

**Royal Commission
into the Management of Police Informants**

STATEMENT OF DOUGLAS JOHN FRYER

1. My full name is Douglas John Fryer.
2. I left Victoria Police in August 2018. At the time, I held the rank of Assistant Commissioner.
3. I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 26 August 2019. This statement is produced to the Royal Commission in response to a Notice to Produce.
4. In preparing my statement, I have been assisted by reviewing my official diaries and my emails from the relevant time. If further relevant materials are identified after my statement is signed, I can assist with a further statement if that is necessary.

Educational background and employment history (Q1)

5. I graduated from the Victorian Police Academy in 1985. Details of my progression through the ranks are contained in Annexure A to this statement.

Involvement or association with any investigation which dealt with Ms Gobbo (Q2)

6. From April 2010 until February 2012, I was a Detective Superintendent within Crime Command. Initially I was solely overseeing the Driver Taskforce. After a few months in this position I took over responsibility for Organised Crime including Echo Taskforce, Drug Taskforce, Organised Motor Vehicle Theft Squad, Clandestine Laboratory Squad and the Arson Squad.
7. From February 2012 until August 2012, I was an Acting Assistant Commissioner within Crime Command, and responsible for all of the Command.
8. In 2010 and 2011, the Driver Taskforce dealt with Ms Gobbo as a potential witness in relation to charges against Paul Dale. Until my involvement with the Driver Taskforce, I was not aware that Ms Gobbo had acted as a human source and was never involved in her management as a human source.
9. I had some further limited involvement in issues relating to Ms Gobbo's management when I was Commander, Intelligence and Covert Support Command in 2012 and 2013

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and when I was Commander and Acting Assistant Commissioner, Crime Command in 2015.

Driver Taskforce

10. The Driver Taskforce was formed on 20 April 2010, the day immediately after Carl Williams was murdered while under sentence in Barwon Prison. I was informed on 20 April 2010 that I would be the Senior Investigating Officer of the Taskforce. At the time, I was a Detective Superintendent.
11. At the time of his death, Carl Williams was a prosecution witness against Rodney Collins and Paul Dale in relation to the murders of Terence and Christine Hodson. Ms Gobbo was also a prosecution witness in that prosecution, which was being run by the Petra Taskforce. The initial work of the Driver Taskforce was to investigate the greater circumstances surrounding Carl Williams' death. Members of the Homicide Squad investigated the murder itself, but they were later imbedded as part of the Driver Taskforce. Another inmate at Barwon Prison, Matthew Johnson, was ultimately convicted of Carl Williams' murder.
12. On 27 April 2010, about a week after the Driver Taskforce was formed, I spoke with DI Steve Waddell, who was in charge of the Briars Taskforce. I was told that the one crossover between the Briars Taskforce and Petra Taskforce was that both had involved Witness F, which was Ms Gobbo.
13. I believe that I was told around this time both that Ms Gobbo was assisting the Petra Taskforce as a proposed witness, and that she had previously been a human source for Victoria Police. I was not aware of either of these facts before that. I believe I may have been told during this meeting on 27 April 2010. I do not believe that I was told the detail of how Ms Gobbo had acted as a source, only that that was how she had come to be a witness assisting the Petra Taskforce.
14. On this same day, I also emailed Supt Gerry Ryan and AC Dannye Moloney about who had responsibility for managing Ms Gobbo and other witnesses relevant to the Dale and Collins trial¹. I was concerned that the responsibility was not clear and the risk to the witnesses was high, especially as one prosecution witness had just been murdered.
15. On 30 April 2010, Assistant Commissioner Luke Cornelius told me that Ms Gobbo had served a civil writ on Victoria Police. AC Cornelius told me that Ms Gobbo should only

¹ VPL.6071.0030.6018.

- be contacted through her lawyer. Later that day, I informed DSS Peter Harrington, who was in charge of the Homicide investigation into Carl Williams' murder, that he was not to contact Ms Gobbo except through her lawyer².
16. On 3 May 2010, I was told that Ms Gobbo contacted Detective Sergeant Stuart Bailey to provide information. DS Bailey was a member of the Homicide Squad investigating Carl Williams' murder. My diary records Ms Gobbo's information related to "unrelated matters" and I cannot recall what they were.
 17. I had a number of conversations that day - with AC Jeff Pope, DI Steve Waddell and Officer Graham Evans - all regarding the need to co-ordinate a single point of contact with Ms Gobbo, which I thought would help to stop Ms Gobbo contacting various investigators. I had similar conversations on 4 May 2010 with DSS Harrington and AC Pope. As my diary records, I believed that it was "high risk" not to have one person managing Ms Gobbo, especially as it appeared she was being manipulative in trying to re-engage with Victoria Police so shortly after serving a civil writ.
 18. On 5 May 2010, I sent an email to a number of people across the Driver Taskforce and Purana, indicating that all contact with Ms Gobbo was to be solely done by DI Steve Smith and that others were not to contact or task Ms Gobbo³. DI Smith was chosen because of his role in the Petra Taskforce. Later that day Detective Inspector David Jones prepared his own direction to Purana members about contact with Ms Gobbo⁴. I do not know whether he issued this direction.
 19. Ms Gobbo continued to attempt to contact members of the Homicide Squad to try and pass on information, which was reported to me by email on 11 May 2010⁵.
 20. On 12 May 2010, AC Moloney informed me that Officer Graham Evans, who had also been part of the Petra Taskforce, was to replace DI Smith as Ms Gobbo's contact⁶. I believe that Officer Graham Evans was chosen because he had experience handling sources.
 21. On 17 May 2010, DI Waddell sent me a briefing note explaining that Ms Gobbo was the "only crossover" between the Briars Taskforce and the Petra Taskforce, but the dealings were in respect of totally unrelated matters and that there had been no

² VPL.6071.0030.1971.

³ VPL.6071.0030.2994.

⁴ VPL.6071.0112.8068.

⁵ VPL.6071.0030.1803.

⁶ VPL.6071.0112.7981.

dissemination of Briars intelligence to Petra⁷. I later attended some meetings of the Briars Taskforce Steering Committee as they followed on after meetings of the Petra Steering Committee.

