

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

11.21 AM, THURSDAY, 19 JULY 2007

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

MR FITZGERALD: - - - to go through, which we'll do as quickly as we can. By the way, I'm Tony Fitzgerald, if you haven't been told, and I'll read my technically correct name onto to the record in just a moment.

Please commence recording, if it has not commenced. Today's date is 19 July 2007 and the time is approximately 25 past 11 in the morning. My name is Gerald Edward Fitzgerald and the director of police integrity has by instrument delegated the powers necessary to conduct this hearing. I have a - produce a true copy of an instrument of delegation which will be exhibit 1.

EXHIBIT #1 - INSTRUMENT OF DELEGATION

MR FITZGERALD: Pursuant to my delegated powers, thank you, I authorise the following persons to be present in this hearing: the witness Ms Nicola Gobbo, Mr Garry Livermore of counsel, Mr Greg Carroll of the Office of Police Integrity.

EXHIBIT #2 - ORDER AUTHORISING PERSONS TO BE PRESENT

MR FITZGERALD: With the exception of those whose presence I have just authorised I am satisfied that the exclusion of the public from these proceedings would facilitate the conduct of the investigation to which this hearing relates and would be in the public interest. Pursuant to my delegated powers under section 19B subsection (1) of the Evidence Act 1958 I order the exclusion of the public from these proceedings and will sign an order. Thank you.

EXHIBIT #2 - ORDER EXCLUDING THE PUBLIC

MR FITZGERALD: I also make an order pursuant to my delegated powers under section 19B subsection (2) of the Evidence Act 1958 prohibiting the publication of a record of the whole or any part of these proceedings or of any information derived from these proceedings or part of it. Notices to that effect are to be posted on the door in accordance with the requirements of subsection (3) of section 19B of the Evidence Act. A copy of that order will be exhibit 4.

EXHIBIT #4 - ORDER PROHIBITING PUBLICATION

MR FITZGERALD: Ms Gobbo, do you require legal representation?

MS GOBBO: No.

MR FITZGERALD: Thank you. I'm required to determine whether it's

appropriate for the hearing to continue without representation. But on the information available to me about the nature of your legal qualifications and experience I'm disposed to continue without any further discussion of the matter unless you'd like me to do otherwise?

MS GOBBO: No, sir.

MR FITZGERALD: Would you please enter the witness box and either take the oath or make the affirmation. Which would you prefer?

MS GOBBO: An oath.

MR FITZGERALD: Thank you.

<NICOLA MARIE GOBBO, sworn

[11.25 am]

MR FITZGERALD: Now, we're almost finished with these formalities - well, I suppose it's fairer to say we're about halfway through and I'm going to ask Mr Carroll to do the next part.

MR CARROLL: Ms Gobbo, this is an inquisitorial investigation and the process differs from that with which you may be familiar. The examiner, Mr Livermore, will question on you matters relevant to the subject matter of the director's investigation and the director's delegate, Mr Fitzgerald, may also choose to ask you some questions. At the conclusion of Mr Livermore's examination you will have the opportunity to make any further submissions that you may wish to make relevant to the subject matter of the investigation and about which you have been examined.

At the time the summons was served on you you were also provided with a document entitled, "Information to assist summoned witnesses". And that document discusses in some detail your obligations to comply with the summons; your obligation to maintain confidentiality; the issue of legal representation, which we've dealt with; your obligations at the hearing; your rights at the hearing including the privileges that apply here and the delegate's ability to issue a certificate to override the privilege against self-incrimination and your right to make a complaint to the special investigations monitor. Have you read that document?

MS GOBBO: Yes, I have.

MR CARROLL: Do you understand its contents?

MS GOBBO: I think I do.

MR CARROLL: Do you have any questions about any of the contents of that document?

MS GOBBO: No, I don't.

MR CARROLL: That concludes the preliminary matters.

MR FITZGERALD: Mr Livermore.

MR LIVERMORE: Thank you, sir. Would you state your full name for the record, please?

MS GOBBO: Nicola Marie Gobbo.

MR LIVERMORE: And you attend here today in response to a summons served upon you?

MS GOBBO: Yes.

MR LIVERMORE: And that summons came with a confidentiality notice under section 86KA(2) of the Police Regulation Act?

MS GOBBO: Yes, it did.

MR LIVERMORE: Sir, I formally tender a copy of the summons and confidentiality notice.

EXHIBIT #5 - COPY SUMMONS AND CONFIDENTIALITY NOTICE

MR LIVERMORE: Thank you. I want to - - -

MR FITZGERALD: Ms Gobbo - if I could just interrupt for one moment. Could we just make sure that you're aware that - if you feel uncomfortable at any time or if you feel that you need a break or such matters this isn't intended to be conducted with the rigidity of court proceedings where the witness is, as it were, in the grass with the tentacles and - so please feel free to let me know if there is anything that's troubling you at any time or if you feel like you want a break or any - whatever seems reasonable to you just please feel free to engage in that.

MS GOBBO: Okay, thank you, sir.

MR FITZGERALD: Thanks, Mr Livermore.

MR LIVERMORE: Thanks, sir. I'm going to ask you some questions about your knowledge and relationship with a number of people who are of interest to the director in this investigation. The first of those is Detective Sergeant Timothy Robert Argall. Do you know Detective Argall?

MS GOBBO: Yes, I do.

MR LIVERMORE: Could you describe in your own words and in general terms to start off with the nature of your relationship with Mr Argall?

MS GOBBO: I met him over - over 10 years ago when he was a - I think he was a - either a constable or a senior constable of police. And then I came - didn't see him for a number of years. Came across him from time to time in relation to people that I was acting for or - or ran into him at court, some social functions over that time. Then I think my next big contact with him came during the - I went through a period when I was acting for Bandali Debs and he was on that taskforce. I spoke to him a number of times then.

MR LIVERMORE: Just put a rough time frame on that, are you able to?

MS GOBBO: That would have been 2000 and - 2002, maybe, 2003. I can't remember exactly when. And from time to time - he then went to Homicide. So from time to time we had - I don't think I - I don't think I've acted for anyone that he's been the informant for recently but from time to time you bump into people like that at - principally at court or in the city.

MR LIVERMORE: So was - your dealings with Detective Argall were they always purely professional, and by that I mean in connection with one case or another that you were involved in, or was it a wider relationship?

MS GOBBO: No, mainly - main - probably 90 per cent would be professional and - if I - like if I saw him in the city and he was - you know, he had time to kill from court I might have a cup of coffee with him. Probably went out or saw him socially - I don't know, couple of times a year I would catch up with him.

MR LIVERMORE: Yes. And that - those couple of times, were they at social functions attended by a number of people where he just happened to be or were they meetings that were arranged between the two of you?

MS GOBBO: No, sometimes they were - they were those sort of functions or police functions or fundraisers and a couple of times I've either had a drink

with him or had a coffee or a meal, probably I'd say maybe three times a year for the - because I've known him for so long.

MR LIVERMORE: And does that relationship or contact continue until today?

MS GOBBO: I probably - its probably been - the extent of my relationship now is kind of a text message or a phone call round birthday, Easter, Christmas, that sort of thing. So it'd be months since I've - try to think when I last bumped into him. I can't even say for sure it would be this year. Maybe around - maybe at Easter we might have exchanged text messages but probably - I can't remember seeing him this year.

MR LIVERMORE: Okay.

MR FITZGERALD: Would you have similar relationships with may police officers?

MS GOBBO: A number of them.

MR FITZGERALD: Even to the extent of sharing meals with individual police officers?

MS GOBBO: A few of them, yeah. Never - not in a - not in a context of me acting for somebody that they were the informant for.

MR FITZGERALD: No.

MS GOBBO: Because they - I think they would have a concern that it could be considered inappropriate or that someone might perceive it to be something that it's not.

MR FITZGERALD: Would you be able to tell us other police officers with whom you have similar relationships?

MS GOBBO: If I can remember them, yeah.

MR FITZGERALD: Or former police officers?

MS GOBBO: Yep. Well, Sam - Sam Miliadis, he just springs to mind cause I bumped into him this morning. Now he's - I think he's still a police officer. I wish I had - Mr Fitzgerald, I wish I had my phone here because if I had my phone I could go through the names in the phone.

MR LIVERMORE: Have you got your phone - is it - - -

MS GOBBO: No, it's locked up, so.

MR LIVERMORE: All right.

MS GOBBO: Just trying to think of - there's a - - -

MR LIVERMORE: We can get your phone for you if you think that might be of assistance?

MS GOBBO: That would - that would certainly - - -

MR LIVERMORE: It's held by the security people?

MS GOBBO: Yeah, it's - I've got the key though, it's in a - locked in a - its locked in a cabinet.

MR LIVERMORE: Right.

MR FITZGERALD: Do you want - let's take a break while you do that.

MR LIVERMORE: I think we should do that.

MS GOBBO: Yeah, certainly I can - like there's - I know there's somewhere under - B in my phone but I just can't think of his name.

MR FITZGERALD: Well, let's do it because - - -

MR LIVERMORE: Yep.

MR FITZGERALD: It's not that we want to delay you unnecessarily but we'll probably need a few hours and so forth at least.

MS GOBBO: Okay.

MR FITZGERALD: And - - -

MR LIVERMORE: Perhaps if we just take a short break. Mr Carroll's just gone out of the room to facilitate access to the phone.

MR FITZGERALD: Thank you.

MS GOBBO: Do you want me to get the key from that pocket?

MR FITZGERALD: Oh yes. Yes, please. Do you need to go to get it or can - - -

MR LIVERMORE: I think he's going to bring it back.

MS GOBBO: Yep.

MR LIVERMORE: Yep.

MS GOBBO: But he might need the key though.

MR LIVERMORE: Probably what he's coming back for. Do you need the key? Or do you need to take - - -

MR CARROLL: (indistinct) I'm sorry, well - I've just arranged for the security staff to come and help you get it.

MS GOBBO: Yeah - okay.

MR FITZGERALD: Well, I'm just a little - I'm not sure of the layout so I'm not sure what the difficulty is. Are you able to go with the key to get it?

MS GOBBO: Yes.

MR FITZGERALD: Isn't that easier?

MR CARROLL: Okay. Well, I wasn't aware of that either, sir. Would you like to come this way?

MR LIVERMORE: You've got it now?

MS GOBBO: Yep.

MR FITZGERALD: Take a moment and scroll down your list of contacts and - - -

MS GOBBO: I will. Then I'll turn it on silent. Peter Brezing, that's the one I couldn't remember, under B.

