

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

STATEMENT OF MICHAEL FREWEN

1. My name is Michael Frewen.
2. 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.
3. In the course of preparing this statement, I had access to materials including:
 - (a) my emails; and
 - (b) various documents shown to me by my legal representatives.
4. I am informed that my diaries for the relevant period have not been located. As such, I have not been able to refresh my memory with reference to my diaries when preparing this statement.

Detail your educational background and employment history, including progression through the ranks and roles assigned (Q1)

5. I graduated from the Police Academy in March 1988. In December 1988 I was appointed to Coburg Police Station as a Police Constable. In September 1992, I became a Senior Detective Constable at St Kilda ICU. I stayed at the St Kilda ICU until October or November 1994. During that time, I also spent some time at Crime Command. In November 1997, I went to Brunswick CIU as a Detective Senior Constable.
6. In 1999, I transferred to Footscray Police Station as a Uniform Sergeant. I spent 12 months there, and then ran the Westgate Taskforce for 12 months. In approximately 2001, transferred to Professional Standards Command as a Detective Sergeant. In 2003, I went to Carlton CIU as a Detective Sergeant for six months. In late 2003, I transferred to the Melbourne CIU.
7. In 2006, I was promoted to Uniform Senior Sergeant at Melbourne Police Station. I then went to Carlton CIU for six months. Around the same time, I went to Craigieburn as Uniform Senior Sergeant in charge. In November 2010 I was promoted to Inspector of Crime Command, Driver Taskforce. When this role wrapped up in mid-2012, I transferred to Tasking and Coordination. From there [time period?], I transferred to Santiago Taskforce as a Detective Inspector.
8. On 10 May 2014, I transferred to the position of Superintendent – Investigations Division, Professional Standards Command. On 2 May 2016, I rotated as North West Commander at Fawkner Head Quarters. On 10 December 2018, I was promoted to Commander, Crime Command. I continue to hold that position.



Detail your involvement or association, including the period of such involvement or association, with any investigation which had dealings in any way with Ms Gobbo (Q2)

9. I have set out my involvement or association with investigations connected to Ms Gobbo under the following headings:
- (a) Taskforce Driver;
 - (b) Operation Loricated; and
 - (c) Operation Bendigo.

Taskforce Driver

10. On 8 November 2010, I was appointed as the Inspector in charge of the Driver Taskforce. The principal focus of the Driver Taskforce was to investigate the murder of Carl Williams at Barwon Prison in April 2010.
11. My role as Inspector in charge of the Driver Taskforce was to:
- (a) oversee Taskforce Driver Investigations;
 - (b) oversee Taskforce Driver Governance;
 - (c) manage Taskforce Driver Staff, both sworn and unsworn; and
 - (d) report to the Driver Taskforce Steering Committee.
12. Prior to my formal appointment, I attended a Taskforce Driver Steering Committee meeting which took place on 1 November 2010. I have been shown the minutes of that meeting. I do not recall the meeting, or the discussion that is recorded in the minutes about Ms Gobbo being a potential witness in the prosecution of Paul Dale for allegedly giving false and misleading evidence to the Australian Crime Commission (the **ACC Prosecution**).
13. In late 2010, I attended the Reservoir Police Station and met with Acting Senior Sergeant Sol Solomon, who had prepared the brief of evidence on Mr Dale arising from allegedly false and misleading evidence Mr Dale had given to the ACC.
14. I read the brief of evidence over three or four days. I thought it was well prepared. I allocated the brief to then Detective Senior Sergeant Boris Buick.
15. Early in my time on the Driver Taskforce, an issue emerged about the use of Ms Gobbo as a witness in the ACC Prosecution. As I recall:

- (a) the Commonwealth Director of Public Prosecutions (the **CDPP**) (which was the prosecuting body for the ACC Prosecution) held the opinion that Ms Gobbo was a necessary witness for the ACC Prosecution;
 - (b) there was a question about whether Ms Gobbo was compellable in the prosecution following the settlement, in August 2010, of a civil claim filed by her in April 2010; and
 - (c) there was a question about whether giving evidence in the proceeding would increase the risk to her safety.
- 16. Taskforce Driver was working with the CDPP on the ACC Prosecution and was tasked with engaging with Ms Gobbo about her potential evidence.
- 17. In the period of November 2010 to November 2011, members of the Driver Taskforce, principally DSS Buick, had contact with Ms Gobbo about the potential that she would be called as a witness. I did not have any direct contact with Ms Gobbo in this period. I have described my involvement in these events below.
- 18. On 16 November 2010, I attended a meeting with Krista Breckweg of the CDPP, (then) Senior Detective Jeff Pope and a solicitor in the employ of the ACC. In the course of that meeting, it was advised that 22 charges against Mr Dale had been submitted for consideration and authorisation.¹ Ms Breckweg also expressed the view that Ms Gobbo was competent and compellable as a witness in the proceeding.
- 19. On 17 November 2010, I received an email from Detective Acting Senior Sergeant Tim McKinney attaching a Driver Taskforce Update. Among other things, the update noted that the potential use of Ms Gobbo as a witness was an "emerging risk".²
- 20. On 20 December 2010, I received an email from Ms Breckweg, which forwarded an email she had received from Mark Pedley, Deputy Director of the CDPP.³ Among other things, Mr Pedley's email noted that:
 - (a) the CDPP had been made aware of the existence of the settlement agreement with Ms Gobbo;
 - (b) the CDPP had not been given access to the settlement agreement; and

¹ VPL.0100.0015.7416.

² VPL.6112.0048.4074; VPL.6112.0048.4075.

³ VPL.6112.0083.3783.

(c) the CDDP intended to respond to Acting DSS Solomon about the brief on the basis that Ms Gobbo was competent and compellable.