Operation Mogals

22. One of the Driver Taskforce's initial investigations concerned whether the publication of sensitive information in a series of media articles influenced Carl Williams' death. This was referred to as Operation Mogals. One avenue of inquiry related to Ms Gobbo, as it was suspected that she may have been supplying information to journalists. The findings of Operation Mogals are set out in a report prepared by the Driver Taskforce dated 4 June 2012⁸. Ms Gobbo was not charged with any offences related to Operation Mogals.

Response to Ms Gobbo's civil claim

23. In early June 2010, I was asked to assist Superintendent Peter Lardner from Civil Litigation with getting access to minutes of the Petra Steering Committee that were relevant to a civil suit that Ms Gobbo had brought against Victoria Police. I was not involved in formulating the response to Ms Gobbo's claim. My role was to assist with managing secure access to some Petra materials, given how sensitive those documents were. On 11 June 2010, I reviewed the Petra Steering Committee files.
24. On 21 June 2010, there was a meeting to discuss Ms Gobbo's status, safety and her ongoing legal proceedings⁹. I was not present but Superintendent Peter Lardner from Civil Litigation emailed me afterwards to arrange for me to give him access to certain parts of the Petra Steering Committee minutes¹⁰. My diary records that I reviewed these minutes on 24 June 2010 with Supt Lardner from Civil Litigation on this date.
25. I was informed on 24 June 2010 that the defence was to be filed the next day¹¹. I was ultimately informed by email on 12 August 2010 that the matter had settled¹². I was not part of negotiating that settlement and have not seen the settlement agreement.
26. In July 2010, Acting Deputy Commissioner Brendan Money from Corrections Victoria emailed me to ask whether the Driver Taskforce had a view on whether Ms Gobbo

⁷ VPL.6071.0030.2123.

⁸ VPL.6071.0008.2125.

⁹ VPL.0005.0003.3050.

¹⁰ VPL.6071.0056.2522.

¹¹ VPL.6071.0055.6883.

¹² VPL.6071.0030.9977.

should be allowed to visit [REDACTED] in prison¹³. ADC Money also noted that Ms Gobbo had had recent contact with Tony Mokbel in a professional capacity.

27. As my reply shows, I had concerns that Ms Gobbo was speaking to Tony Mokbel and was also proposing to visit [REDACTED] who was to give evidence against Tony Mokbel. Detective Senior Sergeant Dale Flynn, who was managing [REDACTED] then expressed concerns that his relationship with [REDACTED] had deteriorated since Ms Gobbo had been in contact with him. Ultimately, the request for Ms Gobbo to visit [REDACTED] was denied and Ms Gobbo was taken off Tony Mokbel's professional call list.

Petra Taskforce to the Driver Taskforce

28. Prosecuting Dale and Collins for the Hodson murders had been the main focus of the Petra Taskforce. After Carl Williams' murder, that prosecution did not continue. My diary records that on 21 May 2010, the Director of Public Prosecutions, Jeremy Rapke QC, informed me that the proceedings would be discontinued.
29. On 15 July 2010, I attended a meeting with ADC Stephen Fontana, Assistant Commissioner Jeff Pope, DI Chris Gawne, Detective Acting Inspectors Shane O'Connell and Peter Harrington to discuss the future directions of the Petra and Driver Taskforces. Minutes of this meeting were produced¹⁴. As the minutes record, I put forward a suggestion that the Petra and Driver Taskforces should be amalgamated. AC Pope suggested that the Briars Taskforce could also be included.
30. I prepared a briefing document about the proposal dated 26 July 2010¹⁵. The paper supported merging the Petra and Driver Taskforces and identified benefits of doing so. It did not support merging them with the Briars Taskforce because there was little significant cross over.
31. The position changed in the few weeks following, largely due to personnel issues with the Petra Taskforce members. The Petra investigators had been dedicated to the work of the Taskforce for several years and had been devastated when the case against Dale and Collins had fallen away. However, it became clear that they had become too close and too involved with the investigation. For example, they had requested permission to attend the funeral of Carl Williams, which was denied. In discussions I had with Petra Staff, it also became clear that they believed they would operate separately

¹³ VPL.6071.0031.5530.

¹⁴ VPL.0005.0012.0514.

¹⁵ VPL.0005.0012.2554.



within the amalgamated taskforce, which would undermine the taskforce's effectiveness.

32. On 9 August 2010, it was proposed at a meeting of the Petra Steering Committee that Petra instead be closed and its investigations be allocated to the Driver Taskforce. The next day, 10 August 2010, I prepared a briefing paper setting out my views on why the Petra Taskforce should be disbanded, as requested by DC Ken Jones¹⁶.
33. On 13 August 2010, I attended a meeting with DC Jones, AC Moloney, Supt Gerry Ryan and DI Gawne about the Petra Taskforce. I believe we discussed my briefing note and that it was decided at this meeting that Petra would be closed for the reasons set out in that note.
34. I then prepared a further briefing note dated 15 August 2010, which set out the process and timeline for closing the Petra Taskforce, including the handover of outstanding investigations by late-August 2010¹⁷. By this point, the decision to close the Petra Taskforce had been made and this briefing note was about how that would be done, including that all previous Petra investigations would be handed over to the Driver Taskforce.
35. On 24 August 2010, during the handover process, I received an email stating that AC Pope had obtained advice from Supt Lardner that the Petra Taskforce should submit a brief of evidence to the Commonwealth Director of Public Prosecutions (CDPP) for advice¹⁸. As the email records, that brief concerned possible charges against Paul Dale for giving misleading evidence to an investigative body, where Ms Gobbo might be a witness. Because the Petra Taskforce was closing, the prosecution of any such charges would be passed onto the Driver Taskforce.

Driver Taskforce and Ms Gobbo

36. On 27 August 2010, I received an email from AC Moloney, which passed on a direction from the Chief Commissioner that Ms Gobbo was not to be called as a witness in further proceedings¹⁹. I understood this was directed at other groups within Crime Command where Ms Gobbo was not a relevant part of ongoing investigations, such as Purana, rather than the Driver Taskforce.