MR LIVERMORE: Okay.

MS GOBBO: Want me to keep going?

MR FITZGERALD: Yes, please.

MS GOBBO: Not so much in a social capacity but more as a consequence of me getting death threats, dealt with Stuart Bateson a number of times from Purana, same in relation to Mark Hatt, again not - it's not - - -

MR FITZGERALD: Mark?

MS GOBBO: Mark Hatt. I won't say - it hasn't been social dinners but I've certainly had cups of coffee with them.

MR FITZGERALD: Yes.

MS GOBBO: Been to a number of functions where those two detectives are - who have - I can't remember but Dave and somebody who have those hot dog van detectives who were connected with hot dog vans in their wives' names outside the Palace nightclub; been to a number of functions that they've been at. I don't have their numbers but they're two that spring to mind. Chris Dorman, known him for over 10 years and I would see him from time to time. David Waters - - -

MR FITZGERALD: Waters?

MS GOBBO: - - - who used to be a police officer. I met him originally - I can't remember whether I met him before he got charged or when he was charged through - in any event through him obviously his co-accused, which were Steve Campbell, Glenn Saunders and Peter Alexander.

MR FITZGERALD: Were you acting for them?

MS GOBBO: No, I acted for [REDACTED] who [REDACTED] [REDACTED] Dave Waters I see from time to time more because he rings me or he refers people to me, as in people charged with criminal offences. Obviously there was Paul Dale, who I'm sure you'll get to. Dale Flynn from Purana and that's again not really social. It's more partly as a consequence of death threats I've received and because of specific people that I've acted for and continue to act for. John Carmody, again someone I've known for over 10 years, and that's nothing but social. Jim Conway from Purana, again principally because of the ongoing nature of the people I'm acting for, one of the people he's investigating. Nigel L'Estrange from Purana or now back at Homicide, I think - same thing in relation to principally professional. Richard Shields, before he was suspended. I was certainly helping him with his law degree. I think I said Steve Campbell before. Steve Campbell, I didn't act for but I saw him socially. I think I met him in 19 - the year I signed the bar roll

which was 1998. He's in Perth but we still have contact. Mark Tully who used to be a police investigator but he's now a private investigator. That's all the ones that are in my phone or that my memory's jogged about.

MR FITZGERALD: Yes, you can't remember any others.

MS GOBBO: I'm just going to turn this off now unless you want me to - - -

MR FITZGERALD: No, no, that's fine, thank you. Just before Mr Livermore goes on, there have been a number of serving police officers that you've mentioned who have been - with whom your relationship has been totally professional - - -

MS GOBBO: Yep.

MR FITZGERALD: - - - because they were, for example, from the Purana Taskforce - - -

MS GOBBO: Yeah.

MR FITZGERALD: - - - or from some other part of the service but dealing with concerns you had about death threats and so forth.

MS GOBBO: Yeah.

MR FITZGERALD: I think you mentioned about four of those, and then you mentioned - - -

MS GOBBO: That's including them because if you say - - -

MR FITZGERALD: No, no, that's - - -

MS GOBBO: - - - it's considered social to have a cup of coffee with them, well then, I've got to include it.

MR FITZGERALD: No, no, I appreciate your frankness, thank you. But if we move beyond them - let's put them to one side - - -

MS GOBBO: Yep.

MR FITZGERALD: - - - you mentioned about six or eight other police officers and it's not quite clear to me whether you're saying that you had much the same relationship with each of those as you had and have with Mr Argall - - -

MS GOBBO: Yep.

MR FITZGERALD: - - - or whether with some of them it was like the Purana - et cetera - officers, merely an occasional coffee when you ran into each other - - -

MS GOBBO: Well, it's more when they - - -

MR FITZGERALD: - - - whether you acted for some of them - - -

MS GOBBO: Well, it's more when they - they would be the instigator of contact rather than me being the instigator of contact.

MR FITZGERALD: So that would be true for all the other persons you've mentioned?

MS GOBBO: Almost all, except for Jack Carmody - sorry, John Carmody is someone I actually had a relationship with some years ago, so - - -

MR FITZGERALD: A personal relationship?

MS GOBBO: Yeah.

MR FITZGERALD: Would he be the only one of them with whom you had a personal relationship?

MS GOBBO: Yes.

MR FITZGERALD: Did you ever act for any of them?

MS GOBBO: I acted for Dave Waters in a - I appeared for him in a 56A - a Magistrates' Court, 56A application.

MR LIVERMORE: Was he the person summoned to that or the defendant - - -

MS GOBBO: Yes, he was. He was the person to whom an examination was sought of and ultimately he was examined. That's just reminded me, I also acted for - or I also saw - 'cause obviously their numbers aren't in my phone any more - Glenn Sadler and Ian Ferguson. I can't remember the name of their co-accused - Cox. I can't remember his first name. I actually did a confiscation proceeding or confiscation application for Ian Ferguson. I was acting for Glenn Sadler at the time of his committal in the Magistrates' Court,

but I didn't end up doing either - any of their trials, but I used to see them as well. This is going back obviously a few years. I think in general that preparedness of a police officer to sit down with anybody and be seen having a cup of coffee around Lonsdale Street has changed in the last couple of years because I think they're - a perception I have anyway is that they're more likely to be watching over who might be watching them or what people might think of it, and sometimes they're also - I think there's also the concern of whether or not an accused person or a defendant or somebody might see a lawyer with a police officer and might draw adverse inferences or come to some ridiculous conclusion. I think the police are more mindful of it now than they were say five years ago.

MR FITZGERALD: I suppose - and I'm going to let - I shouldn't be interrupting Mr Livermore but I'm just a little curious because it seems to me that there's a clear difference between contact with a police officer for a cup of coffee when they run into each other in the street or you've both been at court or whatever it might be, and the sort of relationship in which persons exchange, for example, birthday greetings. That seems to me to suggest a closer - I don't mean an intimate relationship, but a closer relationship.

MS GOBBO: I think it's probably suggestive - well, where, for example, Tim Argall's concerned it's because I've known him for so long. I mean, I first met him as a consequence of a house I was living in being the subject of a search warrant and he was part of a crew of police that arrested and charged a person I was living with or sharing a - when I was a university student, and he's probably seen me grow up more than anything else.

MR FITZGERALD: Was that a drug raid?

MS GOBBO: Yes.

MR FITZGERALD: So perhaps it would be fair to say that your relationship with him as closer than it is with some or all of the others that you've mentioned, apart from Mr Carmody during the time of your personal relationship.

MS GOBBO: Um - - -

MR FITZGERALD: Would you like me to run down them quickly?

MS GOBBO: No, no, I'm just - - -

MR FITZGERALD: I made a note of their names.

MS GOBBO: No, I'm just - no, I suppose that's probably fair to say. I think it depends on the time frame. For example, someone like Waters would from time to time - I mean, he would ring at Christmas and Easter and those sorts of occasions, but it wouldn't necessarily - I don't think it would indicate that I've got a closer relationship with him than I do with, say, for example, Tim Argall who I've known for a long time and has seen me go through lots of different things in my life. I mean, he, like Chris Dorman, has seen me grow up from being a university student all the way through to where we are now.

MR FITZGERALD: I think you'd agree that it's a reasonably close friendship between adults when they do exchange greetings on birthdays, for example. Most of us don't know when others' birthdays are.

MS GOBBO: That's true, unless you - - -

MR FITZGERALD: Some of us disguise them.

MS GOBBO: Yeah, well - - -

MR FITZGERALD: I meant that about me, not about you.

MS GOBBO: I think where females are concerned, like if I - I can tell you, if I've been to someone's 30th or drinks or something, then I will put in my diary and the next year when I'm filling out next year's diary I'll put in that's such-and-such's 31st birthday or whatever. So I think - that's how I remember them anyway. But you're right, if I don't - - -

MR FITZGERALD: I'd be a little surprised if police officers made a habit of doing that, male police officers.

MS GOBBO: I was going to say forgive me for sounding sexist but men in particular, yes.

MR FITZGERALD: All right. Well, maybe we can come back to some of these others later but for the moment I think we can proceed on the basis that at least until earlier this year, up to Easter, you had a relationship with Mr Argall which is long standing, and although not intimate is of a sufficient level of friendship that you know each other's birthdays and communicate at times of celebration and so on and so forth?

MS GOBBO: Yeah, well, the same as - like New Year's Eve I would probably send a text message to almost everyone stored in my mobile phone. It doesn't necessarily mean anything.

MR FITZGERALD: No, no.

MS GOBBO: And sometimes people do the same thing; sometimes they don't obviously but - - -

MR FITZGERALD: Thank you. Mr Livermore, I hope I haven't taken you off track.

MR LIVERMORE: Not at all, sir. What about David Miechel, you didn't mention him.

MS GOBBO: No, I don't think I've ever seen him socially anywhere. I think he had a great dislike of me.

MR LIVERMORE: Of you?

MS GOBBO: Mm.

MR LIVERMORE: Do you know the reason?

MS GOBBO: I made it clear to him that I thought he was incompetent, didn't understand the law, he charged people, in my view, with offences that could never be substantiated and I didn't trust him. I didn't trust anything he said, and I made that very clear to him a number of times.

MR LIVERMORE: And was that in the course of you representing people who'd either been charged by him or where he was involved in the prosecutions?

MS GOBBO: Yes, a number of times, yes. And I don't think - I don't think he was ever anywhere socially with anyone else, I don't think.

MR LIVERMORE: What about Paul Dale? Perhaps you can just tell us the history and the nature of your relationship with him.

MS GOBBO: I first came - I came into contact with him through - it was at some social function to do with the Lorimer Taskforce. Now, I didn't remember - I didn't remember having met him years before that but he claimed that I'd met him - he remembered me from somewhere years before that. I have no idea when it was. And then - - -

MR FITZGERALD: Just give us the dates around this.

MS GOBBO: It was when I was acting for Debs with Colin Lovitt, and that

would have been - I think that was 2001 maybe, somewhere between 2000 and 2002, I think, to be safe. Then I didn't see him - there were a couple of social functions that he was at and then - as in large social police functions. Then I didn't have any contact with him until he went to the Drug Squad from wherever he was before that, or what was then the Drug Squad, and I went through an unfortunate phase where a number of people that he arrested were ringing me when they got arrested or were - most of them were people - a number of categories, either people who had been given my telephone number that I'd never met before, and were - when they were given their rights they were ringing me, or they were people I was briefed by solicitors to act for that I hadn't known before being briefed, or they were people who had been arrested before and I'd acted for them before and his crew arrested them. At one stage he actually said to me, "There's something going on here. Why is it that every large commercial trafficker I arrest has either got your phone number or wants to ring you?" He said, "People are going to start thinking I'm giving you these people," which was never the case but it happened a number of times in 2002-2003.

