

**TRANSCRIPT  
OF PROCEEDINGS**

---

**OFFICE OF POLICE INTEGRITY**

**MR G.E. FITZGERALD AC QC  
MR G.H. LIVERMORE  
MR G. CARROLL**

**HEARING PURSUANT TO SECTION 86P(1)(a) OF THE  
POLICE REGULATION ACT 1958**

**EXAMINATION OF NICOLA GOBBO**

**MELBOURNE**

**1.17 PM, FRIDAY, 17 AUGUST 2007**

**PROCEEDINGS RECORDED BY THE OFFICE OF POLICE  
INTEGRITY VICTORIA**

---

MR FITZGERALD: - - - Fitzgerald, being a person to whom the director of police integrity has - pursuant to section 102F of the Police Regulation Act 1958 - delegated certain powers, including his powers under section 19B of the Evidence Act 1958; and being satisfied that the exclusion of the public from the hearing being conducted by me on 17 August 2007 at the Office of Police Integrity, 459 Collins Street, Melbourne would facilitate the conduct of the investigation to which the said hearing relates and would be in the public interest, hereby order the exclusion of the public from the said hearing.

I, Gerald Edward Fitzgerald, being a person to whom the director of police integrity has - pursuant to section 102F of the Police Regulation Act 1958 - delegated certain powers, including his powers under section 19B of the Evidence Act 1958; and having today made an order under section 19B(1) of the Evidence Act 1958 excluding the public from the hearing being conducted by me today at the Office of Police Integrity, 459 Collins Street, Melbourne, hereby prohibit the publication of the whole or any part of the proceedings of the said hearing or of any information derived from the hearing or part of it, except via with the leave of the director. Ms Gobbo, I think I recollect that you took an oath on the last occasion.

20

MS GOBBO: I did.

<NICOLA GOBBO, sworn

[1.19 pm]

MR FITZGERALD: Thank you, please sit down. Now, Ms Gobbo, I don't want this, and I'm sure no-one else wants this, to be any more unpleasant than can be avoided. But I tell you that just as you took an oath on this occasion, you took an oath on the last occasion; and it's sufficient that I say I think that I believe that you neither told the whole truth and that indeed in some instances you told untruths. You're in a position to assess the consequences of behaving in that way. What we're going to do is to go over some matters and give you an opportunity to give your evidence. If you persist in the course I believe you persisted in last time, well, then that's something for which you have to accept responsibility. Mr Livermore.

35

MR LIVERMORE: Thank you, sir. Perhaps before we get into the substance, Ms Gobbo, you mentioned something just before the hearing to Mr Carroll, something that had occurred between 19 July when you were last here and today, that was of concern to you. Can you tell us about that, please?

40

MS GOBBO: Only that I received a telephone call from a male, I don't know who it was, about a week after I was here, 3.37 in the morning. Someone rang me up from an anonymous number and threatened to kill me on - well, they didn't - not in those words. Can I look at my diary, cause I wrote down what

was said.

MR LIVERMORE: Sure.

5 MS GOBBO: It was 3.37 am on 25 July, and whoever it was said to me, "You talk, you die. Every dog has its day," and hung up on me. It's been - it's been reported to the police and I understand it's being investigated.

MR LIVERMORE: And was that on a landline or your mobile?

10

MS GOBBO: Mobile.

MR LIVERMORE: On your mobile. And were you able to recognise the voice?

15

MS GOBBO: No, I wasn't.

MR FITZGERALD: Do you have any suspicion as to who it was?

20 MS GOBBO: No, I - I don't, because I - I couldn't even - leaving aside the fact that it was - I was woken up from being asleep, I couldn't recognise the voice. I couldn't even recognise a distinctive accent, as in I couldn't even say that it was a particular nationality or otherwise; only that it was male.

25 MR LIVERMORE: And who did you report it to?

MS GOBBO: The Purana Taskforce.

MR LIVERMORE: Did your reporting that involve telling anybody that you'd  
30 been here to give evidence - - -

MS GOBBO: No, not - not - - -

MR LIVERMORE: - - - on 19 July?

35

MS GOBBO: Not to the police I spoke - the police I spoke to, no.

MR FITZGERALD: Who was that?

40 MS GOBBO: Detective Sergeant Dale Flynn.

MR FITZGERALD: Dale Flynn? Do you feel that your inability to - to disclose that you had been giving evidence here has inhibited the investigation in any way?