¹⁶ VPL.0010.0001.0001 at 0042-0045.

¹⁷ VPL.0010.0001.0001 at 0046-0050.

¹⁸ VPL.0005.0010.1972.

¹⁹ VPL.6071.0056.8468.



37. I believe around this time I was informed that Ms Gobbo's point of contact was now the officer in charge of the Source Development Unit (SDU), Detective Inspector John O'Connor. I have been shown an email that DI O'Connor sent to Superintendent Paul Sheridan on 9 September 2010, in which DI O'Connor mentions he would speak to me about information that Ms Gobbo had provided to him²⁰. I do not have a record of receiving this information and do not believe that I did.
38. On 28 September 2010, DAI Sean Woods forwarded me an email from DS Sol Solomon, in which DS Solomon passed on a request from the office of the CDPP for Ms Gobbo to act as a witness in proposed charges against Paul Dale²¹. DS Solomon's email records that the CDPP had evaluated the brief of evidence submitted to them and the CDPP had advised that Ms Gobbo was a competent and compellable witness in that prosecution. DS Solomon had previously been a member of the Petra Taskforce.
39. On 13 October 2010, it was proposed that DSS Kelly would approach Ms Gobbo about the CDPP's request and work out her commitments and availability to give evidence. I replied that it was more appropriate that DI O'Connor make the approach, given he was Ms Gobbo's point of contact. DI O'Connor replied that he was waiting for further advice before responding²².
40. The next day, 14 October 2010, I received an email from AC Pope about the same issue. He said he believed that the settlement precluded Victoria Police calling her as a witness and asked me to speak to Supt Lardner. I replied that I would speak to Supt Lardner and that DI O'Connor should not contact Ms Gobbo²³. I do not have a record of speaking to Supt Lardner about this and do not recall if I did.
41. On 25 October 2010, DS Solomon sent me a further email regarding the CDPP again asking to contact Ms Gobbo. He also explained the background to the proposed prosecution. I forwarded this email to AC Pope²⁴. On 25 and 27 October 2010, I received further details from DS Solomon regarding the potential charges. He explained that he was to be the informant and that he had prepared the brief²⁵.

²⁰ VPL.6078.0039.4147.

²¹ VPL.6071.0054.9567.

²² VPL.6071.0055.1610.

²³ VPL.6071.0030.8203.

²⁴ VPL.6071.0030.8026.

²⁵ VPL.6071.0030.7992.



42. On 1 November 2010, I attended a meeting of the Driver Taskforce Steering Committee, with DC Jones, Supt Rust and others. As the minutes record, we discussed the issues around Ms Gobbo acting as a witness and I was then to speak further with Director of Victoria Police's Legal Services Department, Fin McRae, about using Ms Gobbo as a witness. I cannot now recall what was discussed at the meeting, but I believe it would have related to whether Ms Gobbo could be called to give evidence, given the settlement with her.
43. I spoke with Fin McRae on 3 November 2010. My diary records that Fin McRae told me that the Chief Commissioner's approval was needed to bring the proceedings and that Driver should make enquiries with the CDPP if the charges could proceed without Ms Gobbo.
44. I followed up Fin McRae's last point with an email to DS Solomon on 4 November 2010, asking if the CDPP had provided advice about the charges proceeding without Ms Gobbo. DS Solomon told me that the CDPP prosecutor, Krista Breckweg, was going to obtain advice on that point²⁶.
45. I followed DS Solomon up on 2 December 2010. He detailed his discussions with the CDPP, noting that their preliminary view was that Ms Gobbo was a competent and compellable witness, but the formal advice had not yet been obtained²⁷.
46. I was on a period of leave from 18 December 2010 until 17 January 2011. During that time, on 22 December 2010, I received an update from DS Solomon regarding his proposed process for filing and serving the charges on Paul Dale and the summons to give evidence on Ms Gobbo. DI Frewen forwarded this email to me and to Acting Assistant Commissioner of Crime Command, Brett Guerin²⁸.
47. On 23 December 2010, there was a meeting of the Driver Task Force Steering Committee attended by DC Jones, AC Moloney, Superintendent Brett Guerin and DI Chris Gawne. I did not attend as I was on leave. The minutes of that meeting record that the charges against Dale were discussed²⁹. I believe this was the meeting at which the charges against Dale were endorsed.

²⁶ VPL.6071.0059.1497.

²⁷ VPL.6071.0058.8581.

²⁸ VPL.6071.0087.3420.

²⁹ VPL.0100.0048.1498.



48. My diary records that on 1 February 2011, I briefed Acting Superintendent David Clayton from the Chief Commissioners Office, who was to advise the Chief Commissioner of the charges against Paul Dale and that there may be issues regarding Ms Gobbo. I do not believe that we discussed the legal agreement issues. As set out below, the charges against Paul Dale were not served until two weeks after this. I expect that if the Chief Commissioner disagreed or objected to the charges being served, then I would have been instructed accordingly.

Operation Driver charges against Dale

49. Detective Senior Sergeant Boris Buick joined the Driver Taskforce from the Ethical Standards Department in November 2010. Around that time, he took over the running of the brief of evidence and subsequent charges against Paul Dale relating to his evidence before an investigative body. The charges were filed on 24 January 2011. My diary records that the charges were then served on Paul Dale on 15 February 2011. The CDPP was to prosecute the charges.
50. I believed at this time that appropriate arrangements could be made to protect Ms Gobbo against the risk that came from her giving evidence. Those arrangements could be made through continued efforts to have Ms Gobbo enter witness protection.
51. As at February 2011, I did not appreciate the full extent of Ms Gobbo's work as a human source for Victoria Police. I do not believe I understood this until around early-November 2011, when I had both read the advice from Gerard Maguire and had been told the extent of what might need to be disclosed if Ms Gobbo was a witness.
52. I do not recall any discussion until September 2011 about whether Ms Gobbo being called as a witness would involve disclosing her history as a human source. I do not believe I was involved in any discussions on that matter until then.
53. The key legal issue that had been discussed regarding Ms Gobbo was the settlement agreement. I understood there may have been some risk that Ms Gobbo would sue Victoria Police again if she was called as a witness. However, the view from the CDPP was that Ms Gobbo was a competent and compellable witness. I agreed with that view and believed any risk to her could be appropriately managed.
54. DSS Buick attempted to serve the witness summons on Ms Gobbo on 15 February 2011 but could not because a relative of hers had recently passed away. DSS Buick then had a long meeting with Ms Gobbo on 16 February 2011. As diary records,

