have the right to give a "no comment" interview once they had been advised of their rights.
 - It is understood that **the taskforce has been instructed not to make any arrests.**
 - Mr Stary also declined to comment on the decision for MPs to avoid questions from police.

- However, he told *The Age* last month that it was routine for police to conduct interviews as part of an investigation. Ordinarily in these situations, there would be a formal record of interview, where a suspect is cautioned and informed of their rights," Mr Stary said.
- He was commenting on a plan by police to issue MPs with a questionnaire rather than interviewing them, which he described as "extremely unorthodox".

Power of Arrest.

59. The investigators in this case did have a lawful power of arrest, to arrest the suspect Labor MPs, notwithstanding that the suspects had declined to be interviewed. It was the same power the investigators had used to arrest the seventeen Labor volunteers and staffers.
60. The power of arrest is section 459 of the Crimes Act, 1958;
... a member of the police force may at any time without warrant apprehend any person-
a) he believes on reasonable grounds has committed an indictable offence in Victoria...
61. Usually, if investigating police have a power of arrest for the offence and a suspect "declines" to attend a police interview, the police would simply arrest the suspect at their home or place of work and take them in for questioning. Often the suspect will change their mind, or ignore legal advice and decide to answer questions from police, even after being advised of their rights. It is just advice and they can choose for themselves if they want to follow the advice or disregard it. However, for some strange reason the Labor MPs in this investigation were not arrested and taken in for questioning.
62. How does a Queens Counsel give legal advice to police that they have the power to arrest the Labor volunteers and staffers for Making and/or Using a False Document(s) but Police Command instructs investigators not to arrest the higher up suspect Labor MPs who told those Labor volunteers and staffers to Make and/or Use the False Document(s)? Isn't everyone equal under the law?
63. On the 25th of October, 2018, *The Age* Newspaper, in a news article titled, ***"Police frustration grows amid claims of red shirts probe interference"*** reported, inter alia;
- The police handling of the "red shirts" probe has caused ructions among some people involved in the investigation, who have become **increasingly concerned about interference from senior figures in force command.**

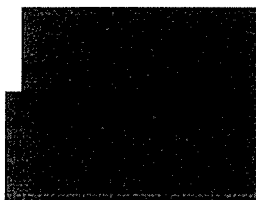


- Some officers are troubled about a directive given to detectives, which they consider inappropriate and overly deferential to MPs accused of misusing public funds for political benefit.
- *The Age* can reveal that some officers from the fraud and extortion squad were told that if MPs did present for interviews, they were **not to be searched, photographed or have their fingerprints taken.**
- The instruction appears to be inconsistent with standard police procedure but is also dramatically different to the treatment of 17 Labor staffers, who were raided, arrested and interviewed in August.
- There is also frustration among some police at the refusal by Labor MPs and their lawyer Rob Stary to submit to formal interviews.
- Asked why he said in July that MPs would co-operate with police, Mr Andrews said: "I was asked a question, I answered the question."
- Despite the change in position, Mr Andrews said he stood by all the comments he had made.
- **Fraud squad detectives have the authority to arrest the MPs, but have been told not to exercise those powers,** which have created a stand-off as the force awaits advice from the Office of Public Prosecutions.

64. At a later date I was told by Detective Senior Constable Steve GREGSON that the investigators were refused permission, by Police Command, from obtaining the phone records and other computer data that they wanted and required for the investigation, from the Labor MP suspects. Two of the Labor MP suspects names that I remember were John LENDERS and Gavin JENNINGS.

65. An investigation is a search for the truth, in the interests of justice, within the confines of the law. The aim of initial action in an investigation is to discover all of the available evidence relevant to the commission of the crime and the identity of the offender(s).

66. The refusal by Police Command to allow the Fraud Squad investigators to search thoroughly and gather all of the available evidence, in order to do their job fairly, properly and without fear or favour is very unusual and suspicious.



67. I believe that the police investigation and the decision on whether to charge the Labor MPs were intentionally delayed until after the election in November, 2018, for political reasons. It is indicative that there probably was political interference in the criminal investigation.

68. If the suspect Labor MPs had been arrested or charged before the election one can assume it would have resulted in a loss of votes for them in the election. If a decision was made before the election, not to charge them that could also have resulted in a loss of votes in the election.