MS GOBBO: I don't really know because I don't know whether this - that threat was connected to - in any way to this. I've got no reason to think it is.

5 MR FITZGERALD: You have no reason?

MS GOBBO: I have no reason to think it is.

MR FITZGERALD: No.

10

MS GOBBO: Because nobody - I haven't told anybody I'm here. I have been receiving reasonably continuous number of threats by text message since roughly August-September last year. But this is the first time someone's actually rung and said anything. So I can't say to you whether that call is  
15 connected with the previous text messages and threats from some people, or whether it's completely separate, or whether it had anything to do with this at all. I mean, it's unfortunate that I have - I did report it to the police, but it's unfortunate that I can't - I felt that I couldn't tell Sergeant Flynn that - that I was here, or what this was about, in case it was of relevance to them, because I  
20 don't know what they're doing with their investigation or what they have - what they may or may not find out.

MR FITZGERALD: Would you regard it as inconsistent or contrary in any way to your interests if the director of police integrity informed Sergeant Flynn  
25 that you'd given evidence here?

MS GOBBO: No, not at all.

MR FITZGERALD: I say that because - and I don't intend to cast any  
30 reflection on Sergeant Flynn, but that may have the consequence of revealing to persons who are unaware that you've given evidence here that you've done so, and in the circumstances you might wish it not to be disclosed.

MS GOBBO: No. I have no difficulty in him knowing, because he's a man  
35 whose integrity I have great faith in.

MR FITZGERALD: Very well. Well, we'll take that on board. Do you - you go on, Mr Livermore.

40 MR LIVERMORE: I think you've already answered this from what you've said, but between 19 July and today have you spoken to anyone about attending here and giving evidence on 19 July?

MS GOBBO: Only in relation to legal advice. But no, I haven't told anyone,

no. Not - not in terms of telling people that I was here and giving evidence, no.

MR LIVERMORE: You spoke to a lawyer?

5 MS GOBBO: Yes.

MR LIVERMORE: About some legal advice?

10 MS GOBBO: No, about the fact that I hadn't finished and that I had to go back.

MR LIVERMORE: And who was that?

MS GOBBO: Alistair Grigor.

15 MR FITZGERALD: And that's the only person, Ms Gobbo?

MS GOBBO: That's the only person in relation to legal advice, yes.

20 MR FITZGERALD: But otherwise have you discussed the fact that you've been here?

MS GOBBO: I don't think I can answer that question. I think I need legal advice to answer the question. I can't answer it.

25 MR FITZGERALD: I don't understand.

MS GOBBO: Can I have a break for a few minutes?

30 MR FITZGERALD: Yes. You need to make a phone call?

MS GOBBO: I think so, yes.

35 MR FITZGERALD: We'll take the break.

**ADJOURNED** [1.27 pm]

**RESUMED** [2.04 pm]

40 MR FITZGERALD: Ms Gobbo, I understand that you are able to answer that question in a qualified way, and I'd ask you to do that please, thank you.

MS GOBBO: There is another person that I've spoken to, and Inspector Gavin Ryan is aware of who it is and what it relates to.

MR FITZGERALD: Thank you. And there's no other person?

MS GOBBO: No.

5

MR FITZGERALD: Very well, thank you.

MS GOBBO: That's who I needed to get some advice before answering because I - - -

10

MR FITZGERALD: That's perfectly understandable. That's fine

MR LIVERMORE: Okay. I just want to canvass a few matters that we touched upon last time and perhaps get a bit more detail from you.

15

MS GOBBO: Just before you ask any other questions, Mr Fitzgerald, it seems that if I were - in light of what you indicated at the outset, which was - unless I incorrectly have interpreted or misunderstood what you've said, which is really a - a warning in relation to being charged or potentially being charged with

20 perjury, it just occurred to me that if I wasn't - if I had representation, someone more objective than I might ask you what those untruths are that I'm supposed to have indicated or I'm supposed to have said; because it's something I really should get some advice about if that be the situation.