DSS Buick and DI Frewen briefed me about Ms Gobbo not wanting to have contact with certain people from Petra and Victoria Police's Witness Security Unit. I recall that I was aware that Ms Gobbo had not agreed to witness protection to date but believed that there would be ongoing discussions about bringing her into the program. My diary also records that DSS Buick and DI Frewen briefed me about Ms Gobbo being willing to make further statements, which I did not approve. I did not want Ms Gobbo to engage further beyond the statement she had already made.

55. I met with Fin McRae on 16 February 2011 to discuss Ms Gobbo acting as a witness. My diary records that McRae considered this to be high risk, which I recall referred to Ms Gobbo potentially bringing another civil suit against Victoria Police if she was called as a witness.
56. On 18 February 2011, I attended a meeting about Ms Gobbo acting as a witness with DC Jones, AC Pope, AC Dunne and members from the Witness Security Unit. I am informed by my lawyers that minutes for this meeting have not been located, but my diary records that there was significant discussion about what could be done to arrange witness protection for Ms Gobbo and the different options they could provide.
57. On 22 February 2011, I attended a meeting at Victoria Police Legal Services with Fin McRae, Mary Stamos, and Mark Galliot regarding the implications of Ms Gobbo being summonsed to give evidence. I believe the discussion at this meeting related to whether the agreement with Ms Gobbo might prevent Ms Gobbo from being called as a witness, but I do not otherwise recall what was discussed.
58. Throughout February and March 2011, there were ongoing efforts for Ms Gobbo to engage with witness protection. I received regular updates about this, including on 23 February 2011³⁰ and 7 March 2011³¹. I instructed members of the Driver Taskforce to work with Witness Security Unit to update risk assessments relating to Ms Gobbo to consider any change in risk posed by giving evidence about Dale³². This was done shortly after³³.
59. On 24 May 2011, there was a court hearing setting the date for Dale's committal. The contested committal was set down for 7 to 15 November 2011. DSS Buick emailed Krista Breckweg from the CDPP (copying me) noting that Ms Gobbo continued to

³⁰ VPL.6071.0085.2228.

³¹ VPL.6071.0087.4201.

³² VPL.6071.0050.4791.

³³ VPL.6071.0088.9905.



maintain that the settlement with Victoria Police precluded her from giving evidence³⁴.

60. On 30 June 2011, Ms Gobbo reported that a threat had been made against her during a meeting with witness protection. DSS Buick followed this up with Ms Gobbo in the days following and confirmed that the threat was vague and that her concern was limited³⁵. I was informed on the same day that Ms Gobbo continued to refuse to accept the conditions attached to witness protection, meaning that arrangements for witness protection could not be progressed³⁶.

Disclosure issues relating to Ms Gobbo

61. My diary records that DI Frewen and DSS Buick briefed me about the Dale charges on 15 September 2011 and the potential for Ms Gobbo to be "fully exposed" if she was required to give evidence. My diary incorrectly records this day as 15 August 2011.
62. I believe that this was the first time that I was informed of the potential disclosure of Ms Gobbo's role as a human source in the Dale prosecution. I believe that "fully exposed" refers to it being necessary to disclose all dealings Ms Gobbo had as a human source had with Victoria Police. My diary also records that it might be necessary to withdraw the charges if this would fully expose Ms Gobbo's role.
63. There was a Driver Steering Committee meeting the next day, 16 September 2011. I attended with Assistant Commissioner Graham Ashton, AC Emmett Dunne, Fin McRae and DI Frewen. Minutes of this meeting were prepared³⁷. As the minutes record, DI Frewen was to manage these issues and report back to the Steering Committee. I believe I arranged this meeting especially to discuss these issues.
64. On 21 September 2011, there was a meeting at the chambers of Gerard Maguire between members of the Driver Taskforce, DI Waddell, Officer Sandy White, the VGSO and Victoria Police legal. I did not attend the meeting, but DI Frewen sent me the agenda the morning of the meeting³⁸. I do not recall who initially engaged Mr Maguire to do this body of work.

³⁴ VPL.6071.0091.6384.

³⁵ VPL.6071.0066.5808.

³⁶ VPL.6071.0066.5892.

³⁷ VPL.6071.0047.9216.

³⁸ VPL.6071.0072.1294; VPL.6071.0072.1295.



65. There was a further Driver Steering Committee meeting on 22 September 2011. My diary records that AC Ashton, AC Pope, D/Supt Clive Rust, Fin McRae, DI Frewen, DSS Buick were present. I am informed that minutes for this meeting have not been located. I believe this meeting would have been for DI Frewen to update the Committee about the meeting with counsel and the CDPP, and for the Steering Committee to discuss whether and how Ms Gobbo could safely be called as a witness.
66. On 25 September 2011, DI Frewen met with Ms Breckweg from the CDPP to discuss how Ms Gobbo might give evidence. DI Frewen reported on this meeting in an email to AC Ashton, Fin McRae and I³⁹.
67. [REDACTED]
68. On 28 September 2011, DI Frewen forwarded me letters received from Dale's solicitor, Tony Hargreaves. One of the letters recorded that VGSO and Hargreaves had agreed that Hargreaves would not issue a subpoena for material so long as investigating police officers' notes were provided⁴¹. I do not recall how this was agreed or how VGSO were involved in this process.
69. On 4 October 2011, Gerard Maguire gave a written advice about Victoria Police's disclosure obligations in the Dale prosecution⁴². As set out below, I believe that I first received this advice when it was sent to me in early November 2011.
70. On 6 October 2011, DSS Buick prepared a briefing note about Ms Gobbo's involvement in the Dale charges for the Driver Steering Committee⁴³. In that briefing note, DSS Buick requests that a "less rigid" regime of witness protection be adopted for Ms Gobbo. I recall that I rejected this because a less rigid regime would not have afforded the levels of protection that was required to ensure Gobbos safety. I recall that some of the sticking points were that she wanted to remain at her Melbourne residence and maintain her name.