69. Unusual decisions, before the election, by some senior police in Police Command;

- To order investigators not to arrest the suspect Labor MPs and
- Not to charge the suspect Labor MPs and
- Not to announce the exoneration of the suspect Labor MPs.

70. The above combination of conditions really was the best possible outcome for the suspect Labor MPs and the Victorian Labor Party. Was it by coincidence or by design?

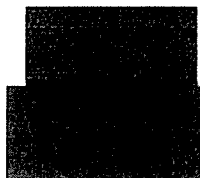
71. This delay was favourable to the Victorian Labor Party and **it likely affected the outcome of the 2018 Victorian State Election.**

72. One day, at the Fraud Squad, Detective Sergeant Emma LOBB she said that she had kept copies of everything re the "Red Shirts" investigation (OP.OCOTILLO).

She seemed frustrated and upset about orders she had been given re the investigation. I understood this to mean that she had kept an extra copy of everything, written records, documents etc. as evidence, for future proof.

73. At 10am, on the 15th of November, 2018, we had a Squad Meeting in the training room at the Fraud and Extortion Squad about OP.OCATILLO. As I recall, Detective Senior Sergeant RHODES told us that the Labor MP suspects were not going to be arrested and questioned. That the evidence the investigators from Team 3 had gathered so far would be sent off to the Office of Public Prosecutions (O.P.P), for their assessment as to whether any charges would be laid against the suspects.

74. Detective Senior Sergeant Craig RHODES and Detective Superintendent Patrick BOYLE were standing up the front for the meeting; I believe Detective Inspector Greg



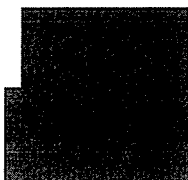
BOWD was also there. I do not believe that Detective Superintendent Peter BRIGHAM was present in the meeting.

75. This news was not well received by most of the Fraud and Extortion Squad detectives who were present as it was clear interference, double standards and favourable treatment.
76. As the meeting finished Detective Senior Sergeant RHODES said that he had an email (from Police Command), instructing him that the Labor MPs were not to be arrested or searched. I was surprised to hear this. He sounded like he knew like the instruction was not the right thing to do and he was not happy about it.
77. On another occasion, on a different day, I heard Detective Senior Sergeant RHODES say again that he had kept a copy of the email (from Police Command), telling him that we were not to arrest or search the Labor MPs (suspects). He said that he had got it in writing. He sounded like he meant that he had kept a copy of the email, as evidence, for future proof.
78. On a second occasion, I was having a one on one conversation with Detective Sergeant LOBB and the topic of the "Red Shirts" investigation came up. She again told me that she had kept a copy of "everything" re the OP.OCOTILLO investigation. Again I took this to mean that she had made an extra copy of the documents as evidence of what really happened during the investigation. It was clear that she was unhappy about it.
79. On the 21st of November, 2018, The Age Newspaper, in a news article titled, ***"Police red shirts probe has been undermined from within, insider says"*** reported:
- The **police investigation of the Labor Red Shirts affair was "systematically undermined from within"** claimed an anonymous source.
 - The handling of the politically sensitive probe named Operation OCOTILLO has infuriated some senior police, **who expect the matter will be referred to Victoria's corruption watchdog.**
 - A source familiar with the investigation said **the taskforce had been "set up to fail", after repeated interference from high-ranking officers.**

- Some of the directives appear to be inconsistent with standard police procedure and have significantly weakened the cases against the MPs.
- Detectives from the OCOTILLO taskforce were told not to arrest former Labor treasurer John LENDERS, who was identified in a damning ombudsman's report as the architect of the scheme.
- Despite his key role in the affair, no brief on Mr LENDERS had been submitted to the OPP.
- A senior police figure claimed the OPP was being denied important information and it had been "deceived".
- Investigators have also been **unable to apply for the mobile phone records of those MPs under investigation**, which would indicate who they had spoken to at the time of the alleged offending.
- Known as a customer charge records or CCRs, the application to an external telecommunication provider for such records is common practice in most investigations of indictable offences.
- Because search warrants were not obtained, **detectives were also unable to obtain potential evidence from the MP's computers.**
- The directive caused further disquiet among officers, amid claims it was inconsistent with standard police procedure and dramatically different to the treatment of the 17 Labor staffers, who were raided, arrested and interviewed in August.