21. On 21 December 2010, I received an email from Detective Senior Sergeant Sean Woods which contained a Driver Taskforce Update.⁴ Among other things, that update notes a risk in the following terms 'Access to Witness F – civil agreement has the potential to disrupt the progression of investigation and prosecution relevant to Dale and others'.
22. On 21 December 2010 I signed an Issue Cover Sheet (an **ICS**) I received from DSS Woods, seeking approval to use Ms Gobbo as a prosecution witness in the ACC Prosecution.⁵ The ICS records that 'Driver Taskforce appreciates the organisational position of Victoria Police in regards to its civil arrangements with Witness F, but it is submitted that the criminal aspects surrounding the use/investigation of this person should have priority'. It asks for the application to be forwarded to then Deputy Commissioner of Crime, Ken Jones, for approval.
23. On 22 December 2010, I received an email from Acting DSS Solomon in relation to the issuing and service of process on Mr Dale.⁶ Among other things, Acting DSS Solomon's email identified potential issues with Ms Gobbo's reaction to learning that Mr Dale had been served and that she was to be summonsed to give evidence. The following morning, I sent the email on to Wayne Newman, DSS Woods and DSS Buick with the note "gents for your discussion pls".⁷ The following day, DSS Woods responded and suggested a planning meeting.⁸ I cannot recall whether this occurred.
24. On 23 December 2010, there was a meeting of the Taskforce Driver Steering Committee. I did not attend this meeting.⁹
25. On 13 January 2011, I received a series of email from DSS Woods.¹⁰ Among other things, I was sent an email between DSS Buick and John Nolan, Assistant Director of the OPI, which noted that Mr Dale was to be served with charges in a week or so and that it was proposed that the SSU would undertake surveillance on Mr Dale and Ms Gobbo in the days leading up to and post service of the charges.¹¹ A handover memorandum I received from DSS Woods that day included similar information.¹²

⁴ VPL.6112.0083.3871; VPL.6112.0083.3872.

⁵ VPL.0099.0103.0069.

⁶ VPL.0100.0018.7696

⁷ VPL.0100.0018.7696

⁸ VPL.0100.0018.7696

⁹ VPL.0100.0048.1498.

¹⁰ VPL.6112.0061.9221.

¹¹ VPL.6031.0019.5007.

¹² VPL.6112.0061.9469; VPL.6112.0061.9470.

26. On 27 January 2011, I was copied to an email from DSS Buick to [REDACTED] of the SSU, which attached covert support applications and target profiles for Mr Dale and Ms Gobbo.¹³
27. On 4 February 2011, I attended a meeting of the Taskforce Driver Steering Committee.¹⁴ The minutes of that meeting record that Detective Superintendent Fryer and I were to meet with Inspector John O'Connor and Superintendent Paul Sheridan about a management plan for Witness F. The management plan related to her potential use as a witness in the proceeding against Mr Dale, and the need to ensure her safety in the event that she was called to give evidence. At this time, Mr Dale had not been served with the charge and summons. The management plan was being prepared in anticipation of the issues that were likely to arise once the charge and summons was issued.
28. I have been shown an email sent to me on 4 February 2011 by DSS Buick, in which DSS Buick proposes reengaging with Ms Gobbo, given that charges against Mr Dale in the ACC Prosecution were imminent.¹⁵ My recollection is that I authorised DSS Buick to engage with Ms Gobbo. At this time, I had a general awareness that Ms Gobbo had been a human source and that there were issues associated with her being called as a witness. I did not know the details of her registration as a human source, nor the depth or breadth of her engagement with Victoria Police.
29. On 10 February 2011, I attended a meeting of the Taskforce Driver Steering Committee. The minutes of that meeting record that a plan had been established for the management of witness F.¹⁶ I do not now recall the details of that plan.
30. On 15 February 2011, Mr Dale was served with the charge and summons in the ACC Prosecution. While I do not recall the specific details, I recall that Ms Gobbo was informed of the charges and informed that she was to be called to give evidence.
31. I am aware from reviewing a Driver Interpose Event Full Response Report (**Interpose Event**) that DSS Buick and DS Lebusque met with Ms Gobbo on 16 February 2011,¹⁷ and that DSS Buick briefed me about this meeting.¹⁸ I do not independently recall this interaction. However, the Interpose Event records that Ms Gobbo objected to being summonsed to give evidence and had expressed the view that she was not compellable because of the terms of settlement in a civil suit she filed against Victoria Police in 2010. This accords with my general

¹³ VPL.6112.0062.3277; with attachments VPL.6112.0062.3278; VPL.6112.0062.3284; VPL.6112.0062.3291; VPL.6112.0062.3308.

¹⁴ VPL.0005.0066.0271.

¹⁵ VPL.0005.0013.1101.

¹⁶ VPL.0005.0066.0280.

¹⁷ VPL.0005.0071.0001.

¹⁸ VPL.0005.0071.0001.

recollection of Ms Gobbo's response to being notified that she was to be called as a witness in the prosecution of Mr Dale.

32. On 17 February 2011, I received from DS Lebusque an email attaching a document titled "Threat assessment Witness F".¹⁹ I then forwarded this to Detective Superintendent Fryer.²⁰
33. On 17 February 2011, I received from DSS Buick an application for covert support for Ms Gobbo. I forwarded this to Detective Superintendent Fryer, who endorsed the application.²¹ In doing so he noted:

"Application endorsed. Please advise SSU that at 1030 tomorrow the Driver SC are meeting with [REDACTED] ICSD to attempted to design a risk mitigation package around this witness. Until this is complete we need to attempt to cover her covertly as best we can - if at all possible commencing asap"

34. On 18 February 2011, I attended a meeting with [REDACTED] Detective Inspector Glow, former Deputy Commissioner Ken Jones, Acting Superintendent Gawne, former Assistant Commissioner Pope, former Assistant Commissioner Dannye Moloney, then Assistant Commissioner Wendy Steendam and Superintendent Guenther. I do not independently recall this meeting. However, I have been shown a copy of a document which indicates that, in the course of this meeting, the management of Ms Gobbo was discussed.²² It was confirmed that the SDU was not to be used and that future handling would remain with Inspector O'Connor, with assistance from [REDACTED] at the [REDACTED]. Again, while I do not specifically recall this discussion, this accords with my general recollection of the arrangements that were in place.
35. On 22 February 2011, I was copied to an email from DSS Buick to Detective Senior Sergeant Stuart Bailey attaching a summary of the evidence against Mr Dale, including a description of Ms Gobbo's involvement with Mr Dale and the potential evidence she might give.²³
36. On 23 February 2011, I was copied to an email from DSS Bailey attaching a Taskforce Driver Summary Update.²⁴
37. On 23 February 2011, I was copied to an email from Detective Superintendent Fryer,²⁵ which forwarded an email from [REDACTED] about his attempts to engage with Ms Gobbo. That email set out that Inspector O'Connor was the conduit to Ms Gobbo. In that email, Detective

¹⁹ VPL.6112.0063.6789; VPL.6112.0063.6790.