³⁹ VPL.6071.0073.0651.

⁴⁰ VPL.6071.0072.9117.

⁴¹ VPL.6071.0073.0177.

⁴² VPL.0010.0001.0001 at 0051-0063.

⁴³ VPL.0010.0001.0001 at 0064-0069.

71. I have been shown a copy of legal advice provided by the VGSO to Fin McRae, DSS Buick and Supt Lardner regarding whether witness protection legislation can be invoked to protect a witness from answering questions about how the person came to be a witness for Victoria Police⁴⁴. I have no recollection of seeing this advice before it was shown to me for the purposes of preparing my statement.
72. On 19 October 2011, DI Frewen informed me that the CDPP's view was that it was insufficient to supply the investigators notes, as had been agreed with the defence. Ms Breckweg proposed a meeting to discuss the CDPP's position⁴⁵.
73. On 20 October 2011, DI Frewen sent me a copy of a letter that Ms Gobbo had sent reiterating the concerns she had about appearing as a witness. I sent the letter to the Driver Steering Committee for discussion at the meeting to be held the next day⁴⁶.
74. On 21 October 2011, I attended a Driver Steering committee meeting with AC Ashton, AC Pope, AC Dunne, DI Frewen and DSS Buick. The minutes of the meeting record that the CDPP was to provide further advice, and that Steering Committee members would then meet with the Shane Kirne, the Commonwealth Director of Public Prosecutions⁴⁷. This meeting occurred on 31 October 2011 (see below).

Allegations raised about AC Pope

75. On Monday 24 October 2011, DSS Buick informed me that Ms Gobbo had alleged that she had had a sexual relationship with AC Pope at some point in the past. Ms Gobbo made the allegation during a meeting with DSS Buick and DS Jason Lebusque on 21 October 2011. My diary records that I briefed AC Ashton about these allegations immediately on the morning of 24 October 2011.
76. On 25 October 2011, DI Frewen informed me that Ms Gobbo had again mentioned the allegations to DSS Buick. I briefed AC Ashton about this. My diary records that AC Ashton had spoken to AC Pope and that AC Pope had denied the allegations. I advised AC Ashton that I would arrange for DSS Buick to prepare a transcript of the conversation for DC Tim Cartwright.

⁴⁴ VPL.0100.0049.0001.

⁴⁵ VPL.6071.0053.0542.

⁴⁶ VPL.6071.0053.0413;

⁴⁷ VPL.6071.0053.4081.



77. On 27 October 2011, DSS Buick sent me a transcript of the relevant part of his meeting with Ms Gobbo⁴⁸. My diary records that I showed this transcript to AC Ashton and that it was agreed that there needed to be a Driver Steering Committee meeting.
78. The next day, 27 October 2011, there was a Driver Steering Committee meeting, attended by AC Ashton, AC Pope, Supt Rust, DI Frewen, and DSS Buick. The allegations raised by Ms Gobbo were discussed in detail, as recorded in the minutes⁴⁹. As my diary records, the Committee agreed that AC Pope would stand down from the Steering Committee. On 28 October 2011, I was informed that the allegations against AC Pope had been referred to OPI for investigation⁵⁰.
79. On 31 October 2011, I met with Shane Kirne from the CDPP with AC Ashton. My diary records that we discussed Ms Gobbo as a witness and her safety concerns. I do not recall the meeting beyond what is in my diary. Based on an email I later received from Ms Breckweg⁵¹, I believe that we discussed the CDPP attending Victoria Police's offices to review documents relevant to Ms Gobbo's time as a human source.
80. On 1 November 2011, DI Frewen emailed me a copy of Gerard Maguire's memorandum of advice dated 4 October 2011. After reading the advice, I forwarded it to AC Ashton for discussion⁵². I believe that I had not read this advice before this point and raised my concerns with AC Ashton after reading the advice in detail. My concern at this point when reading the advice was about how it affected Ms Gobbo's safety and the Dale prosecution, rather than other larger issues about how Ms Gobbo's role might affect other historical prosecutions.
81. My diary records that I discussed the advice with AC Ashton the next morning, 2 November 2011, and that the Driver Steering Committee met shortly after. I am informed that minutes of this meeting have not been located. I believe the discussion focused on the content of Gerard Maguire's advice and whether Ms Gobbo could safely be called as part of the Dale prosecution.
82. Shortly after the Steering Committee meeting on 2 November 2011, I sent an email to Supt Sheridan requesting access to parts of Ms Gobbo's human source file for members

⁴⁸ VPL.6071.0006.7249; VPL.6071.0006.7250.

⁴⁹ VPL.0099.0005.0001.

⁵⁰ VPL.6071.0007.7362.

⁵¹ VPL.6071.0053.2182.

⁵² GLA.0003.0007.0845.



of the Driver Taskforce⁵³. As my email states, the members of the Driver Taskforce had little knowledge of the details of Ms Gobbo's assistance as a human source. Supt Sheridan replied that he did not support this.