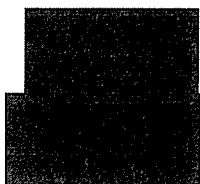
80. On the 22nd of November, 2018, The Age Newspaper, in a news article titled, ***"Top cop seeks assurances over "political interference" in red shirts probe"***, reported, inter alia;

- Police Commissioner **Graham Ashton says he will seek assurances from his Deputy Commissioner that there have not been any complaints about political interference in the investigation** into Labor's "red shirts" affair.
- The Office of Public Prosecutions is assessing the strength of the cases against more than a dozen MPs, including six ministers, accused of robbing taxpayer



funds, but is increasingly unlikely to make a recommendation on whether criminal charges should be laid before this weekend's election.

- Mr Ashton agreed **the public would have a right to know if there had been political interference in the investigation**, dubbed Operation Ocotillo.
- "After today's article, **I will ask the Deputy Commissioner [Shane Patton] ... and I'll get his reassurance on that**," Mr Ashton told radio 3AW's Neil Mitchell on Thursday morning.
- Mr Ashton said he did not have any knowledge of political interference.
- "I'm not sure who it is that's saying that or why they are saying that ... certainly there's been nothing that I've been putting any pressure on," he said.
- **"No politician certainly has attempted to put me under pressure."**
- Reporters also asked Mr Andrews if he was concerned in principle that an investigation had been subject to political interference.
- He said Victoria had a strong police integrity office, and that those with concerns were "free to avail themselves" of its services.
- Mr Ashton was also asked on Thursday about the involvement of his chief of staff Brett Curran, who served as Mr Andrews' chief of staff during his time as opposition leader.
- He said Mr Curran recused himself from any discussions about government-related investigations.
- Police investigators have been unable to apply for the mobile phone records of those MPs under investigation, which would indicate who they had spoken to at the time of the alleged offending.
- Mr Ashton also said he was unsure if politicians' mobile phone records or computers had been searched.
- Last month, *The Age* reported that Labor MPs targeted by the "red shirts" investigation had refused to be interviewed by detectives.
- The same officers were told that if MPs did present for interviews, they were not to be searched, photographed or have their fingerprints taken.



- Mr Aston said that he was not aware of any such recommendations.
- "All I've ever said on that case is to go through the usual processes," he said.
- *The Age* does not suggest that Mr Ashton has interfered with the investigation.
- **Mr Ashton said the election had not influenced the police's actions.**
- "The fact that there's an election, as I've said a number of times, in these things is not an issue to do with the investigation."

81. But the "Red Shirts" investigation did not "go through the usual processes".

So did Chief Commissioner ASHTON get Deputy Commissioner PATTON's reassurance that there was no political interference in the investigation? I don't know.

82. In that interview, Chief Commissioner of Police Graham ASHTON referred to his Deputy Commissioner (Shane PATTON) and said that he would seek assurances from him that there have not been any complaints about political interference in the investigation into Labor's "Red Shirts" affair. Why?

83. This appears to indicate that Deputy Commissioner Shane PATTON had more knowledge of and involvement in the "Red Shirts" investigation than Chief Commissioner Graham ASHTON did.

84. My understanding of the "Red Shirts" scheme was that the Labor volunteers and staffers did not design the scheme and that they had not really benefitted from it either. They were just doing what they had been told to do, making/using false documents by signing false pay sheets, yet they were arrested at their homes at dawn and questioned by detectives, fingerprinted and photographed and the suspect Labor MPs were not.

85. The suspect Labor MPs who had designed the scheme, who instructed the Labor volunteers and staffers to allegedly commit the criminal offences to make and use false documents, by signing false pay sheets and who also themselves benefitted from the scheme did not get arrested by detectives, questioned about the allegations, fingerprinted and photographed. Why would just the followers get arrested and questioned over it but not the ringleaders? Cui Bono/ Who benefits?



2018 Victorian State Election Held.

86. On the 24th of November, 2018, the Victorian State Election was held and won by the Labor Party and they were re-elected as the Victorian State Government.

Deputy Commissioner PATTON Announces Labor MPs Exonerated.

