

This document has been redacted for Public Interest Immunity claims made by Victoria Police.
These claims are not yet resolved.

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3 October 2019

The Royal Commission into the Management of Police Informants
c/- Holding Redlich
Solicitors Assisting the Royal Commission

Dear Sir/Madam,

Royal Commission into the Management of Police Informants – Request for Statement

In accordance with the Notice to Produce I have received from you dated 3 October 2019, I am able to provide the following statement for your reference.

1. I first met Ms Nichola Gobbo when she was working as an Articled Clerk with the firm of Molomby & Molomby. I am unable to recall the date of that first meeting.
2. My Clerk at the time, Michael Green, asked me if I could meet with Ms Gobbo and discuss the transfer of her articles to another firm of Solicitors.
3. When I met with Ms Gobbo, Ms Gobbo told me that she was unhappy at Molomby & Molomby and wished to change her Articles to a firm that specialised in Criminal Law and would provide her with more experience.
4. Sometime later, on a date that I am unable to recall, Ms Gobbo told me that she had in fact been successful in transferring her articles to Alex Lewenberg.
5. From time to time over the following years I spoke with Ms Gobbo about her work and from what I was told and what I was able to observe, it appeared to me that Ms Gobbo was developing a solid criminal law practice. These discussions were of a general nature and were not, as far as I am able to recall, related to any specific matters or clients.

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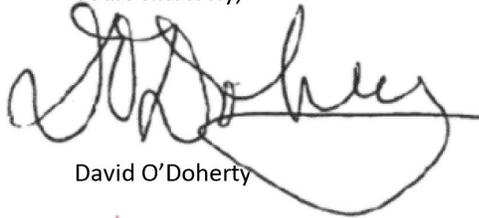
6. In approximately 2005 I was engaged to act on behalf of David Waters who was on trial, with three other defendants, for alleged serious drug related offences.
7. The Prosecution's case was based, amongst other evidence, upon a series of telephone intercepts and telephone recordings between Nicholas Ibrahim and one of the accused, which it was said implicated all the accused in the crime.
8. David Waters and I carefully examined the telephone intercepts, transcripts and call records and established that they revealed that the crime in question may well have been committed by Nicholas Ibrahim without the knowledge of my client or the other co-accused.
9. David Waters and I were concerned not to reveal this discovery to anybody, including the co-accused and their lawyers until it was appropriate to do so in the course of the running of the trial.
10. Shortly after this examination of the telephone intercepts and telephone records I was approached by Ms Gobbo in Little Bourke Street. Ms Gobbo enquired as to how the trial was progressing and I told her that it was going as well as could be expected.
11. Ms Gobbo then asked me how I intended to deal with the telephone records. I provided a non-committal response, in keeping with the decision that my client and I had made about disclosing trial strategy with other persons.
12. Ms Gobbo's enquiries then advanced to very detailed questions and I felt that she displayed a considerably detailed knowledge of the contents of the telephone records and transcripts. Ms Gobbo's questions became quiet persistent.
13. Initially I considered the questions and enquiries to be based on idle curiosity but as Ms Gobbo became more persistent, I became suspicious and dismissed the questions without providing any detailed information or answers.
14. At the time of my discussion with Ms Gobbo about the telephone records and transcript I was not aware that Ms Gobbo had an involvement with the matter at the committal stage and that Ms Gobbo acted for Nicholas Ibrahim, who was trying to obtain bail for an unrelated murder charge.
15. David Waters can provide more detailed information of Ms Gobbo's involvement in the matter up until the commencement of the trial.
16. It may well be that the Police records will contain an information report about my meeting with Ms Gobbo referred to in paragraph 10 above.
17. As to any further involvement with Ms Gobbo I am not directly aware of any matters that may fall within the Commission's terms of reference. However, Mr Waters and I have discussed at length her involvement in "The Briars" operations and Mr Waters is best placed to inform you in that regard.

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The above information represents a full and accurate recollection of my involvement with Ms Gobbo in relation to David Waters and his trial.

Should you require any additional information please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David O'Doherty', written over a horizontal line. The signature is cursive and somewhat stylized.

David O'Doherty