83. The next morning, 3 November 2011, I discussed these matters with Supt Sheridan. I sent an email recording what we discussed shortly after⁵⁴. I set out my view that charges that depended on Ms Gobbo acting as a witness would need to be withdrawn if the CDPP formed the view that her history as a human source would be exposed. Exposing Ms Gobbo's history as a human source would create serious risks above and beyond the risk that came from her acting as a witness. Where Ms Gobbo would not enter the witness protection program, those additional risks were unacceptable.
84. I was on rest days on 4, 5 and 6 November 2011. I was copied to an email from AC Ashton to Ms Breckweg regarding a list of documents that would be prepared by the Intelligence & Covert Support Command⁵⁵. I was not involved in preparing that document, but my diary records that I read the document⁵⁶ on the morning of 7 November 2011.
85. On the afternoon of 7 November 2011, I met with Supt Ross Guenther about witness protection arrangements for Ms Gobbo. I recorded my discussion and the issues in an email to members of the Driver Steering Committee⁵⁷.
86. My diary records a number of meetings and phone calls on 8 November 2011 concerning Ms Gobbo:
- (a) At 7:30 am, I met with AC Ashton, AC Pope, Supt Sheridan, DI Frewen and DSS Buick about Ms Gobbo. As my diary records, all agreed there was an unacceptable risk if Ms Gobbo was called as a witness. I then prepared a document for AC Ashton setting out those concerns⁵⁸.
 - (b) At 10:15 am, I met with Mr Kirne, Ms Breckweg and Vicki Argitis from the CDPP with AC Ashton to inform them of Victoria Police's concerns if Ms Gobbo was called as a witness and to request that Ms Gobbo not be called as a witness. They said we would be advised of their decision that afternoon.

⁵³ VPL.6071.0053.2213.

⁵⁴ VPL.0005.0013.1152.

⁵⁵ VPL.6071.0007.4402.

⁵⁶ VPL.0010.0001.0001 at 0075-0082.

⁵⁷ VPL.0010.0001.0001 at 0083.

⁵⁸ VPL.0010.0001.0001 at 0084-0085.

- (c) In the afternoon, I drafted a letter to be sent by AC Ashton to Mr Kirne⁵⁹ and began drafting a letter to Ms Gobbo pending the decision from the CDPP.
- (d) At 4:45 pm, there was a phone conference with Mr Kirne, Ms Breckweg and Ms Argitis. They said that the CDPP intended to continue with calling Ms Gobbo as a witness. I reiterated the concerns about Ms Gobbo's safety, especially given that risks could not be mitigated through witness protection.
- (e) At 5:15 pm, Mr Kirne called me and informed me that on reflection, the CDPP would not proceed with calling Ms Gobbo as a witness because of the risks it involved.
87. My diary records that the letter to Ms Gobbo informing her that she would not be called as a witness⁶⁰ was delivered by DSS Buick on the afternoon of 9 November 2011. The letter also stated that Ms Gobbo was not to contact DSS Buick and should instead contact her central point of contact, DI O'Connor.
88. The committal hearing for Paul Dale continued on 9 November 2011. My diary records that the Magistrate asked further questions about why Ms Gobbo had been withdrawn, and that Fin McRae advised me that the Magistrate did not have authority to request that information. Shortly after I received an email from Greg Elms at the VGSO providing advice on this point⁶¹.
89. On 10 November 2011, Paul Dale was committed to stand trial on a number of charges. I received a copy of these orders from the VSGO on 11 November 2011⁶². As Mr Elms' email states, the CDPP intended to appeal the Magistrate's decision not to make any suppression application but that Victoria Police would not be involved in that process.

Continuation of the Dale prosecution

90. Ms Gobbo continued to contact DSS Buick despite being instructed not to do so. She offered to make further statements about Paul Dale. DSS Buick set out his concerns about this in an email to me and DI Frewen on 24 November 2011, which attached an issue coversheet about whether further statements should be taken from her⁶³.

⁵⁹ VPL.6071.0053.6057.

⁶⁰ VPL.0010.0001.0001 at 0086-0087.

⁶¹ VPL.6071.0050.2554; VPL.6071.0050.2555.

⁶² VPL.6071.0008.0041; VPL.6071.0008.0043.

⁶³ VPL.6071.0006.6601; VPL.6071.0006.6602.

91. My diary records that I spoke to DI Frewen about this on 25 November 2011. I informed him that Ms Gobbo was free to compile her own deposition, but that Victoria Police would not be taking a statement from her.
92. In early February 2012, I received an issue cover sheet from DSS Buick requesting that Ms Gobbo be subject to coercive questioning regarding the death of the Hodsons⁶⁴. As my handwriting and signature on the document record, I did not approve this as Victoria Police could not manage security risks while she maintained her existing lifestyle.
93. Paul Dale's trial on the misleading evidence charges began in the Supreme Court in late August 2012. I swore a confidential affidavit on 17 August 2012 in the lead up to the trial about the risk to Ms Gobbo⁶⁵. I recall that this related to legal argument about why Ms Gobbo was not being called as a witness.
94. I was informed in September 2012 that Paul Dale's trial was adjourned until February 2013⁶⁶. I do not recall why it was adjourned.

Commander – Intelligence & Covert Support Command

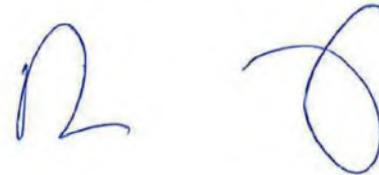
95. In August 2012, I was promoted to the position of Commander, Intelligence & Covert Support Command (ICSC). Shortly after arriving as Commander of the ICSC, I was informed that there was an ongoing review into the Covert Services Division, covering the Source Development Unit (SDU), Undercover Unit (UCU), the Special Projects Unit (SPU) and the Human Source Management Unit (HSMU). Supt Sheridan was conducting the review.
96. I was also aware that the Comrie Review into the handling of Ms Gobbo as a human source had recently been completed. I have read the Comrie Report and knew that it had been critical of the SDU's handling of Ms Gobbo. My diary records that I read the review in early September 2012.
97. On 31 August 2012, AC Pope sent me an email chain about a proposal to close the SDU that had been presented to the Chief Commissioner⁶⁷. I had not been involved in the decision making and AC Pope's email was the first I was informed of this proposal.

⁶⁴ VPL.0100.0021.8953.

⁶⁵ VPL.0100.0188.0180.

⁶⁶ VPL.6071.0082.0787.

⁶⁷ VPL.6071.0082.4647.



I understood that by this time, the decision to close the SDU had been made and that I would be tasked with making this happen.