87. On the 14th of February, 2019, Deputy Commissioner of Police Shane PATTON held a press conference and announced that no charges would be laid against 16 Labor politicians in relation to the police investigation into the "Red Shirts" scheme.

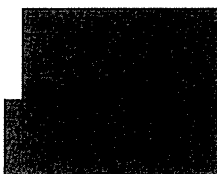
88. On the same date, the ABC News, in a news article titled, ***"No Labor MPs charged over red shirts Victorian Election rort, police announce"***, reported, inter alia;

- **Deputy Police Commissioner Shane Patton said 16 MPs had been exonerated by the police investigation** into Labor's misuse of \$388,000 of public funds during the 2014 state election campaign.
- But he said investigations regarding "potential fraud matters" were continuing into two men who allegedly designed the scheme.
"I'm not going to identify who those two men are."
- Those two men have not yet been "criminally interviewed" by police.
- Victoria's Ombudsman named former state treasurer John Lenders as the architect of the scheme in her report into the affair last year.
- Victorian Opposition Leader Michael O'Brien said Labor Party members appeared to have a "get-out-of-jail-free" card.

"I don't think I can have any confidence that anybody will be charged over anything the Labor Party does," he said.

"There have been four different cases where criminal conduct has been alleged and in each of those cases no charges have resulted from Victoria Police."

- **Police took the unusual step today of releasing the names of 16 current and former Labor MPs who had been cleared.**
- **"I think it's important to state though, and I want to reiterate this, those 16 members of parliament have been exonerated, they are not going to be charged in respect to this matter," Deputy Commissioner Patton said.**



- Police had requested interviews with those 16 MPs, but they all declined.

Adem Somyurek
Gayle Tierney
Gavin Jennings
Johan Scheffer
Candy Broad
Joe Helper
John Pandazopoulos
Lee Tarlamis
Anthony Carbines
Lily D'Ambrosio
Nazih Elasmr
John Eren
Shaun Leane
Marsha Thomson
Brian Tee
Jenny Mikakos

89. Deputy Commissioner PATTON also said at the press conference, to explain why no charges were laid, **“We lacked the prerequisite points of proof that we needed to be able to charge in terms of intent, knowledge and dishonesty”**.

This is a bit rich, basically saying that we don't have enough evidence re dishonest intent, if senior police have obstructed the investigators from using lawful means of obtaining that same evidence.

90. Were any of the Fraud Squad investigators present at this exoneration press conference to answer questions? Was anyone present from the Office of Public Prosecutions to answer questions? I don't believe so. Why weren't they there to answer questions about the investigation and the evidence?

91. How can the Labor MPs be legitimately “exonerated” by a police investigation that was interfered with and obstructed by senior police in Police Command? Why did Deputy Commissioner Shane PATTON make this exoneration announcement and not Chief Commissioner Graham ASHTON? Was Chief Commissioner ASHTON unwilling to touch it?

92. Where are the police briefs of evidence against each one of the suspects? Where is the written legal advice from start to finish? Where are the written reports from Victoria



Police and the Office of Public Prosecutions. Where are the transparency and the accountability? The public are just expected to take it all on trust. The only explanation given to the public is a brief statement from Deputy Commissioner PATTON.

No explanation from the Fraud Squad investigators. No explanation from the Office of Public Prosecutions. No evidence. The public are being treated like mushrooms.

Daniel ANDREWS Announces New Chief Commissioner Shane PATTON.

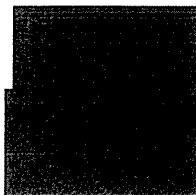
93. On the 1st of June, 2020, the Premier, Daniel ANDREWS announced Deputy Commissioner Shane PATTON as the next Chief Commissioner of Victoria Police.

94. This raises questions. Did Mr. PATTON have any involvement in the "Red Shirts" investigation? If so, what was his involvement? Was there an apparent conflict of interest? Did he benefit at all?

95. Was the search for evidence in the "Red Shirts" investigation hampered by government's search for the next Chief Commissioner of Victoria Police? Did the appointment depend on getting a good result, in the investigation, for the Victorian Labor Government? Could Mr. PATTON have been rewarded with the Chief Commissioner's job by the Victorian Labor Government due to a favourable outcome for them, of the "Red Shirts" investigation? I certainly hope not.

