

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE

IN THE MATTER of NICOLA MAREE GOBBO an applicant for admission to practice as a barrister and solicitor.

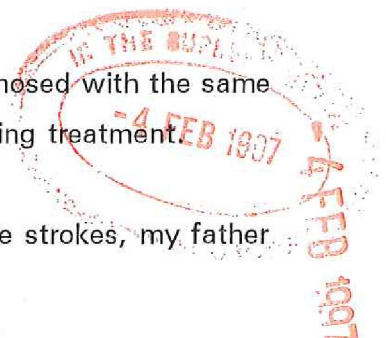
AFFIDAVIT TO THE BOARD OF EXAMINERS

Deponent:	Nicola Maree Gobbo
Date of document:	4 February 1997
Filed on behalf of:	The Applicant
Prepared by:	
Molomby & Molomby	Solicitors Code: 405
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MELBOURNE 3000	Reference: GIS/NMG

I, **NICOLA MAREE GOBBO** of 575 Bourke Street, Melbourne in the State of Victoria, Articled Clerk, **MAKE OATH AND SAY** as follows:-

1. My full name is Nicola Maree Gobbo and I was born in Melbourne on 16 November 1972.
2. I was educated at Sacred Heart Primary School Kew, and Genazzano College, where I completed my HSC in 1990.
3. During my secondary education (1985-1990) my father was diagnosed with an incurable type of cancer. Despite an estimate of only weeks to live, with extensive treatment in hospital my father survived for another five years, during which time I lived with the knowledge that my father could die at anytime. This lead to considerable pressure on both myself and my family, increased by the experience of my mother, in a remission, having suffered from the same type of cancer only six months earlier.
4. In February 1990, during my HSC year, my father was diagnosed with the same cancer. Knowing the outcome, he commenced life enhancing treatment.
5. In April 1990, my father's mother died and after successive strokes, my father died at Cabrini Hospital on 9 May 1990.

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6. Despite all of the events related in the above paragraphs, I obtained the necessary academic results to secure a position to commence a law degree at Melbourne University in 1991.
7. Throughout my degree (1991-1995) I was continuously employed in order to support myself while I was studying. In September 1992, I was elected as an editor of the Melbourne University Student newspaper "Farrago" and to the position of Vice-President of the Law Student's Society; I held both positions during 1993.
8. In late July 1993 I purchased a property in Rathdowne Street, Carlton. The purpose of me moving out of home was to be closer to University. I had formed a friendship with a man, Brian Wilson, three months earlier and he offered to move in as a housemate in order to assist me paying the mortgage.
9. I was not aware that Wilson was a user of drugs, including marijuana and amphetamines. At this time I was studying part-time but averaged approximately 90 hours per week at University due to my activities. One of my responsibilities as a newspaper editor was to produce a fortnightly tabloid size publication of about 40 pages. I also attended various meetings within the Law Faculty in my capacity as (Education) Vice-President. As a result I was very rarely home at the same time as my housemate who did shift work as a security guard. This pattern continued for most of the four weeks we shared a house.
10. On September 3 1993 the District Support Group (Victoria Police) executed a search warrant at my home. They found quantities of marijuana and amphetamines on the premises. I was embarrassed and shocked when this occurred as I did not know what was taking place at my house. Five days earlier I had formed some suspicions of Wilson and I reported him to the Police.
11. I was charged with two counts of possession of drugs and one count of use. As an occupier and owner of the premises where the drugs were found, I was told by the Police that Section 5 of the Drugs Poisons Controlled Substances Act 1981 (Vic) applied; due to the quantities found I was deemed liable on the basis of owning the house.



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12. My then solicitor, Mr Simon English, advised me to plead guilty and get the matter dealt with as quickly as possible. I was approached by a reporter outside court and I was afraid to have the matter ventilated in the papers. I had nothing to do with the drugs on the premises and I had not asked my housemate about his activities. I certainly was not involved in any drug-related activities with him.
13. When questioned by the police I admitted to having experimented with marijuana on two occasions in 1991 or 1992 at University parties and that I had not tried it since.
14. I have not used marijuana or any other illegal drugs since those occasions mentioned above. I do not intend to use marijuana or other illegal drugs in the future. The Police frightened me a lot, both during the interview process and about the possibility of being picked up for marijuana use in the future. I have no intention of being involved with drugs.
15. My housemate was charged with trafficking and other offences and was sentenced on 22 December 1993 to 13 months imprisonment wholly suspended for two years. He incurred a substantial fine and had to surrender a large amount of personal property.
16. I received a 12 month good behaviour bond without conviction on all charges following a hearing at the Melbourne Magistrates' Court on 29 November 1993. At all times I was fully co-operative with the Police in assisting them in their enquiries.
17. I ceased my association with my housemate immediately (he moved to Rye where his mother resided) and I have not been in any trouble with the law since, with the exception of a fine I received for not wearing a seatbelt as a passenger in a motor vehicle on 21 December 1993. I paid the fine for this by its due date.
18. In December 1994 I completed a Summer Clerkship at the Australian Government Solicitor and in January 1995 I completed a Summer Clerkship at the Law Institute of Victoria. In February 1995 I commenced part time employment at the Commonwealth Bank of Australia in the litigation section of their legal department,



while completing my final year studies. I graduated in March 1996 with a BA/LLB (Hons).

19. On 26 February 1996 I commenced my Articles of Clerkship with Molomby & Molomby Solicitors. My principal is George Stogdale.

20. I did not turn my mind to whether it was appropriate or not to disclose the information relating to my sentence during the time when I was applying, and being interviewed for Articles. I was never questioned by any of my interviewers and I did not actively conceal these events nor the sentence I received. It was never my intention to mislead anyone.

21. Given the knowledge I now possess with regard to my charges I would not automatically plead guilty to those charges. I did so then as a result of advice received by my solicitor and the pressure of the media. My level of maturity and my judgement of others were also factors which lead to my guilty plea.

22. Ever since childhood I have wanted to practice law, having been instilled with a strong sense of social justice in a family with an established legal background.

23. I can assure members of the Board that upon being granted admission to practice my integrity and honesty will not be compromised. In accordance with the trust and privilege vested in me by the Court, I will endeavour to be an upstanding and honourable member of the legal profession.

24. I understand how important it is for members of the legal profession to uphold the law and I undertake to do so.

SWORN by the deponent at Melbourne)
in the State of Victoria this 4th day of)
February 1997)

Before me:

GEORGE I. STOGDALE
A natural person who is a current
practitioner within the meaning of
the Legal Practice Act 1996
MOLOMBY & MOLOMBY
575 Bourke Street, Melbourne 3000

This Affidavit is filed on behalf of the Applicant