

**STATEMENT OF ALEX LEWENBERG FOR THE ROYAL COMMISSION INTO THE MANAGEMENT OF
POLICE INFORMANTS**

I, ALEX LEWENBERG, of Lewenberg & Lewenberg Solicitors, Level 1, 340 Little Lonsdale Street, Melbourne provide the following statement in response to a Notice to Produce issued by the Royal Commission pursuant to section 17 of the *Inquiries Act 2014* (Vic).

Outline of my involvement and association with Ms Nicola Gobbo

1. I first met Ms Gobbo in about 1995 when she approached me about working for my then firm, Alex Lewenberg Solicitors. I was attending at Molomby & Molomby Solicitors for a conference about a commercial matter when Ms Gobbo, who was working for Molomby & Molomby Solicitors, approached me and said that she was looking for work in a legal firm. I asked why she wanted to work for a small legal firm like my firm, and she indicated that she had heard of the firm's name and believed that she would learn a lot.
2. About a week after I met Ms Gobbo, we arranged to meet at my firm's office in Cremorne Street, Richmond to discuss the possibility of her working for my firm. I was impressed by Ms Gobbo. She was highly intelligent, articulate and appeared to be confident. The fact that her family was well connected did not escape my consideration.
3. Ms Gobbo said she was very interested in criminal law. She said at Molomby & Molomby she did mainly commercial work and civil litigation, but her passion was criminal law.
4. Either when I first met Ms Gobbo or soon after she told me that while a law student at the University of Melbourne she had shared an apartment with a number of persons that was raided by Police and she together with others were charged with drug offences. I asked her what drug the offences related to and my recollection is that Ms Gobbo said it was amphetamines or opiates. She indicated that her role in possession of the drugs was fairly low and she was sentenced to a Good Behaviour Bond while

others received more severe sentences. I asked whether she had complied with the Good Behaviour Bond and she said she had. Also, whether she had disclosed the matter to the Board of Examiners and she said she had and that they had approved her admission. I thought no more about the matter.

5. Soon after the interview, I offered Ms Gobbo employment at my firm as a solicitor and she accepted. She commenced employment at my firm's office in Cremorne Street Richmond Office.
6. Ms Gobbo worked as a solicitor for my firm for about 12 months.
7. In the first part of her employment, Ms Gobbo was involved in all aspects of the firm's legal practice including commercial matters like commercial conveyancing . However Ms Gobbo made it clear that her sole interest was in criminal law and this soon became the work she did at my law firm.
8. Initially I had Ms Gobbo assist me in criminal law matters by asking her to perform tasks, for example, I gave her a number of Briefs of Evidence to summarise and indicate what witnesses should be called.
9. Within a month or two of commencing employment, Ms Gobbo had demonstrated a high level of competency in criminal law matters and was interacting well with criminal law clients of the firm. This meant that after a few months she was dealing directly with the criminal law clients of the firm rather than via me. I continued to check the files she worked on to see what advice she was giving and how the file was progressing. I was of the view that Ms Gobbo's work was of a high standard and after about 6 months I examined the files she worked on less and less frequently.
10. Soon after Ms Gobbo commenced working for my firm, I formed the belief that Ms Gobbo wished to go to the Victorian Bar as a barrister and that her employment with my firm would be for a relatively short time to help her gain experience in criminal law matters and contacts.

11. About six months in to Ms Gobbo's employment I was concerned about her socialising with clients of the firm and the police, in particular that she was socialising with them outside work hours and whether this created the right impression. I was aware that people were gossiping about her.
12. Ms Gobbo appeared to be socialising with clients outside of work hours at restaurants, nightclubs and Crown Casino. Being rather conservative, I regarded a single young woman mixing with people who had been charged with criminal offences, including serious criminal offences, and going out at night with them drinking as not my idea of the right life for a single woman who I believe came from a very good family background.
13. Ms Gobbo also appeared to be socialising with at least one Police Officer. There was a specific incident when I noticed a man sitting in a car near my firm's office in Richmond. As I approached the car, the man put his hands on the steering wheel, bent his head on the steering wheel so I could not see who he was. In my experience this is surveillance police tactics and I assumed that man was a Police Officer, but I do not know if he was or who he was. Upon my return to the office within minutes Ms Gobbo left the office and I observed her walking in the direction of where the car was parked and enter into the car and drove away in the car.
14. A day or so after the incident, I spoke to Ms Gobbo and said to her the following, paraphrasing, "Nicola, as an employer I have no right to interfere in your personal life but being involved with clients and police is not a good idea, you must resolve any problems and try to avoid it." Ms Gobbo responded that the other day it was a friend who picked her up and she knows to keep a good distance from the police and clients and all relationships with the clients and with the police were professional. Generally Ms Gobbo expressed a deep dislike bordering on contempt for Victoria Police and the Federal Police, and she said that she regarded most Police as crooks and dealing with them was purely business.