96. On the same date, The Age Newspaper, in a news article titled, "**Enormous experience: Shane Patton to serve as Victoria's new top cop**", reported, inter alia;

- Forthright and analytical, Shane Patton's leadership style will be markedly different than the outgoing police chief according to colleagues who say **he is "right into the detail"**.
- While Mr Ashton has favoured delegating and a hands-off approach, Mr Patton's colleagues say the new commissioner is "right into the detail".
- **They describe him as extremely detail-oriented**, and say he asks to be briefed on every piece of information available about a particular issue before he goes into a meeting.



97. Since April, 2015, John CAIN had been the Solicitor for Public Prosecutions (S.P.P) and the head of the O.P.P, including during the police "Red Shirts" investigation into the Labor MPs.

98. On the 29th of October, 2019, in the Age Newspaper, in a news article about John CAIN titled, "***Son of Labor premier appointed State Coroner***", it reported;

- The son of a former Labor premier has been appointed the State Coroner for Victoria and a County Court judge.

99. Did Mr. CAIN have any involvement regarding whether charges should be laid in the "Red Shirts" investigation? If so, what was his involvement? Was there an apparent conflict of interest? Did he benefit at all? Was he rewarded with the appointment to the State Coroner and a County Court judge?

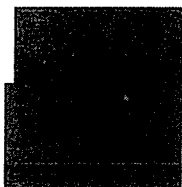
100. I don't know the answer to these questions but it looks suspicious. It is very important for the public that this whole "Red Shirts" investigation be thoroughly and properly investigated, without any interference, to ascertain there are apparent conflicts of interest and also to discover if appointments to high paying Victorian Government jobs are being made on a Quid Pro Quo basis.

101. On the 26th January, 2020, Detective Superintendent Peter BRIGHAM was awarded the Australian Police Medal (APM). He is now an Acting Commander of Police.

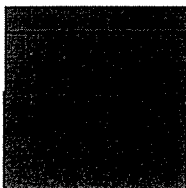
102. If anyone high up in Victoria Police Command or the Office of Public Prosecutions;

- had involvement in the "Red Shirts" matter and
- made unusual decisions which favourably affected the investigation for the Labor MPs and
- benefitted from the Labor Government by transfer, promotion or financial benefit.

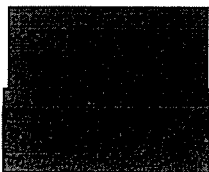
- They would have an apparent conflict of interest which requires proper investigation. Depending on what the circumstances were Misconduct in Public Office or even the offence of Perverting the Course of Justice could be applicable.



103. On two or three separate occasions since then I have said to Detective Inspector BOWD, in one on one conversations, that the “Red Shirts” investigation was rigged and nobbled by Police Command. He did not disagree with me.
104. In about mid 2021, a new Detective Superintendent Geraldine PORTER was put in charge of the Economic Crimes Division.
105. In approximately August, 2021, I had a one to one conversation with Detective Superintendent PORTER and I said to her that the “Red Shirts” investigation by the Fraud Squad was rigged and nobbled by someone high up in Victoria Police Command. She knew what I was talking about and she did not disagree with me.
106. Detective Superintendent PORTER said that she had already been contacted, by people outside of Victoria Police, to interfere in current fraud investigations and she said that it would not be done whilst she was in charge of the Fraud Squad.
I understood her to mean these contacts had been from ex members of Victoria Police or people working for other Victorian Government departments.
107. On the 12th of November, 2021, The Age Newspaper, in a news article titled, ***“Police were prevented from arresting Labor MPs over “red shirts” rort: documents”***, reported, inter alia;
- Detectives in Victoria Police’s fraud squad urged force command to consider arresting and prosecuting up to 16 Andrews’ government MPs over the “red shirts” rorting affair, according to highly sensitive internal police briefings, but their plan was knocked back by senior officers.
 - The secret police files from late 2018, the contents of which have been confirmed by three whistleblowers, reveal that detectives were directed by high-ranking officers to make sure that 16 named members of Parliament “not be arrested, photographed, searched if they are interviewed”.
 - The documents show police were frustrated that Labor MPs refused to co-operate with detectives and subject themselves to interviews. But the files, including an operational briefing note sent to force command, reveal detectives believed it was still possible to prosecute the MPs “even though no formal interviews have been conducted”.



