

I, Gerald Edward Fitzgerald of Level 34, 126 Phillip Street, Sydney, New South Wales, state as follows.

1. I recall that, some years ago, I conducted a proceeding for the Office of Police Integrity (OPI) at which Ms Nicola Gobbo was called as a witness. I have attempted to reconstruct what occurred at that time based on what I remember of that proceeding and the surrounding circumstances.
2. To the best of my recollection, Ms Gobbo gave some evidence at the OPI proceeding but I cannot remember what evidence she gave. As I recall, she was uncooperative and, for a reason that I cannot recall, her evidence was not completed.
3. Subject to what follows, I do not recall what, if anything, I was told at the time about the circumstances in which Ms Gobbo was called as a witness at the OPI proceeding.
4. I assume that I was told (or that I assumed at the time) that the OPI considered that witnesses called at the proceeding, including Ms Gobbo, might be able to provide material evidence relating to the subject matter of the proceeding, including possibly evidence which was not otherwise available.
5. I do not recall whether I was told why the OPI considered that Ms Gobbo might be able to provide material evidence but to the best of my recollection I was told or assumed that the OPI's conclusion was based at least in part on information provided to it by Victoria Police. To the best of my recollection, my understanding was that the OPI had been told by Victoria Police that, based on its investigations, it considered that Ms Gobbo might have material information.
6. I do not recall what, if anything, I was told about the nature of the Victoria Police investigations. However, I assume that I was told, or inferred, that in the course of its investigations Victoria Police had spoken to Ms Gobbo.
7. To the best of my recollection, I was not told that Victoria Police was using Ms Gobbo as a human source, meaning, as I understand the description "human source", a person who is commonly referred to as a

registered police informer. Although the OPI proceeding took place more than a decade ago, I believe that I would remember it if I had been told that Ms Gobbo was a registered police informer.

8. To the best of my knowledge, there was no suggestion that the OPI required Ms Gobbo to give evidence because she was a human source for Victoria Police. On the contrary, my understanding, to the best of my recollection, was that Ms Gobbo was refusing to disclose information which it believed she had to Victoria Police.
9. To the best of my recollection, I was not told and did not know that any part of Ms Gobbo's evidence at the OPI proceeding might breach her legal obligations of confidentiality and privilege. As I recall, the possibility that Ms Gobbo might without objection, which would necessarily have been upheld, give evidence of information provided to her by her clients was never mentioned and never crossed my mind. I believe that I would remember it if I had been told that Ms Gobbo's evidence might include information provided to her by her clients.

Dated this 20th day of December 2019

  
G E Fitzgerald