MR FITZGERALD: Just a coincidence?

MS GOBBO: Well, they were people who - most - a lot of them I didn't know but they were always his crew that had arrested them.

MR FITZGERALD: But you said with some confidence that he wasn't giving them your phone number?

MS GOBBO: No, no, no, not at all.

MR FITZGERALD: I'm just not sure how you know that.

MS GOBBO: Because he made the comment that people - because of the number of people that he was arresting were operations that were being run by the Drug Squad where people - they were charged, you know, two accused or four accused or however many, and I kept acting for people. He made the comment on an occasion that people might start to think he was referring them to me. How do I know that that wasn't the case was because often the position when a brief comes is that you know an accused has got your phone number because they've either got a business card which the police are kind enough usually to include as an exhibit, or they've got a phone number stored in the mobile phone which has often happened, or they were people that I hadn't met before but they had been given my number by other drug dealers or alleged drug traffickers. But you don't - you never find that out until, I don't know, however long, later on when you get a brief or you know who the accused is charged with or what circles they're moving in, and they say - and usually the

question is, "How did you get my number?" or, "Who referred you?" and then they tell you.

MR FITZGERALD: So the answers you were getting demonstrated - from the accused person demonstrated to you that they weren't being referred by Dale?

MS GOBBO: No, and when we - and I must say we had a number of - I think you'd have to say at the beginning at least we had a hate-hate relationship, if I use that expression - love-hate or hate-hate. We really rubbed each other up the wrong way. I had a couple of huge disagreements with him at court for bail applications. In particular Shane Pidoto springs to mind. I had a huge fight with Miechel and Dale over that one. And ultimately it went full circle because, of course, when Mr Dale was arrested he rang me.

MR LIVERMORE: That's in relation to the burglary in September 03.

MS GOBBO: That's right, yeah, and that wasn't the first time that that had happened, of course. You know, I go back years before that. I'd had a number of run-ins with Glenn Sadler and Ian Ferguson because they were at the Drug Squad five years before that or six years before that. A number of contested bail applications, arguments at committals - principally committals and bail applications. And then it came full circle because we went from this adversarial relationship to the minute they get arrested and need help, they rang me, which I thought was in a way it was a backward kind of compliment.

MR FITZGERALD: I think - I'm not even sure it's a backward compliment, it's probably a straightforward compliment.

MS GOBBO: Mm.

MR FITZGERALD: They no doubt in their work had seen numerous advocates and when in trouble they would look for the ones they thought would help.

MS GOBBO: Someone that fought hard, yes.

MR FITZGERALD: Just to go back to Dale for a moment - - -

MS GOBBO: Yep.

MR FITZGERALD: - - - it doesn't sound as though your relationship with him was either as long standing or as close as it was with Argall.

MS GOBBO: No, it wasn't. It wasn't.

MR FITZGERALD: So we've really got 2001, 2002, there's some professional contact - - -

MS GOBBO: Mm.

MR FITZGERALD: but, really, on opposite sides of the fence.

MS GOBBO: That's right.

MR FITZGERALD: The - - -

MS GOBBO: And I think - I think also a number of these police officers - you know, there's the twice a year - just as an example, the twice a year Legal Aid, DPP drinks. A number of those - these police officers had come to those drinks, and that would be one occasion that I would see them at. And I do remember seeing Dale at - and Argall - at one of those - I can't - I can't remember what year it was but - sorry to interrupt anyway.

MR FITZGERALD: No, that's all right. Do you mean sort of together?

MS GOBBO: Yeah, socially. Yep.

MR FITZGERALD: I take it these are large gatherings of people.

MS GOBBO: Yes.

MR FITZGERALD: Let's see if we can just descend to a little more detail about the relationship so that you can correct me if my impressions are incorrect. It is that initially your relationship with Dale - and I'm talking about 2001, 2002 - was no more than meeting each other, either at large-scale commercial functions by chance or opposing each other in relation to matters where clients of yours were charged and he was one of the - was either the informant or one of the police officers engaged in the prosecution.

MS GOBBO: Yes.

MR FITZGERALD: Would that be correct? Now, if we take that up to the end of 2002, did the relationship ever change?

MS GOBBO: In 2003 after he was charged, or around the time of him being charged.

MR FITZGERALD: So up until then your relationship with Dale was as I

described it a moment ago.

MS GOBBO: And I probably - look, before - before he was suspended, then arrested and charged, I've probably had a cup of coffee with him maybe two or three times. Before that there was - it was really nothing.

MR FITZGERALD: No dinners?

MS GOBBO: Not - I don't think. Not before then, no. And then after he was - first of all when he was suspended he certainly sought my advice, and then after he was charged, the day he was charged - arrested and charged - he rang me and I put him onto Tony Hargreaves because he acts for the Police Association.

MR FITZGERALD: Police, mm'hm.

MS GOBBO: And then I - I gave him some advice. I saw him in custody and - I'm pretty sure the first time I had - I ever had a meal with him was him - he took me somewhere or he paid as a thank you for giving him advice, because I never - I didn't do it formally in the sense that - he came to me, I sent him to a solicitor because he had to go through the Police Association, and it was a thank you.

MR FITZGERALD: Again, perhaps at the risk of being a bit pedantic, I don't think he was charged until late September, early - suspended or charged until late September or early October 2003, 5 December.

MS GOBBO: That's right. He was - - -

MR FITZGERALD: 5th of - - -

MS GOBBO: I thought - - -

MR FITZGERALD: 5 December, charged or suspended?

MS GOBBO: Charged.

MR LIVERMORE: He was charged and I think it was - he was suspended the same date, but we can confirm that.

MR FITZGERALD: Anyway - - -

MS GOBBO: Yeah. For some reason - I might be wrong but I thought - I thought he was suspended - or maybe it was Miechel that was suspended

before he got charged.

MR LIVERMORE: He was, because he was - remember he was caught at the - - -

MS GOBBO: That's right.

MR LIVERMORE: - - - scene.

MS GOBBO: That's right.

MR FITZGERALD: So Dale, virtually no contact up until about 5 December 2003, if that is the date he's suspended and charged.

MS GOBBO: That's right. I - for some reason I have in my mind that he was - I might have this round the wrong way, but I know that I had a - I know that he came to me wanting some advice before he got charged. That's why I thought he was suspended. Because I remember meeting him with - I remember going to meet him with some cases, as in some authorities about something, and I can specifically recall going with a pile of photocopies I'd made. I can't - I'm sure that was before he actually got charged, though.

MR FITZGERALD: Can you be any more precise about the dates?

MS GOBBO: I thought - I thought he was suspended and then - and then charged some months later, but - - -

MR FITZGERALD: Well, I think if we assume that the burglary was 25 September - - -

MS GOBBO: 28th.

MR FITZGERALD: 28th.

MS GOBBO: It was Grand Final day.

MR FITZGERALD: Grand Final day indeed. I'm an outsider, as you can tell. 28 September 2003. He wouldn't - - -

MS GOBBO: 27th?

MR FITZGERALD: He wouldn't have contacted you for the purpose you've just described - - -

MS GOBBO: No.

MR FITZGERALD: - - - before then.

MS GOBBO: No, no, no. It wasn't before. It was definitely after then but I - I thought - I thought I had one kind of social interaction with him between then and the day he was charged.

MR FITZGERALD: Okay. Well, let's go back to the - up to and including 28 September 2003. The extent of your relationship with him was only a couple of years in duration.

MS GOBBO: And, as I said, he thinks he's known me longer but I can't remember where I met him. So - - -

MR FITZGERALD: Okay. But if it had been earlier than that it was a casual meeting.

MS GOBBO: Well, I can't remember it. That's - - -

MR FITZGERALD: If it was there at all - - -

MS GOBBO: That's right. Either that or - either that or I was obviously affected by alcohol and can't remember, but - - -

MR FITZGERALD: Well, he may have noticed you more than you noticed him too, though. That's the - - -

MS GOBBO: Perhaps.

MR FITZGERALD: He might have heard things about - I imagine you're well known in police and criminal circles for the sort of work that you do. You have a - - -

MS GOBBO: That and the rumours, Mr Fitzgerald, all sorts of - - -

MR FITZGERALD: I wasn't hinting at - I just - - -

MS GOBBO: All sorts of - no, no. I'm saying that all sorts of - I think because of being female, acting for the sort of people I do, that gossip, rumour and innuendo is - it's always going to be there.

MR FITZGERALD: Well, we could probably agree, Ms Gobbo, that both the police force and your service - I'm not sure what it is - and the law are hot beds

of gossip and intrigue.

MS GOBBO: Yes.

MR FITZGERALD: I think we could - - -

MS GOBBO: Mm.

MR FITZGERALD: But just going back to where we were. So as at 28 September 2003, to the best of your recollection, you - well, I think you're confident that you'd known him for about three years.

MS GOBBO: Yep.

MR FITZGERALD: That it had initially been an aggressively adversarial relationship.

MS GOBBO: Yes.

MR FITZGERALD: And that it had developed only to the stage that - that if you encountered each other at large-scale social functions you'd exchange pleasantries and perhaps chat.

MS GOBBO: Mm.

MR FITZGERALD: And that you might from time to time have a cup of coffee.

MS GOBBO: That's right.

MR FITZGERALD: But not my pre-arrangement?

MS GOBBO: No.

MR FITZGERALD: Just when you ran into each other.

MS GOBBO: That's right.

MR FITZGERALD: Okay. Well, now, let's go on from there and tell us a little about - you recollect then that there was a - a reason for him to contact you after the burglary.

MS GOBBO: That's right.

MR FITZGERALD: And that you had a meeting with him to which you took some case laws, authorities.

MS GOBBO: Yeah. I just can't - I can't remember - - -

MR FITZGERALD: But you think it was before he was charged.

MS GOBBO: Yes. I can - I specifically remember going to South Melbourne and meeting him and waiting for him to turn up and having a number of - I remember sitting - because I was in a bar, like a loser, reading Supreme Court judgments, and I - that's why I have it in my mind. And I thought - I thought it was before he was charged in late 2003, and that was the first time I'd seen him kind of just him and myself. But I thought he was suspended then, but I might be wrong about - I could be wrong about that. And the next - - -

MR LIVERMORE: Were you briefed to do that? Sorry to interrupt.