- The secret police files add weight to a previous media report detailing concerns that police command did not go harder when it came to the alleged role of Labor MPs in the roort. The Ombudsman found the Labor Party misused \$388,000 in taxpayer funds by falsely signing timesheets for Labor field organisers and campaigners to pay them for ALP work in the 2014 state election.
- One document describes how a high-ranking officer had overruled aspects of an “operation order” drafted by detectives, and **directed investigators to treat MPs differently to other targets in the same inquiry.**
- Three police sources have separately told *The Age* that detectives believed they were leant on by senior officers to treat the MPs differently to civilian criminal suspects because of fears of political blow back. No MPs were questioned as part of the investigation, but 17 former Labor staffers were arrested in the early hours of the morning and taken in for questioning in 2018 on accusations of making false documents.
- The police files relate to Operation Ocotillo, a 2018 probe into the red-shirt allegations.
- The police files, described in briefings from **sources who could not be named for fear of losing their jobs**, cast fresh light on internal tensions in the force over how hard to push the 2018 investigation.
- In February and October 2019, **senior police advised they had sought advice from the Director of Public Prosecutions and would not prosecute any person over the scandal, although this legal advice has never been released.**
- Three sources with knowledge of the police inquiry said **the investigation did not pursue all possible avenues and that a more robust approach of laying a criminal charge, or raiding and arresting select MPs, might have opened up fresh lines of inquiry or prompted suspects to co-operate with police.**
- The 2018 files describe how fraud squad detectives had been reviewing evidence gathered by the Ombudsman’s inquiry and making their own inquiries before determining they “needed to” focus their investigations on a “connection or nexus between timesheets filled out by Labor Party field organisers and the signing of these time sheets by MPs”. A senior barrister they hired to advise police, Paul Holdenson, QC, also advised detectives to zero in on this issue.



- To do so, according to the documents, the fraud squad created an “Operation Order in relation to the interviewing of 16 MPs or former MPs for the criminal offence of make and use a false document”.
- Police documents also reveal that detectives intended to arrest, fingerprint, photograph and conduct a record of interview with some of the 16 serving or former MPs between October 15 and 18, 2018. A policing source said investigators believed they had the power to lawfully search and arrest some of the politicians and request they undertake a record of interview.
- **Police typically arrest, fingerprint, search and photograph suspects in many criminal cases, with the element of surprise and show of police intent sometimes encouraging suspects to co-operate with authorities rather than seek or follow legal advice.**
- But the detectives’ arrest plan was changed when senior police intervened, directing detectives to change their operational order.
- “There were multiple changes to the Op Order” and the order had to be “revised” a police file from late 2018 states. **The files also state police were “directed” by high-ranking officers to ensure “that the parliament members (MPs) not be searched, photographed or arrested if they are interviewed”.**
- **The file says the intervention by senior police was to stay secret.**
- **Briefing notes distributed among detectives stressed there must be “no mention of this information” to other police or anyone else, sources said.**
- Sources said that the detectives’ operation order was amended multiple times by force command to ensure detectives subjected the politicians to no invasive police powers. One policing source also said detectives were told to describe MPs as “persons of interest” rather than “targets”, were **prevented from using their powers to obtain MPs’ phone call records and directed a senior officer to liaise with suspect MPs, rather than investigators.**
- After the direction not to arrest and interview MPs, and the MPs’ refusal to conduct voluntary interviews, a police briefing note from October 2018 stated that investigating detectives had told their superiors that charges could still be laid.

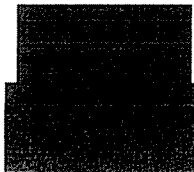
- The note stated it was the detectives' "recommendation that prosecution of the 16 MPs and former MPs be considered, even though no formal records of interview are provided", one of the sources said.
- Senior police were also told the fraud and extortion squad would still "provide complete briefs of evidence dealing with the 16 MPs/former MPs even though no official record of interview exists".
- By October 18, according to the files, police had completed briefs of evidence against four Labor field officers who had been arrested and searched, including three who had provided "comments during their record of interview".

Mr Holdenson had also provided preliminary legal advice to police when the recommendation by detectives to their superiors to consider a prosecution was issued.