²⁰ VPL.6071.0066.5510; VPL.6071.0066.5511.

²¹ VPL.6112.0063.6765.

²² VPL.0100.0257.0019.

²³ VPL.6112.0058.9537; VPL.6112.0058.9538

²⁴ VPL.6112.0058.9590; VPL.6112.0058.9591.

²⁵ VPL.0005.0013.1093.

Superintendent Fryer asked me to ensure that DSS Buick was aware of this arrangement. He did not want DSS Buick contacting Ms Gobbo directly. I passed on this instruction to DSS Buick.

38. On 23 February 2011, I received an email from [REDACTED] attaching an updated threat assessment for Ms Gobbo.²⁶
39. On 23 February 2011, I received an email which forwarded an email from [REDACTED] to DI Glow, which addressed contact that had taken place with Catherine Gobbo about Nicola Gobbo [REDACTED]²⁷
40. On 24 February 2011, I was copied to an email from DC Pope to AC Moloney, Detective Superintendent Fryer, DI Glow and Superintendent Sheridan, which noted the need to ensure that all contact with Ms Gobbo needed to go through Inspector O'Connor and the need to "understand and assess the implications of this decision on her being an effective prosecution witness".²⁸
41. On 1 March 2011, I attended a Taskforce Driver Steering Committee. Among other things, the Steering Committee discussed the threat and risk levels to Ms Gobbo.²⁹ Those minutes record that [REDACTED] tabled an updated risk assessment for Ms Gobbo. It was resolved that [REDACTED] would write to Ms Gobbo regarding the offer of [REDACTED]
42. On 7 March 2011, I received an email from DSS Buick forwarding a report from [REDACTED] to DI Glow on contact made with Ms Gobbo on 4 March 2011.³⁰
43. On 17 March 2011, I attended a Taskforce Driver Steering Committee at which [REDACTED] tabled an updated risk assessment for Ms Gobbo and provided an update on Ms Gobbo's position in relation to [REDACTED]. As the minutes record,³¹ [REDACTED] reported that Ms Gobbo had made verbal demands about the terms of [REDACTED], and that the terms were not acceptable to Victoria Police. It was resolved that Victoria Police would write to Ms Gobbo advising of Victoria Police's position and that Ms Gobbo's terms for [REDACTED] [REDACTED] were unacceptable.
44. On 30 March 2011, DSS Buick sent me an ICS³² in support of a request for additional resources to assist with the workload that would arise if Mr Dale issued subpoenas to Victoria Police in

²⁶ VPL.6112.0058.9431; VPL.6112.0058.9433.

²⁷ VPL.6112.0058.9365.

²⁸ VPL.6112.0058.9365.

²⁹ VPL.0005.0066.0277.

³⁰ VPL.6112.0059.1621.

³¹ VPL.0005.0066.0277.

³² VPL.0100.0021.3334.

the ACC Prosecution. As a consequence of receiving that information, the following day, 30 March 2011, I applied for additional resources.³³

45. In this period, I continued to receive regular updates about the interactions between members of Taskforce Driver (principally DSS Buick and DS Lebusque) and Ms Gobbo. I have not listed all of these updates in this statement. They are recorded in the Driver Interpose Event.³⁴ I had no direct role in managing Ms Gobbo at this time. I understood that Ms Gobbo was an important witness in the ACC Prosecution and my focus was on ensuring that the importance of her evidence was known to those involved in making decisions about whether she would be compelled to give evidence. I had no direct role in resolving that question.
46. On 12 May 2011, DSS Buick forwarded me an email from Krista Breckweg of the CDPP regarding Ms Gobbo's availability to give evidence in the prosecution of Mr Dale.³⁵
47. On 24 May 2011, I was informed by DSS Buick that Mr Dale's committal hearing had been scheduled, and that Ms Gobbo (along with others) would be required to give evidence.³⁶
48. On 13 June 2011, I received an ICS which noted:³⁷

Any subpoena issued pursuant to the ACC charges will inevitably call for material relating to, among other things, the engagement, management and the recording of same, of a number of key witnesses, including but not limited to Carl and George WILLIAMS, Nicola GOBBO and [REDACTED]. This will necessitate the search for, collation and redaction of and PII argument relating to a multitude of documents held by, among others and in various forms, the Driver Taskforce, the Driver Steering Committee, the Petra Taskforce, the Petra Steering Committee, Victoria Police command, the Purana Taskforce, the Witness Security Group and the Human Source Management Unit.

49. On 15 August 2011, I received a management report which noted as a 'risk': Ms Gobbo's safety, her refusal to [REDACTED], and her indication that she would not give evidence at Mr Dale's committal.³⁸
50. On 18 August 2011, I received an update from DSS Buick about the efforts to ensure that Ms Gobbo would willingly give evidence at Mr Dale's committal.³⁹
51. On 19 August 2011, Ms Breckweg sent me an email in which she said that the CDPP intended on calling Ms Gobbo as a witness at Mr Dale's committal in the ACC Prosecution and asked

³³ VPL.0100.0021.3334.

³⁴ VPL.0005.0071.0001.

³⁵ VPL.6112.0061.6043.

³⁶ VPL.0100.0017.9689.

³⁷ VPL.6112.0062.8348; VPL.6112.0062.8355.

³⁸ VPL.6112.0064.6070; VPL.6112.0064.6071.

³⁹ VPL.6112.0064.6114.

again to be provided with a copy of the terms of settlement from Ms Gobbo's civil claim.⁴⁰ I understood that this was for the purpose of Ms Breckweg assessing whether or not the terms of that settlement prevented the CDPP from compelling Ms Gobbo to give evidence against Mr Dale in the ACC Prosecution. I forwarded the request to Superintendent Peter Lardner for advice.