MS GOBBO: No, no.

MR LIVERMORE: He just - that resulted from - - -

MS GOBBO: He contacted me.

MR LIVERMORE: - - - a call from him to you - - -

MS GOBBO: That's right.

MR LIVERMORE: - - - effectively sort of out of the blue.

MS GOBBO: Yep. Which wasn't any different to the way it had been with Sadler, Ferguson and so forth.

MR FITZGERALD: Where the authorities by any chance related to the use that can be made of the testimony of accomplices?

MS GOBBO: I don't - I honestly can't remember what they were.

MR FITZGERALD: Can you think of anything else that they might have been related to?

MS GOBBO: No, I can't, but I think that one of the things that - one of the things that had happened by then was that the - I think he had been excluded from - I think he had been excluded from a filing hearing or a bail application and I remember him having questions about what had happened because there

was obviously - at the first filing hearing after the burglary or after those people got arrested and charged, I didn't go to. It was on a Monday morning and I was somewhere else, so I had nothing to do with that. Then back in those days there was an extension of time application because the first orders made by a magistrate were for very quick service of a brief which was never going to happen because of the delays with forensic analysis and then complicated by the burglary and that investigation. But there was a subsequent - it might have been a bail application that I did for a co-accused which - to which he was not invited or not allowed to attend. For some reason I have a recollection of him not being able to be there.

MR FITZGERALD: And who was the co-accused?

MS GOBBO: The first person that took off on bail was Abby Haines.

MR FITZGERALD: This is related to the - - -

MS GOBBO: The people charged with the burglary. The people that were charged with - not with the burglary, sorry, the people that were charged with the safe house.

MR FITZGERALD: With the drug production.

MS GOBBO: That's right.

MR FITZGERALD: And you were acting for some - one or more of them?

MS GOBBO: I was briefed at bail applications for them, yes.

MR FITZGERALD: For all of them?

MS GOBBO: Yes.

MR FITZGERALD: Your recollection is that Dale was excluded from that.

MS GOBBO: I'm - I don't know whether he was there for the first filing hearing because I wasn't part of that, but my recollection is for either an extension of time application or a bail application he was excluded.

MR LIVERMORE: How long after the burglary was that again, just approximately, if you can give us an idea?

MS GOBBO: About a month - three weeks to a month - because when I was acting for - Abby Haines was the first bail application. She had been

approached in custody by ESD detectives in relation to making a statement. She sought my advice. She received certain advice. As a consequence of that advice she made a statement to ESD in relation to being at the house when the burglary - or being the occupier of the house when the burglary took place. Then I remember we applied for bail and it was refused the first time, and then we went back to court, possibly after an extension of time application and she was granted bail. She was the first one and then a different solicitor, but that often happens because you've done one bail application, unless there's a conflict insofar as one accused putting another one in, they think because you've got one person out and you're familiar with the material and the investigation, you do one accused and then you do - unless there's a conflict.

MR FITZGERALD: Especially if you're successful.

MS GOBBO: Yes, and that's what happened. I ended up doing all those three, and then Mr Dale wanted me to do him as well, but I couldn't do him because of the obvious conflict.

MR FITZGERALD: We're moving back and forth a little between the drug charges related to the operations at the house that was burgled and the burglary. Until - when did you first become involved in any matter related to the burglary?

MS GOBBO: The day that it happened.

MR FITZGERALD: On the Sunday?

MS GOBBO: That's right. Paul Dale rang me on the Sunday morning.

MR FITZGERALD: Can you elaborate on that for us.

MS GOBBO: Yeah, he - on the night of the burglary I received a couple of phone calls. I did not know the females that were connected with that property. In fact I didn't know anybody connected with that property. Apparently I had met Azim Ahmad. Apparently I had been introduced to him by Tony Mokbel some time before. I couldn't - I had no recollection of who he was but apparently, according to him, I had met him before. That's why he had my telephone number. I had - unbeknowns to me I'd also - I'd given advice to a guy called Nadim Ahmad who turned out to be his father. So on the night of the burglary I got a couple of telephone calls. The first one was from - I think the first one was from a female who - no, sorry, the first one was from a guy called Jason who was - he was a runner for Tony Mokbel, and he wanted to know if I could find out what had happened with a friend of his who had been burgled and was now being held by the police.

It was very vague, and as I always say to people when they - people ringing me up and say, "Can you find out what happened?" or, "Can you go to a police station?" I'm not going to ring a police station or go there unless an accused person rings me, and that's precisely what I said to him, or more or less. During that night I got another phone call from him. Like it was some ridiculous time, 2 o'clock in the morning, and I got a phone call from a female. I don't know whether the female was - I don't know whether it was one of the females connected with the house or who it was. Anyway, all I got told was - nothing about there being a burglary of drugs but I got told there was someone who had had their place burgled, called the police and now was being held by the police and no-one could work out what was going on.

It was a Saturday night. The Sunday morning, Paul Dale rang me and he said such-and-such "from the Drug Squad and I've got a number of your clients in custody," and then he - I said to him, "Does this have anything to do with a burglary last night?" because I had nothing to hide and the people that had rung me the night before, Jason had said a female, because when he said - sorry, I said to him, "Does this have anything to do with a burglary last night?" and I remember him not saying yes or no, and not telling me anything, but obviously he put the accused on the phone - as they were allowed to have their phone call before they were formally interviewed on tape - and they told me anyway. So whether he wasn't going to tell me, it was stupid of him, in my view, not telling me, as is often the case with police because they don't want to tell you what their investigation is about or what it is, and it's pointless because the accused will be the first to tell you what the detail of it is.

Then anyway I spoke to Azim Ahmad and Nadim Ahmad who had been arrested as well, and then the two girls, and I didn't know either of those - I had not met nor spoken to those two girls before that night - sorry, before that morning. Where Azim Ahmad was concerned, I arranged for a solicitor to go and see him because he had - as is usually my practice, if someone has had a solicitor, either got one acting for them or had one that they've had acting for them, I'll contact that person for them, so I contacted his previous solicitor. I contacted Nadim Ahmad's solicitor. I had to arrange a solicitor for one of the girls, and I think the other one went to the same solicitor as Azim Ahmad, and I don't think I went and saw any of them in custody. I think I saw them after the filing hearing. I was doing something else. I can't remember what it was, but I spoke to them on the phone, gave them advice. What I then found out the next day was that Nadim Ahmad had been released and the other three were in custody.

MR FITZGERALD: Did the solicitors contact you?

MS GOBBO: They did in due course because they gave me a remand summary and then engaged me to do bail applications.

MR FITZGERALD: Well, let's go back to Dale.

MS GOBBO: Yep.

MR FITZGERALD: That's a fairly cursory phone call on that morning.

MS GOBBO: Yep.

MR FITZGERALD: I think you said he spoke to you a couple of times that day.

MS GOBBO: He spoke to me - I know the first phone call I got from him I know I had to ring him back because my mother was overseas and she chose exactly that split moment in time to ring from Las Vegas while I was on the phone to him, and I said, "I'm gunna have to ring you back," because it was an overseas call, and I spoke to him a couple of times because obviously it wasn't one phone call where you put each accused on the phone, it was a couple of calls, and he may have rung me later that day to tell me that they had been - the police officers normally would give you the courtesy of ringing to say, "We're now taking" - whoever it is - "to the custody centre," if they're remanding them. There was no - he was not - all he would say was "large commercial drug trafficking". He wouldn't give me any other details.

MR FITZGERALD: That was purely a professional contact.

MS GOBBO: That's correct.

MR FITZGERALD: Can you just move this forward, your next contact?

MS GOBBO: With him?

MR FITZGERALD: Yes.

MS GOBBO: I may or may not have spoken to him in connection with either a bail application or property of an accused or anything. I may or may not have spoken to him about those things, and I don't - I can't remember when Abby Haines' bail application was first listed. Maybe I applied for bail for her first and she didn't get bail then. We did the ESD statement and she got bail. I can't remember what the order of that was, although I do remember she was refused and we had to go back. Then it would have been the night that I went to meet him and I had all these authorities with me.

MR FITZGERALD: Well, he must have contacted you, it seems, for you to do that.

MS GOBBO: He did, because before then I didn't have a mobile phone number for him.

MR FITZGERALD: Can you remember the conversation when he contacted you?

MS GOBBO: No, no, other than - - -

MR FITZGERALD: I mean, you've never acted for this man, you don't know him particularly well. If anything you don't have any personal affection for him and you get a phone call out of the blue asking you for advice - - -

MS GOBBO: Yep.

MR FITZGERALD: - - - on an informal, not a professional level.

MS GOBBO: That's right, as people are often prone to do so they don't have to pay anything. It may have been - - -

MR FITZGERALD: As an investment, if you like, putting it the other way, you're prepared to do that because you need a good relationship with him. I shouldn't say "you need", but it's probably professionally better to have a workable relationship with a police officer when you're a criminal lawyer.

MS GOBBO: Absolutely, because they can make life very difficult or make it a little bit easier.

MR FITZGERALD: But even so this must have been a fairly unusual phone call because Dale was asking you for personal - on a personal basis for professional advice at a time when he was the prosecuting officer of a number of clients of yours.

MS GOBBO: Except that I don't think he was. I think he was - I have got one recollection of him - I recall seeing him - he must have come to court on one occasion but not at the filing hearing because I wasn't there for that, because he introduced me to Sam Jennings who was the informant for - the actual informant for these accused, and I don't think I'd met her before then, and I do remember him introducing me to her and saying that he was supervising - he was their sergeant and he was supervising them but - and I remember when he introduced me to her, he said, "You know, you should get to know each other

'cause you acting - you keep popping up for all these people I'm arresting," but I think that happened at court, I just can't remember when it was.

MR FITZGERALD: Even so when he, out of the blue, phoned you for this advice, it's fair to say that he was one of the police involved in the prosecution of your clients in relation to these drug offences.

MS GOBBO: That's correct.

MR FITZGERALD: And indeed, on what you've just said, he was the senior police officer, the sergeant.

MS GOBBO: That's right.

MR FITZGERALD: I suppose I'm just having a little difficulty - I'm not being personally critical but I'm having a little difficulty in appreciating how a call like that wouldn't have made some impact on you about what it was that he wanted to be advised about.