- The police briefing note also details how Mr Stary, the lawyer for all 16 serving and former MPs, communicated with a senior officer on October 15 and 16. In these communications, Mr Stary told police his clients "refused the opportunity to participate in a formal record of interview".
- While detectives do not have the final say about a prosecution — that is the task of senior police or the Director of Public Prosecutions — their views can influence the decision of senior police to prosecute. Police do not need to rely on DPP advice before charging a person, but they usually defer to the DPP in high-profile cases. In August 2018, Chief Commissioner Graham Ashton told State Parliament that police were following the "letter of the law" in Operation Ocotillo.
- On Thursday, a police spokesman said the force would not comment about the operation, but advised the force was assessing a fresh request to reopen the probe.

Private Discussions - Investigators Removed from the Information Loop.

108. If this is true it is not the "usual processes" of an investigation that Chief Commissioner ASHTON told the public was going on. I believe that this decision does relate to the election. This is improper.

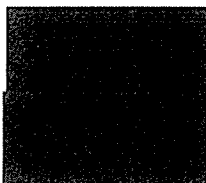


Investigation Set Up to Fail?

109. Who exactly made the startling decision to have a senior officer “liaise” with the suspect MPS rather than the investigators? And who was the senior officer that did the “liaising”?
110. This appears to be the deliberate control of information by compartmentalisation. Apparently a senior officer, selected by Police Command, is contacting suspects and/or their defence lawyer and having private discussions with them concerning the investigation of them, to the exclusion of the actual investigators. And why exactly? This looks very cosy. Is the senior officer recording these discussions? Are the suspects or their lawyer recording these conversations?
111. The investigators are being deliberately kept out of the information loop by Police Command about what is actually going on. How do the investigators know, for certain, the actual content of these discussions? They have been walled off from their own investigation and they only have the senior officer’s say so about these discussions.
112. While the investigators were sidelined and being kept out of the information loop, **some senior police in Police Command could well have been discussing a plan with the MP suspects and/or lawyer.**

A plan;

- For the suspects to decline to be interviewed by police.
 - To order the investigators not to arrest the Labor MP suspects.
 - To refuse permission for investigators to obtain the suspects phone records.
 - To refuse permission for investigators to obtain search warrants for their computer records.
 - To delay a decision on laying any charges until after the November election.
 - And to drop the whole investigation, with no charges, sometime after the election.
113. What precisely was Police Command’s desired outcome of their decision to have a senior officer “liaise” with the suspects, instead of the investigators? And did the decision achieve its desired outcome? The decision failed to achieve any benefit whatsoever for the investigators or the Victorian public.



114. Conversely this decision did significantly benefit the MP suspects and the Labor Party. Maybe that was the desired outcome of the decision? Did it also benefit any senior police who were involved?

SELF Test.

115. Did the senior police who made these decisions use the Victoria Police S.E.L.F Test for making ethical decisions?

Questions such as;

- **Scrutiny** – will your decision withstand public scrutiny by the community, Victoria Police, the Independent Broad-based Anti-corruption Commission and other relevant parties?
- **Ethical** – is your decision ethical and in compliance with Victoria Police policies, practices or procedures? Does your decision comply with our Code of Ethics and our professional and ethical standards?
- **Lawful** – is your decision lawful having regard to the law, regulations and Victoria Police Instructions?
- **Fair** – is your decision fair on the community, your colleagues, your family, yourself and others? Does it support the community's expectation of an individual's right to equality?

Code of Ethics.

116. *"I uphold the right in my role within Victoria Police by **acting impartially, with integrity, and by providing service excellence to everyone.**"*

117. Did those senior police who were interfering in the investigation record their actions, decisions and reasons transparently in their official police diaries as they are required to do? If the decisions and actions of the senior police were justified and ethical why exactly were the investigators told to keep that senior police intervention secret?

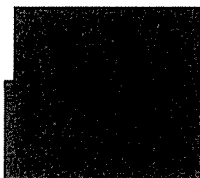
118. Were the Fraud Squad investigators able to meet and have free discussions about the investigation with the Office of Public Prosecutions? Or did senior police insert themselves into it and build a wall around that too?

119. Where is the brief of evidence against the so called architect of the "Red Shirts" scheme, John LENDERS?



Unwilling to Report this matter to Senior Police for Investigation.