15. I recall speaking to my wife about my concerns and while she thought Ms Gobbo was a 'lost soul' without sufficient parental control, she said with her usual wisdom words to the effect that "Ms Gobbo is attractive, men seem to be attracted to her as clearly they would not be attracted to me." She also said that if Ms Gobbo was a male solicitor and he socialised with women clients and Policewomen I would not be so concerned, which is probably right.
16. While I was concerned that Ms Gobbo socialising with clients and police may not be creating the right impression of her and was the subject of gossip, at no stage during her employment with my law firm did I suspect or believe that she was acting as a Police Informer. My concerns were largely paternal in nature, and I believed her when she told me that her relationships with clients and police were professional and believed more generally that she was acting in the best interests of the clients of the firm. I viewed her as a good lawyer, who was hard working and always acted in the interests of the clients she represented.
17. When Ms Gobbo left employment with my firm, she read to become a barrister at the Victorian Bar and then practiced as a barrister. I initially briefed her to act for clients of my firm but within a few months I felt that her legal fees were too expensive, and while she had clients who could pay her legal fees most of my clients could not. Thereafter, I generally did not brief her for clients of my firm although I did occasionally.
18. Although I was not briefing Ms Gobbo regularly, I saw her from time to time and we were on friendly terms.
19. In the late-1990s and early-2000s Mr Gobbo referred clients occasionally to my office. One of those clients was Terence Hodson who was arrested following a burglary in Oakleigh. At the time I understood that Terence Hodson was a Police Informer and it was desirable that he be released from custody as otherwise his life expectancy in custody would not be long.
20. I appeared for Mr Hodson at a bail application in the Magistrates Court with Magistrate Goldberg presiding. I was concerned that I was opposed to Mr. Jeremy Rapke QC who I

viewed as a formidable opponent. I put submissions that would ordinarily persuade me but seldom a Magistrate, and Mr. Rapke seemed to be less than his usually persuasive self, even though he expressed formal opposition to granting bail. I was somewhat surprised when bail was granted. After that application I did not have contact with the Hodsons. It was only after Terence Hodson and his wife were murdered that I was approached by his children and asked to represent the family as they believed a prominent Victoria Policeman was responsible for the murder of their parents. I ultimately acted in the Coroners Court's Hearing in to their deaths and it was my brief to submit that the Hodsons' deaths could have been prevented if the Police had provided sufficient security and the failure to provide security had facilitated the murder of two very important witnesses.

21. In about 2010 Ms Gobbo requested me to act for her in an application to be excused as a witness in Mr Paul Dale's committal hearing on the basis of ill health. I understood that the Police had asked her to wear a wire to record Mr Dale and she had agreed to do because she was disgusted about what happened to the Hodsons. I acted for her and made an application in the Magistrates' Court for her to be excused as a witness on the basis of ill health but it was rejected. I also acted for her in an application for a suppression order about her involvement in the case, which also was unsuccessful. I recall that soon after the DPP said that they would withdraw her statement from the Brief of Evidence, which I was surprised about.
22. After the matter with Mr Dale and in about 2010, Ms Gobbo asked if she could work for me a solicitor to help her get back in to doing legal work because she had not worked as a barrister because of ill-health. I employed her as a solicitor and as best I can recall she worked on a matter for my client John Hicks. She worked for me for a short period, perhaps 2-months.
23. In about 2014 I acted for Ms Gobbo in defamation proceedings against the Herald Sun. It had published an article that suggested she acted against the interest of her clients. I issued on her behalf a proceeding in the Supreme Court of Victoria contesting that she had acted against the interests of her client, and soon after it settled with the Herald Sun paying her damages.