MS GOBBO: It did have an impact on me but that's not to say there's certainly - there's some reason why I can't remember exactly what he said to me. But there were lots of things that were very strange around that - - -

MR FITZGERALD: But forgetting about what he exactly said to you - I didn't mean to interrupt you but was it public by that time that there had been a burglary - - -

MS GOBBO: Yes.

MR FITZGERALD: - - - and was it known at that time about who - - -

MS GOBBO: Yes.

MR FITZGERALD: - - - was suspected?

MS GOBBO: That was in the paper not long after it at all.

MR FITZGERALD: Okay. So at that time you would have known that the Hodsons were suspects - Mr Hodson, I mean, Terrence Hodson; that Miechel was a suspect.

MS GOBBO: Yes, well, that was in the paper.

MR FITZGERALD: Did you know Dale was a suspect?

MS GOBBO: The inference was that he was. I think - - -

MR FITZGERALD: In the paper?

MS GOBBO: I'm sure, either in the paper or the talk was that there was definitely more than two people involved.

MR FITZGERALD: Was it your belief at that time that he was suspected?

MS GOBBO: No, but I was suspicious of that. There was - I just want to go back one - what I was going to say before was there were lots of very strange things at that time. I mean, who gets phone calls about alerting someone to the fact that there's been a burglary before people actually get charged with criminal offences, and I thought that was very strange. Then I had - Tony Mokbel was asking a lot of questions about the evidence and what the police had seized, what drugs they found, what money they found, and if you understand from my point of view I'm not about to divulge to him things that are relevant to the accused, unless the accused are saying, "That's okay, you can do that." But equally I'm not about to go into the custody centre and have a conversation in a room that's being recorded, because the accused people never want to talk to you in there because they believe it's bugged.

So I remember not understanding why there was so much interest in what was in the house and what wasn't, and why Mokbel had such a massive interest in it. Then the rumours - one of the rumours that was floating around was that Dale had robbed the house and that he'd realised that what he'd robbed, he'd robbed from Tony Mokbel. That was a big - that was repeated to me a number of times. So in that context Dale rings me up and says, "I want to speak to you," I thought, "Yeah, God knows what this is about." But it was a very strange - a very strange set of circumstances.

MR FITZGERALD: Nonetheless, if I could just press you a little, he didn't just want to talk in a general sense, he was sufficiently specific for you to be able to research a point to take the authorities with you.

MS GOBBO: Unless I - I'm sure I took them for him. Unless I - I can't believe I would have taken them to read while I was waiting for him. As I say, I have got a recollection of sitting there, waiting, reading, with a highlighter. But he - and, look, he had questions about what my understanding was of what was going on with the accused, as in whether or not they had been spoken to by Ethical Standards.

MR FITZGERALD: The accused - the drug accused or the - - -

MS GOBBO: Yes, the drug accused.

MR FITZGERALD: Mm'hm.

MS GOBBO: And what the status was of them, and again I couldn't - at the time I remember thinking, "Well, what difference does it make?" because my understanding from the papers and from what I knew was that anyone connected with the house couldn't put - couldn't identify or couldn't put anybody in for the burglary themselves, so what difference did it make?

MR FITZGERALD: But you thought his interest was in the burglary.

MS GOBBO: That's right, but I - yes, but I couldn't understand whether his interest was for him or his interest was for his mate, Dave Miechel.

MR FITZGERALD: You see, a couple of things - and I'm just thinking out loud - strike me about that. One is that it must have seemed strange that the detective sergeant in charge of the drug case, to use that rather loose term, needed to ask you whether the persons accused had been interviewed by another part of the police force. One would think he'd have much better access to that information than you, wouldn't you?

MS GOBBO: Possibly. I don't - it depends on what - possibly.

MR FITZGERALD: So you must have known that he was suspected of something.

MS GOBBO: I was more suspicious of him. I wonder whether he was tape-recording me or what the whole point of it was, but I figured I wasn't doing anything wrong, so I'd see what he had to say.

MR FITZGERALD: And the other thing that strikes me as a little unusual, perhaps in my naiveties, that you were prepared to give advice to the - on an informal basis - to the detective sergeant in charge of the prosecution of your clients in circumstances where if he was in fact involved in criminal conduct, it would be extremely valuable to your clients to be able to cross-examine him about that fact if he gave evidence.

MS GOBBO: If that was right, yes.

MR FITZGERALD: So I wonder why in those circumstances you'd be prepared to give him advice which might, with the advantage of hindsight perhaps, be against your clients' best interests.

MS GOBBO: No. He specifically wanted advice when he was charged, and that was exactly the reason why I couldn't act for him, because of what you've just said. Before that I couldn't work out - I didn't know whether he was trying to set me up because he was trying to work out whether - because I acted for Tony - I was acting for Tony Mokbel at the time. I couldn't work out whether he was trying to find out information about what I knew from the accused that I was having contact with that he didn't have contact with, whether they'd been talking to anybody, whether he wanted to know that for him or whether he wanted to know it for Miechel or whether he was trying to set me up in some way. I didn't - I did not know then - later on, what you've just said is quite accurate, which is precisely the reason why he got sent to a solicitor, because I couldn't act for him. I couldn't do a bail application.

MR FITZGERALD: But if we go back to the hypothesis that you were giving him informal advice, that's not consistent with him setting you up. He may have had two more than one purpose at the meeting, but it does seem that part of the purpose or one of the purposes was to get some advice. We can leave it for the moment but it would be very helpful if you could give some more thought to what that discussion was about because it could be important.

MS GOBBO: Okay.

MR LIVERMORE: Do you have a diary or any written record that might help sort of put a time frame on the various - - -

MS GOBBO: I have got a diary from - I probably have still got a 2003 diary.

MR LIVERMORE: Is that likely to contain some entries that might help us put a more specific time frame on things?

MS GOBBO: A time frame. It might, yes. I can - I'm certainly happy to look for it.

MR LIVERMORE: Thank you. You've mentioned Tony Mokbel. When did you first act for Mr Mokbel?

MS GOBBO: I first started acting for him in - very early 2002, late 01, early 2002.

MR LIVERMORE: Had you met him before then or - - -

MS GOBBO: I was a Crown witness against. The AFP subpoenaed me as a witness against him in perjury trial.

MR LIVERMORE: So had you had any - had you had any professional or social relationship with him before you were first briefed to act for him in 2001, 2002?

MS GOBBO: Not really, no. What had happened was I had - I worked for Solicitor 1 for two years before becoming a barrister and - - -

MR FITZGERALD: I'm sorry, I didn't catch - who did you work for?

MS GOBBO: Solicitor 1.

MR LIVERMORE: A solicitor.

MR FITZGERALD: Yes, thank you.

MS GOBBO: I didn't do my articles there but I worked for him for a couple of years. He acted for - and it's through him that I met a number of the Mokbels in the 90s. And in 1996, 97 - maybe - or 97 or 98, one of those years - I attended the Magistrates' Court to assist - all I was told was, "Go to the Magistrates' Court. Some guy called Horthy Mokbel has been granted bail on some tax fraud charges and you've got to go meet some family members and help them put the surety up." So I went to court, took them to the second floor. Lo and behold, a few weeks later the Federal Police rang me and asked me if I'd been present when the surety was put up. It turns out that - they were alleging that both people who'd put up the surety had sworn false declarations. And then - I then ended up making a statement, becoming a witness, being called at a committal, then a trial, and in that - in that time frame as that process went on I met Tony a number of times.

I was working for [REDACTED] who was Horthy Mokbel's solicitor, and as a consequence of all of that I then acted for Horthy Mokbel. Subsequent to him being acquitted of the tax charges he was charged with a whole lot of driving offences and some fraud on a bookmaker. I was briefed - by then I'd gone to the bar. I was briefed to appear for him a number of times. That was all 2000, 2001. And at the end of - August 2001, Tony was arrested and charged and he kept - Tony kept ringing one of his - his brother Horthy and asking, "Can you check this? Can you ring this person? Can you check that?" Horthy kept ringing me saying, "Tony said to ask you this. Tony said to ask you that."

And then I made a very - what will be one of the biggest mistakes I've ever made in my life, because I said to Horthy Mokbel, "Why don't you tell your brother to put me on his phone list, because it would be easier for him to ring me directly than for him to ring you, I tell you the answer, you

miscommunicate to him and so forth." So then Tony started ringing me directly in late - some time in late 2001, and then in 2002 I was briefed to appear for him, and he ruined my life.

MR FITZGERALD: He ruined your life?

MS GOBBO: Well, he's caused me unnecessary grief, stress and angst. He is one of the most difficult people I've ever encountered or acted for.

MR FITZGERALD: Do you want to tell us about that?

MS GOBBO: We could be here for days, Mr Fitzgerald.

MR LIVERMORE: Give us the short version then first.

MS GOBBO: Well, I think Mr Livermore knows; he's acted for - or given him some advice. He's a very - in some ways very clever, as in streetwise, clever, cunning, shrewd, dangerous criminal. Very powerful, very manipulative but, on the other hand, very, very stupid. I doubt that he's got great literacy skills but he's all about control, power and manipulation. I mean, I - - -

MR FITZGERALD: Did your - I don't mean to embarrass you but did your relationship develop beyond the professional?

MS GOBBO: No. I suppose it would depend if you asked him. We certainly had a - a friendship. It's difficult not to become close to someone that you speak to - when he was in custody for 11 months he used to ring me at least two or three times a day every single day.

MR FITZGERALD: What period was that, sorry?

MS GOBBO: That was all the way through till September 2002 when he got bail. And he always had a QC but, QCs being QCs, they delegate all of that nasty job of speaking to the client to their juniors, and Mr Redlich did that, as he then was, and Mr Heliotis. Then when he was granted bail I obviously saw less of him because he'd been granted bail and he had other things to do. And then as time went on, when he had a court case on or a committal or an application for whatever it was, there'd be times where we'd have a lot of contact and times when there'd be less contact. But he had - he has a side to him that can be very disarming, very charming, very - he has a side that looks like he's a loving - loves his children, family man. But he has the exact opposite as well. He's a psychopath. He's certainly attempted to - threatened me a number of times, blackmailed me or tried to blackmail me, and then there was the occasion where Andrew Veniamin turned up on my front doorstep and

threatened to kill me and that was as a consequence of him and Carl Williams.
So it's a long - - -

MR FITZGERALD: A consequence of Mokbel and Co?

MS GOBBO: Yes, they sent him there. So - - -

MR FITZGERALD: Why would they want to kill you?