25 MR FITZGERALD: Have I - firstly, it wouldn't be my decision, or indeed I believe the director - director's decision, whether or not you should be charged with perjury. That's not my function. Secondly, I would be disinclined, irrespective of whether you were represented or not, to elaborate on what I said. But I would certainly be prepared to repeat it in front of you and your

30 legal representative if one were here. Do I think that you are, if charged, at risk? The answer's yes. That's simply a personal opinion, and I of course are not in a position to give you advice, and you don't want or need my advice. If you're asking can you have an adjournment in order to obtain legal representation or legal advice then the answer's yes.

35

MS GOBBO: It just seems to be that if I'm asked further questions which relate to the same things I've already been asked, and you've indicated your view, which is that I have told untruths on the previous occasion, then it seems that if I was represented someone would be stopping this and saying - or I

40 should be stopping it and saying I should be represented.

MR FITZGERALD: I - I understand what you're saying.

MS GOBBO: I mean, it's one thing - it's one - - -

MR FITZGERALD: I think it would be a prudent course.

5 MS GOBBO: It's one thing for you to say there's - for example, there's  
a - different people have said different things. But for you to come and directly  
say that, "What you've said is untrue," that's a - that's different from saying,  
"Your version's different from someone else's".

MR FITZGERALD: I understand. I understand.

10

MS GOBBO: And that's what I understood you to be saying.

MR FITZGERALD: I - I stated I believe - my belief that on the previous  
occasion you neither told the whole truth, as the oath required, and that in  
15 respect of some matters you told untruths, yes. And I - I would certainly give  
you an opportunity to obtain legal representation or legal advice. I certainly  
don't want to put you in a position where you're in any way denied procedural  
fairness. I respect the fact that you're a very experienced criminal lawyer and I  
think on the last occasion you really elected to appear without representation,  
20 at least you didn't ask for it.

MS GOBBO: No.

MR FITZGERALD: But it does seem to me, and I haven't, of course, formed  
25 any final views about these matters but I - one reason for having you back  
today was to give you an opportunity to deal with various matters, so that if  
you had not spoken truthfully on the last occasion and wanted to correct it you  
would have that opportunity. Now, for myself I prefer that occurred than that  
you persisted in a course of - shall we keep it neutral - being less than frank.  
30 But that's all I really should say. I think, as for the rest, it's a matter between  
you and your legal adviser, and if you want an adjournment then that's what  
we'll do. Most people think it's wise to have a lawyer other than themselves.

MS GOBBO: Well, it's a fool who acts for themselves, that's right.

35

MR FITZGERALD: Well, I'm not accusing you of foolishness. You  
understand that. I'm simply saying that - - -

MS GOBBO: No, look, I - - -

40

MR FITZGERALD: - - - I do think you're in - I think because of the course  
you have chosen, the practice you have pursued, things have become quite  
complicated in your life. It sounds a bit avuncular, but you've obviously acted  
for people in all sorts of difficult circumstances.

MS GOBBO: And hindsight is a wonderful thing.

5 MR FITZGERALD: And hindsight is a wonderful thing, and few of us can go through life without any regrets, Ms Gobbo. But at the same time, if things are complicated for you I'd rather see that you had a reputable lawyer and that they sought to negotiate on your behalf to ensure that you disclosed everything and disclosed it frankly and comprehensively, than that we went through some sort of a process in which you tried to outwit us and it had repercussions.

10

MS GOBBO: I don't want there to be repercussions, so - - -

15 MR FITZGERALD: No, I'm not saying you - I'm not commenting on whether you could or couldn't outwit us. I'm just saying that you may be well advised to have someone look at your position, talk to them frankly under privilege, and assuming that they are reputable and can be trusted, so that they don't go to people who - - -

20 MS GOBBO: That's the next problem, but - - -

MR FITZGERALD: Yes, well, I counsel you to be very careful about that.

MS GOBBO: It's a very - that's a very difficult issue.

25 MR FITZGERALD: Well, at least I think you should have the opportunity to think and to talk about that with - they may not be within your immediate circle. I don't know. But - - -

30 MS GOBBO: Mr Fitzgerald, I don't think they could be within my immediate circle.

MR FITZGERALD: You don't think they could be?

35 MS GOBBO: I don't think they could possibly be.

MR FITZGERALD: No. So - - -

MS GOBBO: And I'm not saying that anyone within - - -

40 MR FITZGERALD: No, no, I understand.

MS GOBBO: - - - my immediate circle is someone that is less than trustworthy. But I think for a variety of reasons that - - -



MR FITZGERALD: You might be better going outside the circle?

MS GOBBO: Yes.