52. In August 2011, I was made aware that Ms Gobbo had agreed to meet with the CDPP to discuss her evidence. I understand from viewing the Interpose Event that this meeting took place on 24 August 2011 and was attended by DSS Buick as a representative of the Driver Taskforce.
53. On about 31 August 2011, I received an email⁴¹ from DSS Buick attaching an ICS⁴² about an anticipated subpoena in the ACC Prosecution around matters concerning Victoria Police's engagement with Ms Gobbo. That ICS identified that if Ms Gobbo was called as a witness, it was likely that the defence would interrogate the circumstances in which Ms Gobbo came to be a witness, which had the potential to expose her role as a human source. I do not recall what I did with this ICS, but it is likely that I sent it to Detective Superintendent Fryer.
54. On 1 September 2011, DSS Buick forwarded me an email from Ms Breckweg which contained a summary of Ms Breckweg's discussions with Ms Gobbo and recorded Ms Gobbo's concerns about giving evidence and the material that might be revealed under subpoena. DSS Buick responded to Ms Breckweg, noting that:
 - (a) he had asked for advice from the VGSO about the potential coverage of the *Witness Protection Act 1991* (Vic);
 - (b) he had asked me to canvass more flexibility by [REDACTED] and
 - (c) raised the possibility of Ms Gobbo being managed under the [REDACTED]
[REDACTED]⁴³
55. On 12 September 2011, I received an email from DSS Buick, forwarding me an email from DS Solomon regarding the subpoenas issued in the Mr Dale/Collins committal proceeding.⁴⁴
56. On 13 September 2011, I received a copy of a management report,⁴⁵ setting out the risks to Ms Gobbo, her refusal to give evidence, a number of meetings that had occurred, and Victoria Police's response to the issue of subpoenas.


 40 VPL.0005.0071.0001.

41 VPL.6031.0020.6015.

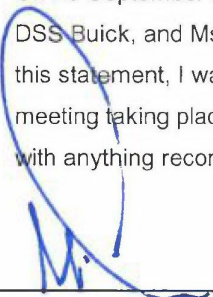
42 VPL.0100.0013.3983.

43 VPL.6112.0064.7832.

44 VPL.6112.0064.7889.

45 VPL.6112.0064.7953; VPL.6112.0064.7954; VPL.6112.0064.7955.

57. On 13 September 2011, I was copied to an exchange of emails between DSS Buick and Ms Breckweg about the application of the *Witness Protection Act 1991* (Vic) to Ms Gobbo and [REDACTED].⁴⁶
58. In the course of preparing this statement I was made aware that Officer Sandy White has a record of meeting with me on 15 September 2011 to discuss an expected subpoena from Mr Dale's solicitors. I do not independently recall this meeting, and without access to my diaries, cannot confirm whether I attended it, nor what was said.
59. On 20 September 2011, I sent Ms Breckweg an email in which I notified her that I had made arrangements for [REDACTED] to speak with Ms Gobbo on 22 September 2011.⁴⁷ I believe that I did this in response to media reports about Ms Gobbo, which occurred following the tender of statements made by Mr Williams, which referred to Ms Gobbo in the trial of Matthew Johnson.⁴⁸
60. On 21 September 2011, I attended a meeting with Gerard Maguire, the barrister engaged by Victoria Police in relation to issues raised by the Dale subpoena and potential public interest immunity claims relevant to Ms Gobbo. As the agenda suggests,⁴⁹ the meeting was wide ranging and included the issues that were likely to arise if Ms Gobbo was called as a witness, along with witness management issues.
61. On 23 September 2011, I met with Ms Breckweg to discuss the issues surrounding the potential use of Ms Gobbo as a prosecution witness. On 25 September 2011, I sent an email recording the outcome of that meeting to then AC Ashton, Detective Superintendent Fryer and Mr McRae.⁵⁰ On 26 September 2011, I sent a similar email to Officer Sandy White.⁵¹
62. [REDACTED]
63. On 28 September 2011, I attended a meeting with Gerard Maguire, Superintendent Sheridan, DSS Buick, and Ms Jarret, Mr Le Grand and Mr Elms of the VGSO. In the course of preparing this statement, I was shown a VGSO file note taken by Ms Jarret of that meeting.⁵³ I recall the meeting taking place, but I do not recall the specifics of what was discussed. I do not take issue with anything recorded in Ms Jarret's notes.


 46 VPL.6112.0064.8726.

47 VPL.6112.0034.9448.

48 VPL.0005.0071.0001 at .0005.

49 VPL.0005.0003.2997.

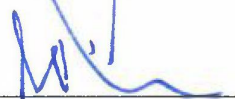
50 VPL.0005.0003.2994.

51 VPL.0100.0154.0093.

52 VPL.6112.0035.0260.

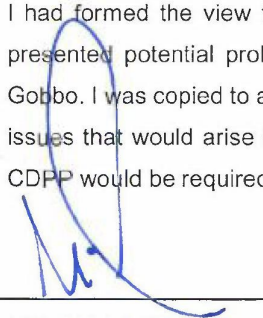
53 VGSO.5000.0051.0031.

64. In the course of preparing this statement, I was shown a draft advice prepared by Gerard Maguire (the **Maguire Advice**) dated 28 September 2011.⁵⁴ The blue handwritten notes on this document are mine. I cannot now recall the precise reasons for my mark-ups, but they are questions to myself about the meaning and implications of the advice. I am informed that the red mark-ups were made by Detective Superintendent Fryer. I do not recall the circumstances in which the draft with my handwritten notes was given to Detective Superintendent Fryer.
65. In the course of preparing this statement, I have been informed that DSS Buick commissioned the Maguire Advice in response to the issues associated with the subpoenas issued by Mr Dale's legal representatives. I do not specifically recall this, but it was commonplace for Driver Taskforce investigators to obtain legal advice. I would usually be aware that legal advice was being commissioned in relation to a particular issue, but investigators were not required to seek approval before commissioning legal advice. Instead, I would be briefed that the advice was being sought and could intervene if I deemed it necessary.
66. In the present case, I supported legal advice being obtained. Ms Gobbo was an important witness in the prosecution of Mr Dale. There were complexities associated with her evidence, including the potential that information disclosing her status and activities as a human source needed to be disclosed to the defence. Obtaining legal advice was part of our decision-making process. In order to determine whether to continue to support the CDPP calling Ms Gobbo as a witness, the Driver Taskforce needed to be aware of the risks associated with doing so. Obtaining legal advice was part of ensuring that everyone was making an informed decision.
67. Mr Maguire's advice did not change my position that Ms Gobbo should be used as witness, based on the value of her statement as attached to the brief of evidence. Mr Maguire's advice identified certain risks, but they appeared to be manageable. However, I was reading Mr Maguire's advice without the background context. I did not have the detail that sat behind Mr Maguire's advice. I was not aware of the depth or breadth of Ms Gobbo's activities as a registered human source, nor the full history of her engagement with Victoria Police.
68. On 4 October 2011, I attended a meeting with Mr Maguire, DSS Buick, Ms Jarret, Mr Le Grand and Mr Elms regarding the Dale subpoena. Among other things, we discussed the consequences of Mr Maguire's advice and whether it could be disclosed to Krista Breckweg of the CDPP. It was also agreed that the advice would be sent to Assistant Commissioners Pope and Ashton.⁵⁵
69. Mr Maguire's final advice was received at about this time. I do not recall specifically when I received it. I sent a copy of it to Detective Superintendent Fryer.