MS GOBBO: Because I had the audacity to act for Lewis Moran. I was told not to appear for him, not to do a bail application for him. My view was that he was just another crook, just another bloke in custody and why shouldn't I do his bail application, and the net result of that was a number of threats and ultimately Andrew Veniamin outside my home, my front door at 7.30 in the morning threatening to kill me.

MR FITZGERALD: How long ago was that?

MS GOBBO: That was mid-2003. Well, I know Jason Moran was murdered in June 03 and I know when I did Lewis Moran's bail application was after that because his son had been murdered by then, so it must have been a couple of months after June 03.

MR FITZGERALD: If we go back - that's quite a shift in the relationship between giving him your mobile phone number and instant access to you, to the point where he's threatening to kill you or have you killed.

MS GOBBO: Yeah. He wouldn't do it. He was far more clever than that, far more insidious than that. He wouldn't say it was - when Andrew Veniamin did that, then you're faced with, "Do I go to the police, not go to the police? What are the repercussions of going to the police, and who's really behind it?"

MR FITZGERALD: Did the - what's his name, Veniamin, didn't tell you who'd sent him or what it was about?

MS GOBBO: No, but there were a number of phone calls after that that made it clear it was Williams and Mokbel.

MR FITZGERALD: And did he tell you why he was threatening to kill you?

MS GOBBO: Yes, Veniamin did on the spot, because there I was at 7.30 in the morning trying to have a rational conversation explaining to someone why it was that he nor no-one else could control who it was that I accepted a brief for or who I appeared for, and here was this lunatic screaming at me, saying

that how dare I "'cause he's not part of our crew and you are," and, "No, no, no, I'm a lawyer. I'm not part of your team at all," and it was at that time where, with hindsight, no-one knew exactly then but Mokbel and Williams had sort of joined forces but it wasn't apparent until - I don't think it became clear until later on.

MR FITZGERALD: Had you had any foreknowledge that your relationship with Mokbel had deteriorated?

MS GOBBO: No, but he's always been a very controlling - and he'd say things like, you know, "How's your mother? How's your sister? Is she well today?" In the back of your mind you'd think, "He's not asking 'cause he could care less about their health or anything else." When I had my stroke he was the first person to turn up to the hospital with, you know, the gigantic bunch of flowers, but the next day he was very - he turned up to hospital, dragged some - one of his runners in who needed legal advice. There was no - he didn't - he was - he really had two sides to him.

MR FITZGERALD: Is it fair to say that in the period between the time you gave him your phone number - - -

MS GOBBO: Or he got it - - -

MR FITZGERALD: - - - or you gave it to your brother to give to him, sorry, and the time that Veniamin threatened you, that you'd been doing work professionally on a regular basis for him and his associates?

MS GOBBO: Yes.

MR FITZGERALD: But not exclusively?

MS GOBBO: No, not at all.

MR FITZGERALD: And being paid on a purely orthodox - in a purely orthodox way?

MS GOBBO: Yes.

MR FITZGERALD: Solicitors involved?

MS GOBBO: Solicitors - always with solicitors.

MR FITZGERALD: Can you think of anything that would have given him the impression that you had assigned your services exclusively to him and his?

MS GOBBO: In his deranged mind perhaps. I know it sounds - I probably sound sad and tragic trying to explain this to you - - -

MR FITZGERALD: Not at all.

MS GOBBO: - - - but he - you know, when he was in - he was on remand for all of 2002 until he got bail in September, and unbeknowns to me there were a number of people - as is often the case if you've got a client in custody, they refer you different people. Now, I didn't know during that period, all the people that he had referred to me - and I never acted for them directly, I always either dealt with their solicitor or got them a solicitor, but all of those people, as time went on, I found out that he'd scammed money out of them on the basis that he would say to them, you know, "I can get her for you 'cause she's mine, and I'll get her for you for X amount." He'd be making a commission. There were all sorts of things that I didn't know then but as time went on, you know, you found out about these things. There were people that he - people that I think he referred them to me thinking that I would either keep him in the loop as to what the evidence was against them or control them because it might be advantageous to him.

And, as time went on, some of those people got enough trust and confidence in me to - on at least two occasions - say to me, "Is it true that Tony Mokbel paid X amount of dollars to the DPP so that they wouldn't appeal my bail?" and I would say to them, "What are you talking about?" I mean, I've never been involved with anything like that, anyone who I've appeared for has gotten bail fair and square because they've got it. But I'd be saying to these people, "No, there was no exchange of money or bribe or anything else," but Tony had convinced them that that was the case and that they would then have, you know, \$100,000 or whatever taken off their bill with him, but that was his level of manipulation and cunningness.

MR FITZGERALD: You mentioned earlier - - -

MS GOBBO: And - sorry - can I say this: if I - if he knew now or ever finds out that there are people for whom I've acted who - given that it was in their best interests and in their interests alone that they cooperate with police, or that they give evidence or consider being a witness. If he ever found out that I was in any way - even gave that advice to - being an independent professional, you've got to give people all their options, and I do. But if he found that I'd done that, let alone supported people through that process, that would be a reason to kill me.

MR FITZGERALD: Yes.

MS GOBBO: Sorry, I know we got right off track.

MR FITZGERALD: No, you didn't. I hesitate to put this to you in the circumstances but you mentioned rumours earlier. Are you aware of any rumour involving you and Mokbel?

MS GOBBO: Oh, where does one begin? That after I got him bail in September 2002 he bought me a house and a car, neither of which is true, well, none of it's true but - that I was sleeping with him; that I was his Barbie doll. That was another fantastic rumour that went around; that you couldn't - if you were just a common criminal you couldn't engage my services without going through - almost like, excuse the expression, but like a pimp. You know, he was - normal barristers have clerks but he was like the "special clerk". I mean, they're the ones that I heard about.

MR FITZGERALD: And there's no truth in any of them?

MS GOBBO: No. I must say he certainly to my knowledge provided a car for a member of the legal profession but it's certainly not me.

MR FITZGERALD: Yes. When he engaged you professionally did he pay you?

MS GOBBO: His solicitor did.

MR FITZGERALD: Yes.

MS GOBBO: At the time, yes.

MR FITZGERALD: Yes. And just orthodox fees?

MS GOBBO: Yes. He went through a number of solicitors. When he disappeared during the Supreme Court trial he - his solicitor then had fees which he'd satisfied himself came from a proper source and so forth. He had fees in trust but a disaster occurred because the solicitor created a bill the day Tony disappeared, a massive incredible bill for his own fees, paid all the money he had in trust to himself, and there's a number of us to this day who haven't been fully paid.

MR FITZGERALD: Sorry, Mr Livermore, I - - -

MR LIVERMORE: I think you've partially answered what the next question was going to be and that is that after the - notwithstanding the death threat, he -

Mr Mokbel, Tony Mokbel, still sought to engage your services on a professional basis to act for him thereafter.

MS GOBBO: He's still - he's still ringing now from Athens. I can't escape. I had 15 months of peace and quiet before he got - or however many months it was before he got re-arrested.

MR FITZGERALD: So let's go back then. We've got a sense of where things were at when Veniamin has come to you. I think you said that was mid-2002?

MS GOBBO: 2003.

MR FITZGERALD: 2003, sorry.

MS GOBBO: Yep. I just - I remember Jason Moran's - Jason Moran was murdered in June 2003 and I know Lewis's bail was after Jason's murder.

MR FITZGERALD: Then you said there were some phone calls that confirmed in your mind that Mokbel and Williams were in cahoots - - -

MS GOBBO: Yes.

MR FITZGERALD: - - - if that's not - and behind the threat.

MS GOBBO: Yes. And bearing in mind that in 2002 when they were both in custody, in the same prison, before they were each respectively granted bail, they didn't have a lot to do with one another. In custody they were not in the same unit, they weren't friends. They were opposite sides of the fence or what we now know was the drug war or gangland war or call it whatever you want. By 2003 - I didn't know it then but later on I found out they were - they'd united and they were doing business together.

MR FITZGERALD: And that was prior to mid-2003 when you got the threat.

MS GOBBO: No, it was after.

MR FITZGERALD: After that.

MS GOBBO: Sorry, yes, they'd joined forces but I didn't know until - see, I never met Carl Williams until late 2003 or the second half of 2003.

MR FITZGERALD: So you didn't know of the association between Mokbel and Williams until then?

MS GOBBO: That's right.

MR FITZGERALD: And did Williams come to you through Mokbel?

MS GOBBO: Yes.

MR FITZGERALD: I see. Let's just go back just a little bit to - what were the phone calls after the Veniamin incident that caused you to connect his threats to - or you tell me what the phone calls were about.

MS GOBBO: After his - after that morning I was spoken to by the police.

MR FITZGERALD: You lodged a complaint.

MS GOBBO: No, no, no. A police officer came up to me and asked me - and said to me, "I want to speak to you about what happened to you," and I played dumb, as if I didn't know what had happened, because I couldn't work out whether he knew what had happened because they'd been - he'd been under surveillance and they'd been watching him or whether he knew about it because obviously some people's phones were being intercepted and there must be talk of it, or maybe they'd heard whoever arranged it to happen talking about it. And I was, you know, afraid of - you know, go to the police and be responsible for Veniamin being charged - what's that's going to - I imagine the repercussions from that - versus the fear that I had of what had actually happened to me. And ultimately I did go to Andrew Veniamin's solicitor and said - I sat in with Brian Rolfe and sat him down and told him what had happened and said, "You speak to him because I will go to the police."

Then there were a series of phone calls, [REDACTED], which resulted in [REDACTED]. I think, Carl Williams bringing Veniamin to me and him apologising. Not that - it's too late after you've done something. But there were - and, look, I don't know whether all of those phone calls were on phones that, as we subsequently found out when various people were arrested and charged, that there had been telephone intercepts on a variety of people. I'm not saying on me but on those people's phones, because they were all suspects and then subsequently charged with murders. But I suspect that the police either - I'm not saying they knew about it at the time but they new about it after it happened.

MR FITZGERALD: How long after it happened did the police officer approach you?

MS GOBBO: A week or so, maybe a couple of days.

MR FITZGERALD: Who was it?

MS GOBBO: Phil Swindells.

MR FITZGERALD: Had you known him otherwise?

MS GOBBO: Again, he's - he's, I think - he said that he'd met me previously but I couldn't - I couldn't remember.

MR FITZGERALD: And where was he attached?

MS GOBBO: Purana. It was just formed, I think, in mid-2003.

MR FITZGERALD: Yes. So you didn't have any apprehension that he was associated with Mokbel or Veniamin or those people?