5 MR FITZGERALD: All right. I hope you can see that this isn't an exercise in trying to trap you in some way. I'm happy to try to cooperate. But at the same time, I've got a job to do, and I'd be expecting you to come back and speak fully and frankly.

10 MS GOBBO: Can whoever I engage - and I'm not sure how I'll find someone, but I will, or how quickly I can. Can that person speak to - to Greg?

MR FITZGERALD: Yes.

15 MS GOBBO: Or should they speak to him, or to Mr Livermore?

MR FITZGERALD: Well, we can probably do it through Greg. But I mean, if necessary we can probably arrange for a meeting at which Mr Livermore is present. It may be that, because Mr Livermore is at the Bar, that if it is a  
20 barrister - as I expect would be involved - that they may wish him to be there for discussions.

MS GOBBO: It just seems to me that, because they weren't here on the last occasion, and hearing an independent objective account of what was asked and  
25 said is better than my recollection of what was said without any notes or anything else.

MR FITZGERALD: Yes, although I think I should say this to you. I don't think you should regard it as an opportunity for them to tease matters out. I  
30 mean, one of the difficulties of these things is that people with whom one seeks to cooperate sometimes seek to take advantage of it by finding out where they're vulnerable and so forth. I wouldn't expect either Mr Carroll or Mr Livermore to be giving much away.

35 MS GOBBO: No, it's - - -

MR FITZGERALD: But I would expect them to be available if your counsel were to say, "Well, we've had a chat and we did want to deal with matters as fully" - et cetera. But we can work forward from there. But it won't - it won't  
40 be just a, "I'm coming along to make you show your hand." That won't happen.

MS GOBBO: No, no, no. But it's - I need to be able to say to whoever it is, that this is what happened. But don't necessarily - we all know what a client's

version of events is compared to the objective person appearing on their behalf, and that's what I'm really saying. My recollection of exactly what the topics were that were even covered over a number of hours won't be as, um, accurate as either of those gentlemen.

5

MR FITZGERALD: I think you can take it that various of your relationships over the last number of years, since early in the current century - - -

MS GOBBO: 2000?

10

MR FITZGERALD: 2000. Various of your relationships, particularly during that period, are of considerable interest; and you could expect to be asked more about aspects of those things, and you might think that you could be more forthcoming and more accurate than on the last occasion. So that's to - I don't

15

want you ambushed. I don't want any of that. I'm just trying to make sure that when you seek advice, you're in the best possible position to do it.

MS GOBBO: Okay.

20

MR FITZGERALD: Now, we'll need to organise some dates, but I think the first thing is that you should get your advice, and I'd ask you to at least have - at least engage someone and have them contact Mr Carroll within - I think you're going out of Melbourne for a couple of days next week?

25

MS GOBBO: Monday and Tuesday. Maybe Wednesday.

MR FITZGERALD: Okay. Well - - -

30

MS GOBBO: Well, hopefully the whole thing will resolve on Monday, but - - -

MR FITZGERALD: Well, if it doesn't, next week if possible. If not, within 10 days.

35

MS GOBBO: I'll get someone to - - -

MR FITZGERALD: I think the thing is, my own view, for what it's worth - and I know it's not worth much - is that you really will need to be forthcoming with whomever you engage, so that they can properly advise you as to how you

40

should deal with this investigation.

MS GOBBO: Well, the only limited advice I - well, the only reason I spoke to a solicitor at all was generally in relation to the question of privilege. Other than that, I haven't - I haven't taken it any further than that.

MR FITZGERALD: Okay. Well, we'll leave it there for the moment.  
Mr Livermore, you don't object to that?

5 MR LIVERMORE: No, sir.

MR FITZGERALD: Then we'll try and make some - when you've got  
someone on board we'll just - we'll just take it forward step by step. But you'll  
appreciate it probably will be - almost certainly be necessary to come back.

10

MS GOBBO: Yes.

MR FITZGERALD: And while we'll try to accommodate your convenience,  
as we did I think on this occasion, we'll do our best.

15

MS GOBBO: I understand.

MR FITZGERALD: Okay, thank you. I suppose I should formally adjourn  
the proceeding.

20

MR LIVERMORE: Yes, sir.

<THE WITNESS WITHDREW

[2.18 pm]

25 INTERVIEW CONCLUDED

[2.18 pm]