⁵⁴ VPL.0100.0136.0026.
⁵⁵ VGSO.5000.0051.0027.

70. On 6 October 2011, I received a memorandum from DSS Buick about the use of Ms Gobbo as a witness in the prosecution of Mr Dale.⁵⁶
71. On 7 October 2011, I met again with Ms Breckweg regarding the ACC Prosecution.⁵⁷ I do not recall the details of this meeting.
72. I have been shown a log which records that on 8 October 2011 and 27 October 2011, DSS Buick and I sent a report to Detective Superintendent Fryer requesting relaxed [REDACTED] arrangements for Ms Gobbo.⁵⁸ I have no recollection of this report. However, I believe that this was a result of DSS Buick's memorandum of 6 October 2011.⁵⁹ I anticipate that I would have elevated this request to support DSS Buick, who had carriage of the investigation.
73. At this time, it was obvious that Ms Gobbo would not [REDACTED] on its standard terms. [REDACTED] DSS Buick's memorandum was grappling with the consequences of that: namely, that a witness who did not [REDACTED] on its strict terms was nonetheless at risk and it was important to explore all opportunities to secure the evidence while keeping the witness safe. This was consistent with the mandate for the Driver Taskforce, which was to explore every facet of the investigation. If this meant re-enquiring about [REDACTED] then that was done. This was about asking for and looking for new ways forward. As someone who was new to the investigation, I was a new point of advocacy for the investigators.
74. On about 19 October 2011, Ms Gobbo sent DSS Buick a letter outlining her concerns about safety and protection.⁶⁰ DSS Buick sent this letter to me. I have a vague recollection of seeing it. I believe I passed it to Intelligence and Covert Support command, which had responsibility for Ms Gobbo's management.
75. On 19 October 2011, I received an email from Ms Breckweg about the CDPP's disclosure obligations in the ACC Prosecution.⁶¹ I sent that email to Detective Superintendent Fryer,⁶² setting out the material that might need to be disclosed about the use of Ms Gobbo. At this time, I had formed the view that, if in fact the material needed to be disclosed, this might have presented potential problems for Victoria Police and potentially increased the threat to Ms Gobbo. I was copied to a number of communications in the following weeks about the potential issues that would arise if Ms Gobbo was called as a witness, including the potential that the CDPP would be required to disclose documents that revealed her status as a human source.⁶³


 56 VPL.6031.0020.9920.

57 VPL.0100.0021.9095.

58 VPL.0010.0001.0001 at [0003], [0070]-[0071].

59 VPL.6031.0020.9920.

60 VPL.0005.0071.0001 at .0007.

61 VPL.0100.0078.0020.

62 VPL.6071.0073.6622.

63 See, for example, VPL.0005.0013.1144; VPL.0101.0001.0016.

76. On about 24 October 2011, DSS Buick told me that Ms Gobbo had made an allegation that she had been in a sexual relationship with then AC Pope at some time in the past. I reported this information to Detective Superintendent Fryer.
77. On about 27 October 2011, I received a memorandum from DSS Buick about the arrangements that should be put in place in the event that Ms Gobbo was called as witness at Mr Dale's committal hearing in November.⁶⁴ My stamp appears on that document, which indicates that I saw it. I forwarded the document to Detective Superintendent Fryer for provision to the Taskforce Driver Steering Committee for its consideration.
78. On 27 October 2011, I attended a Driver Taskforce Steering Committee meeting. I have been shown AC Ashton's notes from this meeting which record:⁶⁵

"Driver Steering Committee – Fryer, Pope, Rust, Buick, Frewen

Witness F allegations against AC Pope. Meeting minuted. Jeff Pope detailed the relationship between him and Witness F.

- Christa DPP written advice 12 charges. Can proceed without witness F. Down for 10
- Discussed re-introducing [REDACTED] I allowed Doug to proceed with [REDACTED] assessment."

79. On 2 November 2011, I was copied to an email from Detective Superintendent Fryer to DS Sheridan asking that he, along with DSS Buick and me, be given access to Ms Gobbo's log or management file to ensure that Taskforce Driver was fully aware of the complex issues it was facing.⁶⁶
80. On 3 November 2011, I received an email from Detective Superintendent Fryer,⁶⁷ in which he stated, among other things, that if the CDPP formed the view that any of the material about Ms Gobbo's status as a registered human source was required to be disclosed to the defence, then it was Victoria Police's position that it would ask the CDPP to proceed only on the charges that did not require Ms Gobbo.
81. On 7 November 2011, I received an email from Detective Superintendent Fryer, which contained an update on the status of Ms Gobbo's discussions [REDACTED] and set out Detective Superintendent Fryer's intended course of action with Ms Gobbo.⁶⁸ I received a further email from Detective Superintendent Fryer later that day setting out his concerns about Ms Gobbo's safety.⁶⁹

⁶⁴ VPL.6031.0016.4134; VPL.6031.0016.4135.

⁶⁵ VPL.0100.0001.5399

⁶⁶ VPL.0005.0013.1085.

⁶⁷ VPL.0005.0013.1153.

⁶⁸ VPL.0101.0001.0016.

⁶⁹ VPL.0010.0001.0001 at .0003.