MS GOBBO: No. It was more the fear of - and it's a fear I currently have. If someone - well, I've overcome it to a degree. I'm the recipient of threatening, or at least harassing if not threatening, SMS messages at the moment. There were phone calls but now they're SMS messages which are being investigated and have been reported because I - - -

MR FITZGERALD: Do you know the sender?

MS GOBBO: No, I don't. Well, they're public phone boxes. They're being investigated by the police. But before that - - -

MR FITZGERALD: You can send an SMS from a public phone?

MS GOBBO: Apparently - apparently you can. Again I'm probably off the topic but the threatening calls - a large part of it commenced with Carl Williams in the middle of last year taking the view that I was responsible for [REDACTED] and as a consequence of that he sent letters out from Barwon Prison saying that I was a dog, a police informer and that I should be killed. Those letters - at least one of those letters I managed to get a copy of - or not a copy of, the original. And then he - his wife Roberta rang a number of times and threatened me over the phone. She also rang Con Heliotis and threatened - told him to pull me into line, otherwise she would come and - she would bash me and leave me bleeding in the gutter outside our chambers. And then the SMS messages have happened subsequent to that. The first one was from her from her own phone as well as some conversations where she actually spoke to me, and then I've had SMS messages after that.

MR FITZGERALD: Mr Livermore, it's 1 o'clock. I think we'll be a little longer talking with Ms Gobbo.

MR LIVERMORE: At least another hour, I think. At least another hour, I think, sir.

MS GOBBO: Have we got right off track?

MR FITZGERALD: No, no, no. I mean, it's difficult to say that we can draw a strict, sharp, precise boundary. I for myself don't think you have got off track and if you don't mind I'd like to continue talking to you after lunch.

MS GOBBO: Sure.

MR FITZGERALD: But I think we'd probably - you've probably been in the - been answering questions long enough and we can take an hour's break and get back together.

MS GOBBO: Mm'hm.

MR FITZGERALD: And if you could during that time get your diaries - - -

MS GOBBO: Yeah, if it's - I will go back to chambers and if I can - - -

MR FITZGERALD: If you are going - - -

MS GOBBO: - - - find it, I will - - -

MR FITZGERALD: That would be great. Thank you very much. Well, we'll see you then.

MS GOBBO: At what time?

MR FITZGERALD: 2 o'clock convenient or - do you need a little longer?

MS GOBBO: No, no, no, 2.00 is fine.

MR FITZGERALD: Okay, thank you. We'll just informally adjourn, thank you.

ADJOURNED

RESUMED

MR FITZGERALD: The time is 10 past 2 pm.

MR LIVERMORE: Did you have any luck with your diary over that short break?

MS GOBBO: I didn't, because I spent some - half the time getting back there and then on the phone to Barwon Prison, and then a client of mine got arrested about 10 minutes ago, so I've been trying to text and organise it, but I will have a look.

MR LIVERMORE: Thank you. You mentioned before lunch about becoming aware at some point during 2003 I think of a relationship developing between Tony Mokbel and Carl Williams.

MS GOBBO: Yep.

MR LIVERMORE: Could you just tell us your understanding of how that relationship developed?

MS GOBBO: When they were in custody together in 2002 I used to go to Port Phillip - it was Port Phillip Prison. I was there probably once a week, once every two weeks, bearing in mind Tony had four separate lots of proceedings ongoing at that time, and he was obsessed with police corruption as a basis for delaying his proceedings and then having a reason to get bail. In the context of that he would often talk about Carl Williams because Carl allegedly had police that were corrupt involved in his case, but he wasn't on speaking terms with Carl. Whenever they were in the visit section together they didn't speak and they were in different units.

By the middle of 2003, that is when by then I had - I think around that time I was introduced to Carl by Tony and he - - -

MR LIVERMORE: At the prison?

MS GOBBO: No, no, Carl got bail about a month, a month and a half, before Tony. Tony got bail in September 2002. So if you roll on to mid-2003, Tony had by then - around - I'm sure it was - I'm sure it was around mid-2003, Tony introduced me to Carl Williams and to George Williams, because I subsequently acted for George Williams in his Supreme Court trial which ultimately resulted in a nolle. But they were spending a fair bit of time together and it was in part through, for example, what I talked about before lunch, the Lewis Moran threat. Tony had indicated that I should steer clear of acting for Lewis Moran. For my own safety he said I shouldn't act for him, and he said, "I don't personally have a problem with it but Carl will have a big

problem with it." I didn't know then the ins and outs of the amphetamine war and who was doing what with whom, but it was apparent that there was a bond that had formed between them which going back - well, I saw them in 2002, they weren't even on speaking terms.

Then as time went on, Carl Williams had Zara Garde-Wilson acting for him and he subsequently managed to convince Tony that it would be a great idea for him to change to her as well, and then as history shows then he changed - subsequently changed solicitors and then had whatever relationship he had with her, and it was often - I on a number of occasions saw Tony with Carl Williams - Carl and George or just Carl by himself but with Tony.

MR LIVERMORE: This is, what, sort of from mid-2003?

MS GOBBO: Yes, yeah.

MR FITZGERALD: And where would you see them?

MS GOBBO: Mostly in the city around chambers - Williams Street, Lonsdale Street; sometimes in [REDACTED]. I used to go to a gym in [REDACTED]. Tony was a member of the same gym, and from time to time I'd see him there or I'd see him at the coffee shop next door to it. It was, you know, [REDACTED], walking. In a twist of irony, Tony and I actually [REDACTED] but because they were apartment block numbers it turned out [REDACTED]
[REDACTED]
when I was [REDACTED] because [REDACTED] the carpark.

MR FITZGERALD: Why was that important?

MS GOBBO: Why was it important? It wasn't important at all. It was a horrifying thing that - what had occurred was in September 2002 when he was granted bail, he was bailed to live at his parents' address, or his mum's address in Coburg. About a month after he was granted bail he changed his address. We did a bail variation in the Supreme Court and changed his address. The address on paper meant nothing to me. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Tony knew what car I drove - he could tell whether my car was there or where I was. It was almost like he was able to track me down.

MR FITZGERALD: And you didn't want that?

MS GOBBO: No.

MR FITZGERALD: But you hadn't been threatened at that time?

MS GOBBO: No, I hadn't, I hadn't, but it was still - you need time to yourself. You need to not be available for these people all the time.

MR FITZGERALD: Mm'hm. Did you think he had some interest in you other than a professional interest?

MS GOBBO: In a general Lebanese sleazy way, yes. I don't mean that to sound insulting of him but not - I don't think there was anything specific. I mean, the other complicating factor in all this was Tony's now fiancée but back then girlfriend Danielle McGuire was someone who - because of him - myself and Con Heliotis acted for, and she went to gaol for drug trafficking - I think she went to gaol while he was in custody. She was sentenced to 18 months' gaol. So while - after - she went in while he was in and then he got bailed when she was in custody. So while she was away for however many months that was, he had a lot more free time and he used to - and he drove me more insane when she wasn't around than when - I got the impression she kept quite a close hold on him when she was around. So whatever time frame she was away for, when she was released from prison sometime - would have been 2003, I think, or early 2004 - he had very little time because he was always with her and the kids.

MR FITZGERALD: Early in 2002 were you developing concerns about the extent to which you were becoming caught up in affairs that you might no longer be able to control?

MS GOBBO: Absolutely. I wouldn't say so much - I wouldn't say early 2002; 2003, definitely.

MR FITZGERALD: Because - when did you [REDACTED]?

MS GOBBO: [REDACTED]
[REDACTED]

MR FITZGERALD: [REDACTED]

MS GOBBO: [REDACTED]

MR FITZGERALD: Sorry, I should have said by early 2003 you would have

had some concerns.

MS GOBBO: Yes, that's why I said 2003.

MR FITZGERALD: [REDACTED]
[REDACTED] you're running into him.

MS GOBBO: That's right.

MR FITZGERALD: He [REDACTED], knows when you're home.

MS GOBBO: That's right.

MR FITZGERALD: And from what you - - -

MS GOBBO: He didn't so much know when I was home but he knew that the car was there.

MR FITZGERALD: His de facto partner is in prison, he's manipulative and controlling. I mean, it doesn't sound like a very satisfactory situation to find yourself in.

MS GOBBO: It wasn't. It wasn't.

MR FITZGERALD: But did you think it was an option to terminate those - - -

MS GOBBO: Well, that was something that was discussed and more often than not - occasionally Con Heliotis, being my leader and someone who'd had a much longer relationship with Tony, he would pull him into line and he would be okay for a while and then he would be - I mean, he's still ringing from Athens now trying to get me to do things. I found a better way of dealing with him - probably not hindsight but one way of dealing with him was to agree with him or give the appearance of agreeing with him or acquiescing to him to save the screaming - we had some screaming arguments over the phone and in person, but principally over the phone over the years.

MR FITZGERALD: Did you ever ask any of the police officers with whom you were on friendly terms to intervene in any of this?

MS GOBBO: No, no, not to intervene, no.

MR FITZGERALD: Speak to him?

MS GOBBO: No.

MR FITZGERALD: For advice about how you should handle it?

MS GOBBO: No. Not during that time - - -

MR FITZGERALD: When you say "not to intervene", it's suggested that you might have had some conversation with them about some aspects of this.

MS GOBBO: Subsequent; not at the time.

MR FITZGERALD: Not at the time.

MS GOBBO: No.

MR FITZGERALD: So you're still acting for him in this first half of 2003. I think you'll tell us in due course that you were still acting for him at the end of 2003.

MS GOBBO: Yes.

MR FITZGERALD: But in this early period he's on bail, you're his adviser - sorry, you're appearing for him in relation to particular charges, and you become aware of his association with Williams. Can you just remind me how that happened?

MS GOBBO: I can't remember the very first - I can't remember the first introduction to him. I mean, Carl Williams was someone who I might have waved to when I've walked through the visit centre of prison, but I didn't really know him, and I can't remember the first introduction to Carl Williams.

MR FITZGERALD: You would have been a bit surprised - - -

MS GOBBO: To see them.

MR FITZGERALD: - - - to see them together.

MS GOBBO: Well, it was more - there were rumours.

MR FITZGERALD: But you'd seen they were unfriendly while at prison.