Detail how you learned, or were given reasons to suspect or believe, that Ms Gobbo was providing information or assistance to Victoria police including when that occurred and in what circumstances that occurred

24. I was aware in about 2010 that Ms Gobbo had worn a wire to record Mr Dale because of my involvement in trying to have her excused as a witness. I did not believe at that stage that more generally she had provided information or assistance to Victorian police or was a Police Informer.
25. I first suspected in about late-2016 that Ms Gobbo may have more generally provided information or assistance to Victorian police as a Police Informer.
26. In late-2016 Anthony Dowsley, a reporter from the Herald Sun, met with me and told me he had evidence that Ms Gobbo was a registered Police Informant and that she had been an Informer for many years. At the time, I took issue with what Anthony told me and did not believe what he told me but from then on I began to question whether she may in fact have been a Police Informer and to reconsider matters that had happened in the past such as the following:
 - (a) her having socialised with police when an employee solicitor of my firm;
 - (b) in the mid-to-late-1990s some clients of my law firm had raised concerns about whether Ms Gobbo was trustworthy. I had dismissed their concerns at the time but began to wonder if they knew something I did not;
 - (c) Ms Gobbo had spoken to me about a proceeding she had brought in the Supreme Court against the State of Victoria and the then Chief Commissioner of Police in which she alleged that as a consequence of her personal association with the Police she had been regarded by some of her clients as an Informer and that had generated concern to her, had made her unwell and consequently she sought

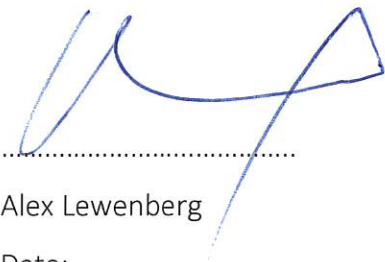
compensation. Ms Gobbo had said to me at the time she was not a Police Informer and I believed her but again I began to question this;

- (d) as stated I had acted for Ms Gobbo in her application to be excused as a witness in Mr Paul Dale's committal. I had believed that her wearing a wire to record Mr Dale was a one-off event but now wondered if this was part of something broader;
- (e) in about 2010 Ms Gobbo had worked as an employee solicitor assisting on the trial of John Hicks. I was strongly of the view there was a proper basis to apply to discharge the Jury in the trial and the client had instructed the application should be made. Ms Gobbo had originally agreed with me in the presence of Counsel that the application should be made. However, later I found out that when I was not present she persuaded Counsel and the client that my view that the Jury should be discharged was premature and inappropriate and the application was not made. When I discovered this I was very surprised and angry, and could not understand why Ms Gobbo had done this, and why the client's initial instructions had not been followed. Again, I began to wonder if there was another reason.

Matters relating to the Royal Commissioner's terms of reference

- 27. I am not aware of any case for a client of my law firm that has been affected by the conduct of Ms Gobbo as a human source for the Police save for my suspicion about her conduct as a solicitor in the John Hicks matter.
- 28. While Ms Gobbo was a solicitor at my firm she had access to all of my firm's office files, accounts, clients' documents, as had any solicitor in my employment. It is fair to say that at times my office was disorganised at times so documents went missing or could not be found but I had blamed that at the time on the general state of the office. I simply do not know whether she provided any information to Police about my law firm's client matters.

29. While Ms Gobbo was a solicitor at my firm and shortly after a number of my clients told me that Police Officers had approached them and told them that their legal problems would go away if they could provide police with evidence against me, relating to either laundering money or dealing with drugs. One of them, Peter Cecil Reid, told me he was told by Wayne Strawhorn that even one gram of heroin dumped on me would “clear his slate” and he would be free. I remember writing to the DPP and to the Police advising that telling clients what to say was improper. I did not receive a response to the correspondence.
30. I do not have any information about the conduct of current and former members of Victoria Police in their disclosures about and recruitment, handling and management of Ms Gobbo as a human source.
31. However, the fact that current and former members of Victorian police induced, encouraged and permitted a Legal Practitioner to act as an Informer against her own clients and other Legal Practitioners who acted for those clients is a despicable matter and breaks what must be regarded as the basic rule that prosecution of a person charged must be fair and just. Those in charge, then and some who are in charge now, demonstrated a willingness to act immorally and unethically and compelled others to do the same to secure arrest of anyone at a price that appears to be unjustified.



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Alex Lewenberg
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