82. I have been shown passages from the statement of former Chief Commissioner Ashton which state that, on 8 November 2011, I attended a meeting with then AC Ashton, DS Sheridan, Detective Superintendent Fryer, DSS Buick, and then AC Pope. I have some recollection of this meeting. To the best of my recollection, then AC Ashton informed us of his decision to ask that the CDPP to withdraw Ms Gobbo as a witness in the proceeding.
83. On 9 November 2011, I received an email from Detective Superintendent Fryer recording the decision that Ms Gobbo would not be called as a witness in the ACC Prosecution and noting that Ms Gobbo had been informed of the decision.⁷⁰
84. On 14 November 2011, I received a management report from DSS Buick which noted that an emerging risk was the uncertainty around "status/availability of Witness F re Op Nutation & Loris investigations possible prosecutions/Inquest" and that for Operation Naught, an immediate priority was obtaining a further statement from Ms Gobbo.⁷¹
85. On 15 November 2011, I received an ICS from DSS Buick in which he sought approval to obtain a further statement from Ms Gobbo about matters relevant to Taskforce Driver.⁷²
86. On 15 November 2011, I received an email from DSS Buick about a reported threat against Ms Gobbo.⁷³
87. On 22 November 2011, I received an email from Detective Superintendent Fryer, forwarding an email that addressed the potential consequences of the lifting of a suppression order relating to Ms Gobbo.⁷⁴
88. After the decision was made that Ms Gobbo would not be called as witness in the prosecution of Mr Dale, I had limited further involvement in issues concerning Ms Gobbo. I received briefings, both verbal and by email, from time to time about Taskforce Driver's involvement with Ms Gobbo, but I did not have any direct involvement in her management.
89. On about 6 February 2012, I received an ICS from DSS Buick in which he made a request that Team Four of the Driver Taskforce retain carriage of an investigation into threats allegedly made against Ms Gobbo.⁷⁵ I do not recall what I did with the ICS, but I most likely would have referred it to WitSec or Intelligence and Covert Support Command.
90. On 2 March 2012 I was copied to an email from DSS Buick to Martin Hardy of the OPI.⁷⁶ In that email DSS Buick raised the concern that a recorded conversation between Dale and Ms

⁷⁰ VPL.0005.0013.1141.

⁷¹ VPL.6112.0066.8028; VPL.6112.0066.8029.

⁷² VPL.0005.0028.0353.

⁷³ VPL.6112.0066.8863.

⁷⁴ VPL.6112.0067.4121.

⁷⁵ VPL.0005.0087.0007.

⁷⁶ VPL.6031.0004.5221.

Gobbo of 7 December 2008 would be subject to legal professional privilege and therefore inadmissible. There was evidence from an OPI examination which was relevant to this issue, and DSS Buick sought advice from the OPI as to whether he was permitted to disseminate this material to the CDPP. This request was followed up on numerous occasions, and the material was ultimately provided directly to Ms Breckweg of the CDPP.

91. On 28 March 2012 I was copied to an email sent from DSS Buick to AC Fontana, in which Buick detailed the background of his responsibility for management of Ms Gobbo, and observed that he had been briefed by Detective Senior Sergeant Shane O'Connell as to contact that had been made by a Herald Sun journalist with DS Solomon regarding Ms Gobbo.⁷⁷
92. On 31 March 2012 I emailed Inspector Campbell advising him that an updated risk assessment of Ms Gobbo might be necessary. Inspector Campbell agreed.⁷⁸
93. On 28 April 2012, I received an ICS from DSS Buick in which he sought approval for Ms Gobbo to be called before an Office of Chief Examiner hearing in relation to Operation Loris.⁷⁹ Ultimately, while I recall that Ms Gobbo was not called before the Chief Examiner, I cannot recall precisely what I did, nor any action I took, with the ICS I received from Buick.
94. On 23 June 2012, an Operation Naught management report records that myself and DSS Buick were with Gerard Maguire on 21 September 2011 to discuss the ACC Prosecution subpoena material relating to Ms Gobbo.⁸⁰
95. On 14 August 2012, I had a conversation with Detective Superintendent Fryer, in which I notified him that his affidavit for the Dale matter for Gobbo was required by that Friday.⁸¹
96. On 17 August 2012, I received an email from Detective Superintendent Fryer attaching his affidavit.⁸²
97. On 21 August 2012, I sent an email to Detective Superintendent Fryer and DSS Buick about Ms Gobbo, in which I provided Detective Superintendent Fryer with advice about Ms Gobbo's interactions with Ms Breckweg. Among other things, I noted that Ms Gobbo had been making intermittent contact with Ms Breckweg and that Ms Breckweg had been entertaining such contact to "keep the peace".⁸³


 77 VPL.6069.0051.4768.

78 VPL.6069.0051.4768.

79 VPL.0100.0021.8951.

80 VPL.0100.0021.9018 at .9037.

81 VPL.0005.0161.0118 at .0018.

82 VPL.0005.0003.2822; VPL.6112.0023.2135.

83 VPL.0005.0010.2675.

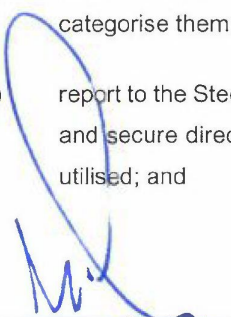
98. On 13 September 2012, Operation Naught management reports note that DSS Buick and I met with Gerard Maguire regarding a subpoena issued by Mr Dale's solicitors.⁸⁴ I have no independent recollection of this meeting.
99. On 21 September 2012, I attended a meeting with Mr Hargreaves, the CDPP, the VGSO, Maguire and DSS Buick regarding the ACC Prosecution subpoena.⁸⁵ I have no independent recollection of this meeting.
100. On 16 November 2012, I attended a meeting with Detective Superintendent Fryer, Mr Maguire, Mr Stephen McBurney (examiner), DI McLeod-Dryden, DSS Buick and Superintendent Lardner. I have been shown an extract from the electronic diary of Detective Superintendent Fryer, which records that at this meeting he briefed us about "re Gobbo as a potential witness and reason / decision not to examine same – all agreed".⁸⁶

Appointment to Tasking and Coordination

101. In about mid-2012, I was appointed to the position of Inspector in charge of Tasking and Coordination.
102. On 1 February 2013, I sent an email to Gerry Ryan informing him that Ms Gobbo wanted to meet with Inspector Campbell.⁸⁷

Operation Loricated

103. In April 2013, I was asked to report to the Steering Committee for Operation Loricated and provide input regarding the matters I mention below.⁸⁸ The terms of reference for Operation Loricated were to:
- (a) implement recommendation 1 of the Comrie Report, which was directed to reconstructing HS3838's human source file;
 - (b) to review and analyse the reconstructed file and to identify relevant issues and categorise them into identifiable investigation themes;
 - (c) report to the Steering Committee as necessary on the progress of such works and secure direction as to the appropriateness of the categorisation process utilised; and


⁸⁴ VPL.0100.0021.9018 at .9035.
⁸⁵ VPL.0100.0021.9018 at .9036.
⁸⁶ VPL.0005.0161.0118 at .0123 - .0124.
⁸⁷ VPL.6112.0038.8815.
⁸⁸ VPL.0005.0010.1507.