98. Around this time, I was also informed that AC Pope and Supt Sheridan had decided that DI O'Connor should not remain the contact with Ms Gobbo. I met with Finn McRae on 14 September 2012 to discuss Legal Services taking over the role, but my diary records that he advised this was not appropriate. Ultimately, DI Ian Campbell from Crime Command was chosen to be an ongoing point of contact from late November 2012. I had no ongoing involvement with DI Campbell's contact with Ms Gobbo while I was at the ICSC.
99. Initially it was intended that the SDU be closed in September 2012. On 12 September 2012, I prepared a briefing note about the process and timing for closing the SDU⁶⁸. It contemplated that the SDU would be closed on 18 September 2012.
100. Ultimately, the SDU closure was delayed because of certain industrial relations issues that needed to be resolved with assistance from Victoria Police's human resources department. These issues were not specific to the SDU but the broader CSD review. Some of these issues were raised in an email chain from 17 and 18 September 2012 between me, AC Pope, Supt Sheridan and Victoria Police's human resources team⁶⁹.
101. Supt Sheridan completed a version of the CSD Review on 12 October 2012⁷⁰, which did not deal with issues around closing the SDU. As of late-October 2012, my view was a combination of the findings of the Comrie Review and the findings of the CSD Review provided justification for closure of SDU. This was set out in an email I sent to a member of Victoria Police's human resources group on 22 October 2012⁷¹.
102. The CSD Review document was later expanded and developed to include all relevant issues so that it was complete and transparent about the considerations relevant to the review. By mid-December 2012, a more detailed paper was prepared setting out recommendations for the Chief Commissioner, including closing the SDU⁷². My diary records that on 10 December 2012, I attended a meeting with Supt Sheridan

⁶⁸ VPL.0100.0124.0117.

⁶⁹ VPL.0100.0132.0130.

⁷⁰ VPL.0005.0182.0001.

⁷¹ VPL.6071.0082.4978.

⁷² VPL.0100.0132.0077.

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and members of Victoria Police's human resources team, where it was agreed that the document was sufficient to justify closing the SDU.

103. On 13 December 2012, I attended a briefing with the Chief Commissioner with AC Pope, Supt Sheridan and a member of the HR team. I believe that the paper setting out the recommendations and results of the CSD Review were the focus of the briefing. My diary records that the Chief Commissioner endorsed the proposal to close the SDU.
104. In January 2013, AC Pope and I developed and expanded the CSD Review document further to incorporate case studies and international research. The final version of the document was completed on 31 January 2013⁷³.
105. On 12 February 2013, I attended the office of the SDU to inform them that the unit would be closed within two weeks as a result of the CSD Review. I recall that the SDU staff were handed a letter setting out the process. My diary records that there were no questions. I recall that DI O'Connor was to be in charge winding up the operations of the SDU. I then attended the offices of Supt Sheridan where managers of the UCU were present. Sheridan and I communicated the results of the CSD Review that concerned that unit.
106. In January 2013, what later became known as Operation Loricated commenced. The purpose of that operation was to reconstruct the human source file relating to Ms Gobbo, as recommended in the Comrie Review.
107. My diary records that I had meetings about designing the terms of reference with Finn McRae, Mark Galliot and Steve Gleeson on 16 and 22 January 2013. I reviewed the initial Project Management Plan in late-January 2013⁷⁴. I was a member of the Operation Loricated Steering Committee, which was chaired by AC Stephen Fontana. My diary records that the first meeting was on 14 March 2013. I left the Steering Committee in August 2013 when I took a position as Commander, Southern Region.
108. My diary records that on 28 August 2013, I met with Supt Sheridan regarding a risk assessment for Ms Gobbo. I then met with Fin McRae and others from Victoria Police Legal Services, when it was agreed that HSMU would conduct a risk assessment for Ms Gobbo. I do not recall what this risk assessment related to.

⁷³ VPL.0001.0001.0025.

⁷⁴ VPL.0100.0132.0093.



Commander – Southern Region

109. On 16 September 2013, I transferred out of the ICSC and into a position as Commander for the Southern Region.
110. In April 2014, I was asked to prepare an overview of the Driver Taskforce's contact with Ms Gobbo to assist Victoria Police Legal Services. I believe this material was also provided to VGSO. I prepared an overview with attachments for Supt Lardner on 16 April 2014⁷⁵.
111. My diary records that I read a copy of the IBAC report relating to Ms Gobbo on 27 February 2015 and 5 March 2015. I had not been interviewed as part of the IBAC investigation. Fin McRae asked me to review the report because I had relevant knowledge from Crime Command and ICSC.
112. On 26 February 2015, I sent Jeff Pope an article, who had by then left Victoria Police, regarding an article published in The Age regarding the SDU. I do not recall whether we spoke about this that day, but we later spoke about this on 4 March 2015. As I recorded in my diary, I told Jeff Pope I had read the IBAC report but did not give him any details about it.

Commander, Crime Command

113. On 27 April 2015, I returned to Crime Command as a Commander.
114. When I returned to Crime Command, responsibility for being the point of contact with Ms Gobbo was being shared between a number of Inspectors within Crime Command as part of Operation Stellified. I saw that it was necessary to have a point of contact, but it seemed that Ms Gobbo was looking to re-engage with Victoria Police through that process. I recall being concerned about the risk of her attempting to re-initiate a relationship with Victoria Police.
115. I asked Supt Sheridan to conduct an audit of the records held for this. He delivered the results of this audit to me on 9 September 2015⁷⁶. Supt Sheridan recommended that the Stellified on-call arrangements should cease. I am not aware of when, or if, these arrangements changed.
116. I left Crime Command in September 2015, when I was promoted to Assistant Commissioner, Road Policing Command. Since then, my only involvement with issues

⁷⁵ VPL.0010.0001.0001.

⁷⁶ VPL.6071.0106.1755.



related to Ms Gobbo while at Victoria Police was on 13 April 2016. My diary records that I spoke with DI Campbell, Fin McRae and a solicitor from VGSO, Monika Pekevka, regarding a confidential matter to do with Ms Gobbo. I do not recall what this referred to.

Other discrete matters relating to Ms Gobbo

117. In late August 2012, I was informed that a potential witness had indicated a willingness to provide information about a number of ongoing investigations, including in relation to Ms Gobbo. On 31 August 2012, I received a briefing note that had been prepared by DSS Kelly setting out the information that might be available⁷⁷. I do not recall the allegations regarding Ms Gobbo and do not recall anything further being done about them.