120. I have absolutely zero confidence in reporting this to the same Police Command who was involved in it. Some senior police have already buried one investigation. Why wouldn't they just interfere again to bury two investigations? This is in no way a criticism of Professional Standards Command (P.S.C), Victoria Police, just an acknowledgement that investigations can be deliberately driven into a ditch by senior police, sitting above the investigators.
121. I have no doubt that if the Fraud Squad detectives had been left alone to conduct their investigation normally and properly, without interference, that further incriminating evidence against some or more of the suspects would have been discovered and criminal charges laid, likely leading to findings of guilt at court against those individuals charged.
122. The detectives at the Fraud and Extortion Squad have an excellent reputation for dedication and professionalism and it is well deserved. The Fraud Squad detectives are upset about this investigation.
123. I think they probably want to be put under oath and coerced to tell the truth about what they know about this investigation and to provide evidence of it. However they do not want to be seen to do it voluntarily because that would be widely considered to be career suicide.
124. The Fraud Squad investigators will likely have documentary evidence in their official diaries, their day books, in the OP. OCOTILLO investigation log on Word and/or on TAYSIS, in their emails, in the Operation Orders, on Interpose, in internal and external reports and in LEAP reports.
125. I am confident that, when requested, some of the Fraud Squad investigators that I have mentioned here, who worked on the "Red Shirts" investigation, will detail the same information and add even more to what I have reported in this complaint statement.
126. On the 8th of February, 2022, the Victorian Parliament passed a motion to refer the "Red Shirts" matter to the Ombudsman/I.B.A.C for further investigation.
127. On the 8th of April, 2022, Victoria Police decided not to reopen the investigation as it **said there was no new evidence** to justify reopening the case.



128. I think that the public comments about the "Red Shirts" rort by Adam SOMYUREK, one of the Labor MP suspects, who admitted that the "Red Shirts" rort was indeed a fraud committed knowingly, by him and some/all of the other Labor MP suspects, would be considered to be new evidence.
129. They should at least ask Mr. SOMYUREK if he would agree to be interviewed about it and also provide a signed statement about it.
130. If a signed statement was obtained from him that could be classed as co-offender evidence, which can be valuable in a prosecution. Yet Victoria Police Command refused to reopen the investigation. I believe the senior police responsible do not want the facts uncovered about this investigation.
131. The Labor MP suspects should have been arrested and questioned by police, even if they had declined to come in to be interviewed. One or some of the suspects might have disregarded their legal advice. It happens. It is only advice. Why were they even asked to come in for interview in the first place and not just arrested?
132. The investigators should never have been blocked and prevented from obtaining the Labor MPs' telephone records and computer data, after search warrants issued by a judge if necessary. This is standard procedure.
133. The suspect Labor MPs were inexplicably shielded and given favourable treatment by senior police for, as yet undetermined reasons, from being arrested, questioned, possibly charged and even convicted. However any other person in Victoria, in the same circumstances, probably would have been.
134. Charging someone with a criminal offence depends on the relevant evidence that is gathered. For senior police to interfere, restrict the investigators from gathering all of the relevant evidence and then claim that there is not enough evidence to charge the suspects is unacceptable.

Telephone Records.

135. Interestingly, if the suspects' telephone records had not been prevented from being obtained by the investigators, their telephone records could have revealed, not just who they were in phone contact with during the alleged offending. It also might have revealed if any of the suspects were in phone contact with senior police during the investigation.

136. Why weren't the Fraud and Extortion Squad detectives allowed to investigate however they wanted, within the law? Why was the investigation sabotaged by some senior police, sat on until after the election and then buried?

Cui Bono/ Who Benefits?

[Redacted signature area]

Statement made and signed by me
at 1.29 AM/PM on 15/6/2022 at Bacchus Marsh.

[Redacted signature area]
.....
Detective Leading Senior Constable [Redacted]

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

[Redacted signature area]
.....
Detective Leading Senior Constable of Police [Redacted]

Acknowledgment taken and signature witnessed by me
at 1.29 AM/PM on 15/06/2022 at Bacchus Marsh.

[Redacted signature area]

Richard Taylor
Senior Constable 34624
115-117 Main Street
Bacchus Marsh 3340
Ph: (03) 5366 4500