- (d) identify any opportunities to improve the future collection of intelligence arising from human source usage.
104. In addition, I was tasked with responsibility for overseeing the Operation Loricated Project Team and to provide an escalation point. My role in Operation Loricated was essentially administrative. This involved:
- (a) sourcing and managing the Operation's resources;
 - (b) identifying and procuring appropriate software for the Operation;
 - (c) providing day-to-day support for those reporting to me; and
 - (d) reporting to the Operation Loricated Steering Committee.
105. I was not involved in the work of file reconstruction and did not review any of the material in the source file, unless it was escalated to me.
106. On 23 April 2013, I met with Detective Acting Senior Sergeant Damian Jackson and Detective Superintendent Gavin Ryan about Operation Loricated and the project's requirements.
107. On 2 May 2013, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.⁸⁹ I do not independently recall the meeting.
108. The Operation Loricated Steering Committee met on 6 June 2013. I did not attend that meeting. However, I note that the minutes of that meeting note that:⁹⁰
- (a) it was resolved that DS Ryan, Detective Acting Senior Sergeant Damian Jackson and I would meet with Assistant Director Steve Gleeson from the Information Management Standards and Security Division (**IMSSD**) to determine and satisfy the IMSSD and *Commissioner for Law Enforcement Data Security Act* requirements for the continued use of Fotoware DAM;
 - (b) DS Ryan and I would meet with DI Piazza to source analysts; and
 - (c) DS Ryan and I would work with the project team on the development of themes and sub themes given the cross-over of data.

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VPL.0005.0018.0847.

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VPL.0002.0001.0250.

109. On 27 June 2013, I met with DS Ryan and Detective Acting Senior Sergeant Damian Jackson regarding staffing and resourcing.⁹¹

110. On 4 July 2013, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.⁹² I do not independently recall the meeting. I note that the minutes of that meeting record that:

"The data is starting to be put into the identified themes. Discussion on any major issues currently identified – the team will get a better feeling over the next couple of months of any major issues but there is currently nothing of note. Discuss re current risks and agreed the most immediate issue will be the court process and any possible interference in outcomes."

111. After reviewing these minutes, to the best of my recollection, interference with court processes had been identified by this stage as a potential risk by the Steering Committee. However, nothing that would suggest that risk had eventuated had emerged.

112. On 16 July 2013, I attended a meeting with AC Fontana, Detective Superintendent Fryer, DSS Newman, Mr McRae, DA SS Jackson and Detective Acting Sargent Hilliard. I have no independent recollection of that meeting, however in the course of preparing this statement I was shown an entry in the Operation Loricated Diary for that day which records:⁹³

- (a) the issues of corruption, courts, conflict of interest, homicide and gaming racing were Detective Superintendent Fryer's interests;
- (b) an unidentified person or group was to "review list of entities re any person waiting sentence stemming from operations" involving Ms Gobbo and report to Detective Superintendent Fryer; and
- (c) an email was sent, or was proposed to be sent, to Findlay McRae regarding 'clarification of conflict of interest and legal professional privilege'.

113. On 6 August 2013, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.⁹⁴ I do not independently recall the meeting. I note the minutes of that meeting record that the Steering Committee agreed that

"issues like drug activity were to be prioritized last as many of these issues are historic and there would be little current evidence. It was further agreed that issues such as

91 VPL.0002.0001.0184.

92 VPL.0005.0018.0861.

93 VPL.0002.0001.0329.

94 VPL.0005.0018.0867.

corruption/legal conflict should be prioritized first as well as other issues like customs/waterfront etc."

114. After reviewing these minutes my recollection is that at this stage the Steering Committee had resolved to prioritise legal conflicts and corruption, but no such issues had yet been identified.
115. On 19 August 2013, I received an email from DS Lebusque in which he said that Ms Gobbo was on a witness list.⁹⁵
116. On 30 August 2013, I received a copy of a preliminary theme spreadsheet.⁹⁶
117. On 2 September 2013, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I reviewed the minutes of that meeting.⁹⁷ I note that, at this meeting, it was reported that:
- (a) Findlay McRae had met with the Director of Public Prosecutions on 28 August 2013 where issues connected to potential conflicts of interests "re issues with Witness F" were discussed; and
 - (b) the Director of Public Prosecution's advice was that where a clear conflict of interest in role of "F and clients" was identified by the project team it should be reported back.
118. To the best of my recollection, I do not know how Findlay McRae came to meet with the Director of Public Prosecutions on 28 August 2013. My present understanding of the Director's advice, as reported at that meeting, was that if a clear conflict of interest was identified it should be reported to the Steering Committee.
119. On 7 November 2013, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.⁹⁸ I do not independently recall the meeting. However, I note that the minutes of this meeting record that there was a new "theme" of "legal privilege" possibly arising and that that needed to be tested against the threshold test (giving information against client interests that has been acted upon) and '[o]nce the data analysis is complete the triage process may be established'. I do not recall why this was included in the meeting minutes.
120. On 25 November 2013, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.⁹⁹

⁹⁵ VPL.6112.0060.5612.

⁹⁶ VPL.0002.0001.0313 at .0321.

⁹⁷ VPL.0002.0001.0263.

⁹⁸ VPL.0002.0001.0266.

⁹⁹ VPL.0002.0001.0269.

I do not independently recall the meeting. However, I note that the minutes of this meeting record in 'Other Business':

- (a) there was a general discussion about the revised risk assessment of Ms Gobbo following the release of Mr Dale's book. It was resolved that Inspector Campbell would raise the offer of [REDACTED] with Ms Gobbo again and report back to the Steering Committee; and
- (b) there was a general discuss regarding the Hodson Inquest, and it was resolved that during his discussions with Ms Gobbo, Inspector Campbell would raise the issue of any proposed involvement by Ms Gobbo in the Hodson Inquest.