118. On 16 November 2012, I met with members of an investigative body with DI Frewen, DSS Buick and Supt Lardner regarding Ms Gobbo acting as a potential witness. I do not recall what this related to. As my diary records, we discussed the reasons why Ms Gobbo should not be a witness, and all present agreed that she should not be a witness.

How I learned or was given reason to believe Ms Gobbo was providing information (Q3)

119. I refer to my response to Question 2.

Awareness of others (Q4)

120. I have no knowledge of these matters.

Authorisation of the use of Ms Gobbo as a human source (Q5)

121. I have no knowledge of these matters.

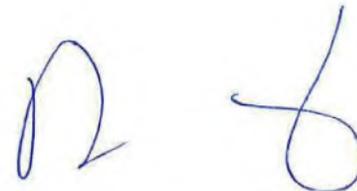
Personal contact with Ms Gobbo (Q6)

122. While I was a Detective Sergeant at the MDID, I met with Ms Gobbo on a professional context, when she was representing clients related to Asian heroin syndicates.

Information & assistance received (Q7 & Q8)

123. I have no knowledge of these matters.

⁷⁷ VPL.6071.0016.8372; VPL.6071.0016.8374



Concerns raised as to the use of a legal practitioner as a human source (Q9)

124. As referred to in my response to Question 2, I became aware of these concerns in 2011 in the context of Ms Gobbo acting as a witness for the Driver Taskforce.

Concerns raised as to the use of Ms Gobbo as a human source (Q10)

125. My diary records that on 1 June 2012, I attended a meeting with the Director of Public Prosecutions, John Champion and Bruce Gardner from the Office of Public Prosecutions (OPP). I attended with Fin McRae, Victoria Police's Director of Legal Services. The purpose of the meeting was to inform the OPP that Ms Gobbo had been a human source while she was a practising criminal barrister.

126. Going into the meeting, I believed that Ms Gobbo's role would be a surprise to the DPP, but it was not. Mr Champion advised me that he was already aware of this because he had prosecuted a trial in 2011 where Ms Gobbo's role had been revealed and discussed in court with the trial judge. He said the accused was Cvetanovski. I had never dealt with Cvetanovski personally, but I recognised his surname as a significant criminal figure to do with illegal drugs. I did not do anything further regarding this.

127. Otherwise, I refer to my response to Question 2.

Awareness about disclosure in relation to Ms Gobbo (Q11)

128. I refer to my response to Question 2.

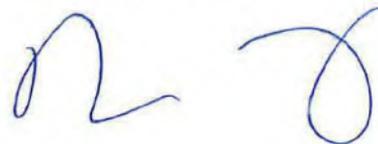
Other human sources with obligations of confidentiality or privilege (Q12)

129. I have no knowledge of these matters.

Training (Q13)

130. My recollection of the relevant training or retraining I have received on these specific topics is as follows:

- (a) Obligation of disclosure - I recall that obligations of disclosure have increased over the time that I was a member of Victoria Police, to the point where notes and material after proactively provided to the defence. Defence lawyers also issue subpoenas to obtain further information.
- (b) The right of accused person to silence and right to a legal practitioner - These rights were taught in the Academy and had practical on the job aspects, such as having accused individuals make phone calls with their lawyers in private;



- (c) Legal professional privilege – I believe this was covered during the Academy but do not recall it being covered in detail;
- (d) Public interest immunity – I learned about this at the Academy and Detective Training School as well as in the course of my duties, as I have been involved in a number of claims of public interest immunity;
- (e) Professional and ethical decision making – This was covered in all training discussions and I have been an Instructor at the Academy on this topic.

Other information (Q14)

131. I have nothing further to add.

Dated: 7 October 2019

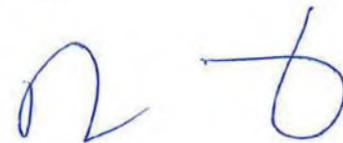
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.....
Douglas John Fryer

Annexure A

1. A summary of the major roles I have undertaken and my progression through the ranks is as follows:
 - (a) 1985 – 1987: Constable, Box Hill Police Station, City Traffic and Russell Street Police Station;
 - (b) 1987 – 1989: Constable, Collingwood and Fitzroy Police Stations;
 - (c) 1990 – 1996: Detective Constable and Detective Senior Constable, Camberwell CIB;
 - (d) 1996 – 1999: Sergeant, Carlton Police Station;
 - (e) 1999 – 2000: Sergeant, Police Academy Instructor;
 - (f) 2000 – 2003: Detective Sergeant, Drug Squad and Major Drug Investigation Division
 - (g) 2003 – 2005: Senior Sergeant, Broadmeadows;
 - (h) 2005: Acting Inspector, Crime Department;
 - (i) 2006 – 2008: Inspector, Performance and Development, Crime Command;
 - (j) 2008 – April 2010: Detective Inspector, Drug Task Force, Crime Command;
 - (k) April 2010 – February 2012: Detective Superintendent, Crime Command – Organised Crime portfolio (including officer in charge of the Driver Taskforce);
 - (l) February 2012 – August 2012: Acting Assistant Commissioner, Crime Command;
 - (m) August 2012 – September 2013: Commander, Intelligence and Covert Support Command;
 - (n) September 2013 – April 2015: Commander, Southern Region;
 - (o) April 2015 – September 2015: Commander, Crime Command;
 - (p) September 2015 – August 2018: Assistant Commissioner, Road Policing Command.

2. I have undertaken Victoria Police qualifications and training including
 - Detective Training School (1990)
 - Sergeants Course (1995)
 - Advanced Detective Training School (1998)
 - Management of CBR incidents 1998
 - Senior Management Leadership Development Course (2008)
 - FBI Pacific Training Initiative (2008)



- Executive leadership Program (2013)
 - Solo Course (on road / off road) (2014)
 - Gwardar Commanders Course / CT (2016)
3. I also hold a Graduate Diploma of Policing, Charles Sturt University (2005) and an Executive Masters of Public Administration, Australia New Zealand School of Government (2015).

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