

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

STATEMENT OF DAVID JUSTIN FOSTER

1. My full name is David Justin Foster. I am a Principal Solicitor employed by Victoria Police, Legal Services Department.
2. I make this statement in response to a request from the Royal Commission into the Management of Police Informants dated 23 April 2019. The statement is produced in response to a Notice to Produce.

Educational background and employment history (Q1)

3. In 1963 I commenced employment with the Crown Solicitor's Office.
4. While working at the Crown Solicitor's Office I undertook the Articled Clerks Course at RMIT.
5. I was admitted to practice in 1972.
6. In approximately 1972 I commenced employment at the Corporate Affairs Office.
7. In 1994 I commenced employment with Victoria Police.
8. Initially I was attached to a team within the Fraud Squad and was providing legal advice in relation to major fraud investigations. I later moved into the Crime Department, which then became known as the Legal Services Division. This role involved providing more general legal advice in relation to specific police investigations, policy issues and advice on proposed legislation which may impact on Victoria Police. I continued to provide legal advice in relation to fraud investigations.

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

9. I have had no involvement or association with any investigation that had any dealings with Ms Gobbo.
10. I have been asked whether I can recall providing advice in relation to fraud allegations concerning Solicitor 1 Operation Ramsden, Ms Gobbo or issues relating to the use of a legal practitioner as a human source. I have not provided legal advice in relation to any of these issues. I know of Solicitor 1 and Ms Gobbo as members of the criminal law profession and I would remember if I had ever provided legal advice in relation to them. I would also remember if I had provided legal advice about the use of a legal

David J. Foster

practitioner as a human source. I would not have provided legal advice in relation to human sources as these are operational issues and within the purview of the Victorian Government Solicitor's Office if legal advice was required.

11. During my employment with Victoria Police I have kept diary notes of oral advices given and have maintained legal files in relation to written advice work undertaken. More recently, my written legal advices have also been uploaded onto a database maintained by the Legal Services Division, however I don't believe the database was in use during the 1990's. In the time available, I have not been able to access all of my diaries, legal files or the database. I am informed that my diaries from 2006 to 2013 have been reviewed by Taskforce Landow, and that there are no entries relevant to Ms Gobbo. I don't know where my earlier diaries are currently located.

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

12. I have only become aware of Ms Gobbo's role as a human source through media reports.

Awareness of others (Q4)

13. I have no knowledge of this matter.

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

14. I do not know who was involved in the authorisation and continued authorisation of Ms Gobbo as a human source.

Personal contact with Ms Gobbo (Q6)

15. I recall seeing Ms Gobbo at the Celtic Club from time to time and we may have exchanged pleasantries on occasion.
16. I've been asked whether I have any recollection of Ms Gobbo attending the Fraud Investigators Course. This course was conducted by Victoria Police in conjunction with La Trobe University at a venue near the Victoria Market. It is my recollection that I taught this course in the late 1990s for about five or six years. I don't have a specific recollection of Ms Gobbo attending the course while I was teaching, nor do I recall every student whom I taught, but it is possible that Ms Gobbo attended the course while I was teaching. If she did attend, any contact that I had with her would have been in the context of the course.

David T. Foster

17. I have been asked whether I have any knowledge of Jeff Pope being involved in an intimate relationship with Ms Gobbo. I have no knowledge of this. I never saw the two of them together.

Information & assistance received (Q7 & Q8)

18. I have not received any such information or assistance.

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

19. I have no knowledge of these matters.

Awareness about disclosure in relation to Ms Gobbo (Q11)

20. I am not aware of any such discussions.

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

21. I am not aware of any other human source who was subject to legal obligations of confidentiality or privilege.

Training (Q13)

22. As a solicitor, I have knowledge about each of these topics and provide legal advice in relation to them from time to time. I keep my legal knowledge in these areas up to date by reading relevant cases and attending CPDs.

Other relevant matters (Q14)

23. I have nothing further to add.

Dated: 30 April 2019

.....*David J. Foster*.....
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David Justin Foster