121. On 17 December 2013, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.¹⁰⁰ I do not independently recall the meeting. However, I note that the minutes of this meeting record that:

- (a) Superintendent Gerry Ryan would speak to [REDACTED] about offering [REDACTED] to Ms Gobbo; and
- (b) the action items resolved at the 25 November 2013 meeting regarding Inspector Campbell's discussions with Ms Gobbo were complete.

122. On 28 February 2014, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.¹⁰¹ I do not independently recall the meeting. However, I note that the minutes of this meeting record:

- (a) that Superintendent Gerry Ryan had spoken with the [REDACTED] to again offer [REDACTED] to Ms Gobbo, and this offer had been made and rejected;
- (b) in 'Other Business' sending themes to the appropriate group is discussed, and it is noted that '[o]ne grey area will be the legal fraternity issues and who should receive these to be assessed'. It is further agreed that 'the issues surrounding the legal fraternity would have been looked at/investigated further to date'; and
- (c) the Steering Committee noted risks associate with the dissemination of IR's that may be traced to Ms Gobbo, and that any dissemination plan would need to address this risk.

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VPL.0002.0001.0237.
VPL.0005.0018.0893.

123. On about 6 March 2014, I received a copy of an ICS dealing with the dissemination plan for the theme information.¹⁰²
124. On 21 March 2014, I attended a meeting of the Operation Loricated Steering Committee. In the course of preparing this statement, I was shown a copy of the minutes of that meeting.¹⁰³ I do not independently recall the meeting. However, I note that the minutes of this meeting record that:
- (a) a dissemination plan has been provided to the Steering Committee for approval; and
 - (b) the only issues that have not been allocated in the dissemination plan relate to 'courts/legal conflict/legal profession', and Findlay McRae would be provided with a hard drive containing the information reports relating to these themes and would arrange to have each item independent assessed to determine if further action, investigation or referral is required.
125. The Operation Loricated Completion Report was issued on 21 May 2014.

Operation Bendigo

126. In 2014 Operation Bendigo was established. Operation Bendigo arose from the completion of Operation Loricated.
127. On 10 May 2014, I commenced in the role of Detective Superintendent, Professional Standards Command. Assistant Commissioner Leane advised me to be mindful of the conflicts that may arise from any involvement in Operation Bendigo, given my previous involvement in Taskforce Driver and Operation Loricated. I acted accordingly, and thereafter had very limited involvement in Operation Bendigo. I do not recall precisely when I had this conversation with AC Leane, but I believe it would have been within several months of taking this position.
128. From time to time following my commencement at Professional Standards Commands, I was sent or copied into emails regarding Operation Bendigo, despite my limited involvement in the Operation.
129. In the course of preparing this statement, I was shown several documents and emails which relate to Operation Bendigo. I have no independent recollection of receiving these documents or emails.

¹⁰² VPL.0005.0003.0494.

¹⁰³ VPL.0100.0001.1020.

130. An ICS dated 10 September 2014, dealing with example one of the legal conflict report, bears my name.¹⁰⁴ I did not sign this issue cover sheet and have no recollection of having seen it. I have no knowledge of what became of this issue cover sheet.
131. On 19 September 2014, Detective Inspector Swain emailed myself, AC Leane, AC Fontana and Mr McRae, reporting that the previous day she had delivered four folders to me containing reports and supporting documentation for legal conflict examples one and four.¹⁰⁵ I do not recall reading these materials, and do not know what happened with them. I do recall that around this period I was sent or copied into occasional emails from DI Swain concerning Operation Bendigo, but I did not have substantive involvement in the Taskforce.

Detail how you learned, or were given reason to believe, that Ms Gobbo was providing information or assistance to Victoria Police (Q3)

132. I refer to my response to question 2.

Provide details of any other member of Victoria Police or other organization who you believe was aware, prior to the end of 2012, that Ms Gobbo was providing information or assistance to Victoria Police (Q4)


133. I believe that at least AC Ashton, AC Pope, DSS Boris Buick, DS Solomon, Detective Superintendent Fryer, Inspector John O'Connor, Superintendent Paul Sheridan, Officer Sandy White, Krista Breckweg (CDPP), and Gerard Maguire (barrister) were of aware of Ms Gobbo's registration as a human source.
134. I do not otherwise know who was aware that Ms Gobbo was a source.

Provide details of the person(s) you believe were involved in the authorization, and continued authorization, of the use of Ms Gobbo as a human source (Q5)

135. Beyond what I have said in my response to question 2, I do not know who was involved in the authorisation of Ms Gobbo as a human source.

Detail all personal contact you have had with Ms Gobbo (Q6)

136. To the best of my recollection I have had no personal contact with Ms Gobbo.



¹⁰⁴ VPL.0005.0003.2584.

¹⁰⁵ VPL.0100.0001.0848 at .0975.

Provide details of information received by Victoria Police between 1995 and 2012 where you knew, believed or had reason to suspect that the source of that information was Ms Gobbo (Q7 & Q8)

137. Apart from what I have said in my response to question 2, I do not know what information or assistance was provided by Ms Gobbo to Victoria Police.

Concerns raised as to the use of a legal practitioner – and Ms Gobbo – as a human source (Q9 & Q10)

138. Apart from what I have said in response to question 2, I do not recall any other concerns raised regarding the use of a legal practitioner, or specifically Ms Gobbo, as a human source.

Provide details of your awareness as to any discussion within Victoria Police about the obligation of disclosure in relation to material concerning the use of Ms Gobbo as a human source (Q11)

139. Apart from what I have said in response to question 2, I do not recall any discussion with Victoria Police about the obligation of disclosure in relation to material concerning the use of Ms Gobbo as a human source.

Provide details of any other human source who, to your knowledge, has provided information or assistance to Victoria Police who were subject to legal obligations of confidentiality or privilege (Q12)

140. I have no recollection of having heard of another lawyer, or any other person with obligations of confidentiality or privilege, who was a human source.

Training (Q13)

141. I believe that training regarding legal professional privilege, the rights of an accused person to silence and to legal representation, and professional and ethical decision making was provided or touched on in the following courses I have undertaken:

- (a) Detective Training School;
- (b) Internal investigation courses – base line human rights (464);
- (c) Internal courses around discipline and professional standards investigations;
- (d) Courses at the St Vincent Fairfax Ethical Leadership;
- (e) Police Academy training; and
- (f) Undercover course.

Other information (Q14)

142. To the best of my recollection, there are no other matters.

Dated: 18 December 2019



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Michael Frewen