MS GOBBO: That's right. That's right. And it was - everything is always clearer with hindsight but one of the rumours at the time was that Tony was playing all sides of the underworld. He was friendly with different factions and doing business with everybody and I think it turns out that that probably was

true, he was. One of the things that does stick in my mind about seeing just how close Tony and Carl were was when [REDACTED] [REDACTED] arrested and charged with [REDACTED] the [REDACTED] in [REDACTED] 2003. It wasn't - obviously if your friends get arrested or your associates get arrested, it's not unheard of for those sort of people to ring a barrister or solicitor they know to say, "Can you look after this person? Can you go and see them?" and I do remember that when [REDACTED] arrested in [REDACTED], Tony rang me on behalf of Carl Williams because I'd never seen - never met [REDACTED] accused before when [REDACTED] arrested and charged that day. I did go to the Custody Centre at their request; not for an improper purpose but it was the usual, "This person's just been arrested, can you go and see if they're all right. Do they need anything. They need a solicitor."

MR FITZGERALD: And did he indicate to you that he was doing that at Williams' behest?

MS GOBBO: He rang me and put - I have a recollection of him ringing me and putting Carl on the phone and then me subsequently seeing him and Carl together.

MR FITZGERALD: So if we go back just a little, earlier in the year before, what was the name who threatened you?

MS GOBBO: Andrew Veniamin?

MR FITZGERALD: Veniamin. Before that you are alive to the fact that it may be offending Williams for you to represent Moran from Mokbel.

MS GOBBO: Yep.

MR FITZGERALD: So there are already indications that Mokbel and Williams are in contact, but you knew that anyway from your observations.

MS GOBBO: That's right.

MR FITZGERALD: Okay.

MS GOBBO: I can't - yeah, I can't remember the first time that I saw them together but I - it must have been before Lewis Moran was granted bail because the message was very clear to me, before his bail application, which was - from Tony, which was that "Carl won't be happy with it."

MR FITZGERALD: And did you think that was because Mokbel wasn't

happy with it himself and that he was simply - - -

MS GOBBO: You never knew with Tony, you never knew. I mean that truthfully. You just didn't know what level of lies and manipulation you were being subjected to.

MR FITZGERALD: Because you have given us the impression, I think - unless I've misunderstood you - that part of Mokbel's controlling behaviour involved trying to retain your services for him and his associates exclusively.

MS GOBBO: That's right.

MR FITZGERALD: When you got that warning, I mean, that must have been quite troubling because you would have suspected that - well, you tell me, would you have suspected that both Mokbel and Williams were potentially violent men?

MS GOBBO: I wouldn't have known with Williams. I didn't know him well enough to form any view, and I try not to listen to or to place reliance on the scuttlebutt that you hear about people like that. I didn't know that - I didn't believe that he had - actually I knew he had no violent criminal history because I knew his circumstances insofar as what he got - what was published when he got bailed. With Tony I'd seen him raise his voice and lose his temper a number of times but I'd never seen him behave violently and he doesn't have - apart from street offences he doesn't have a history of actual violence. I certainly had - Con Heliotis had told me a number of times that in his view Tony was more than capable of extreme violence, bearing in mind, Con had probably 10 years of dealing with him - well, maybe not 10 - seven or eight years before I started dealing with him. So I hadn't seen it but you don't necessarily need - I might sound pathetic saying it, you don't really need to see it if someone threatens it or that's the way they behave or they give you that - instil that fear in you. You don't really want to see the actual - what might happen.

MR FITZGERALD: No. Had the gangland murders started by then?

MS GOBBO: Yes. Well, Jason Moran was murdered in - I know he was June 2003 because the day he was murdered I was at the airport leaving to go overseas with my mother, I think, and I remember being stuck at the airport for hours because the plane was late, and a friend of mine, who's a solicitor, ringing me to say that he'd been shot - Jason Moran had been shot at Auskick because he'd been - this solicitor had been taking his kids there. And on that day I received a phone call from [REDACTED] who was with Carl Williams. That was what I meant to correct before. The other person who spent a lot of

time with Carl was [REDACTED] and it was partly through him I got to know Carl, but my understanding had been that Carl and [REDACTED] were kind of - and Andrew Veniamin were kind of one group of people, and Tony was in a different group of people, but by mid-2003 they were all sort of seeing one another.

MR FITZGERALD: And this [REDACTED] rang you at the airport too, did he?

MS GOBBO: He rang - I was acting for him at the time. He had an [REDACTED] charge that was outstanding in the County Court. I think he'd been committed but hadn't had a plea by then, and he had been interviewed in relation to [REDACTED] [REDACTED] was murdered in [REDACTED] 2003, because I remember part of the issue with [REDACTED] was police had [REDACTED] and that was part of the reason for him ringing me around that time.

MR FITZGERALD: Despite not knowing, wouldn't it have been rather common speculation that Williams or Mokbel was associated with murders like the Moran murders?

MS GOBBO: I don't know whether it would be more than just speculation.

MR FITZGERALD: I just wonder why - it seems that it might have been enough of a possibility to trouble you when one of Williams' associates turns up like that, but you still continued to act for Moran.

MS GOBBO: To do his bail application, yes, because it's giving in to them if you - I mean, I would not allow - I was put - well, I was in fear but even if you're warned why would you be controlled - allow yourself - that gives them what they want.

MR FITZGERALD: I understand the reasoning. I'm just interested to hear your answer because it does - - -

MS GOBBO: I think there is probably an unfortunate stubborn streak in me, Mr Fitzgerald; determined perhaps, or stubborn.

MR FITZGERALD: No, no, I understand. Tell me, how long after that was that - so did you report that to Mokbel, what had happened?

MS GOBBO: Not so much report, it was common knowledge. When I say common knowledge, it was common knowledge that I had got Lewis Moran bail because unfortunately it was all over the front page of the newspapers and TV and to be honest with you I'd actually hoped that I'd be kept out of it

because I had anticipated appearing with Lewis Moran's QC for his bail and usually they don't report the junior's name which is very lucky. But unfortunately the QC dumped it on me the morning of the bail application. That's how - and I had - even though I had intended to do it, I had thought that I'd be able to hide it from them because of the QC, but, however, he dumped it on me. So it was common knowledge that I'd got Lewis bail and I think the first person that spoke to me about it was [REDACTED] and he rang to tell me how unhappy Carl Williams was with the situation, and then Tony rang me about it. It wasn't me ringing to report anything to them. Then Veniamin threatened me.

MR FITZGERALD: What did Tony Mokbel ring you about?

MS GOBBO: The fact that I'd got Lewis bail, that he'd said not to and why had I.

MR FITZGERALD: I see.

MS GOBBO: I actually told him the truth that I had anticipated being there as a junior. I ended up being used as a junior by a lot of those people because back then the common thread of a lot of people's adjournment applications and subpoenas was police corruption, and there was a common body of knowledge and you get used by different solicitors and different QCs, and I remember explaining to Tony that it was Chris Dane who was supposed to be there for Lewis Moran but he didn't turn up and - not he didn't turn up; he was jammed somewhere else - and that I had appeared for Lewis at the last minute by myself, which was the truth but he didn't believe that.

MR FITZGERALD: So - and then after the threat the police officer speaks to you.

MS GOBBO: Phil Swindells, yep.

MR FITZGERALD: And - but he doesn't offer to do anything about it.

MS GOBBO: No.

MR FITZGERALD: What did he ask you to do?

MS GOBBO: He didn't - he didn't ask me to do anything. He asked me to speak to him about it outside court. It might have - I might - it might have been when I - I subsequently had to do a bail variation for Lewis Moran and he - I remember him speaking to me outside court and I indicated I didn't want to speak to him about it, not because I thought that he was someone

untrustworthy. I didn't - I didn't know him then. I didn't know him one way or the other; that's what I'm saying. I had no reason not to speak to him but it was more fear of speak to the police, make it formal and then what the repercussions would then be.

MR FITZGERALD: So after you'd been threatened did you go back to Mokbel about the threat?

MS GOBBO: I didn't specifically go back to him about it but I came up and he - he indicated that it had nothing to do with him, that it was Carl, but my view was always - the only - the person who knew where I lived was Tony, and Veniamin was parked on the nature strip outside my front door. Now, that might be my conclusion. I might be wrong. It may be that if you really want to find someone you can follow them anyway. But as - you know, as time went on, certainly by late 2003 they were very much close to one another.

MR FITZGERALD: What was it in your opinion that caused Williams and [REDACTED] to bring Veniamin to apologise to you?

MS GOBBO: I remember - I certainly explained to - and, look, a lot of this, I suspect, is probably on telephone intercepts because a lot of it - there was no - I was ringing or being rung by these people on their own phones or numbers that subsequently to be intercepted. But I did explain to [REDACTED] that, you know, a barrister's role is you can act for anyone unless there's a conflict of interest, blah, blah, blah, and he, I think, had some understanding of where I was coming from and he wanted to mediate it and to sort it out. His - I think his position was really protective more than anything else, which is how Veniamin was brought into apologise.

MR FITZGERALD: So you don't think Mokbel was behind that.

MS GOBBO: I don't know. I don't know whether Tony was one rung above Carl and Tony was controlling Carl or whether they were equal in a way and Carl just did it because he was - because he was responsible for it or they were jointly responsible and Tony told Carl to come and do it. I don't know.

MR FITZGERALD: I'm just going to let Mr Livermore ask you a couple of things but could you just remind me of one matter, and that is when did they - when did they bring Veniamin to apologise?

MS GOBBO: It would have been no more than a couple of weeks after it happened.

MR FITZGERALD: I see. So June, July 2003, somewhere around there.

MS GOBBO: No. I think it would have been more likely to be August, because Jason was murdered in June, I think Lewis was granted bail about a month later.

MR FITZGERALD: Mm'hm.

MS GOBBO: And it was probably a couple of weeks after that.

MR FITZGERALD: I see.

MS GOBBO: So probably August.

MR FITZGERALD: And your relationship with Mokbel then just continued as it had been?

MS GOBBO: Yeah. It had it - it had its ups and downs because, honestly, he can - he can be the most placid, charming individual and he can also be just a horrific - all the things that one - all the things that spring to mind which would make a person or a client incredibly difficult to deal with. He could be all of that at the same time. I think too - my personal view is that he's illiterate and that he was someone who - he would run into people, people in gaol, people when he was on bail, who would give him some crazy idea of some defence or some argument to run and he'd latch onto it and then he would drive me insane, ringing me up and asking question after question about it without it having any relevance whatsoever to him.

For example, you could never explain to a person like him that just because a police officer involved in his case was charged with a criminal offence that had nothing to do with his investigation, you could never explain to him that that really meant nothing in the scheme of him having a defence, because in his mind he would think, "Police officer charged with corruption or charged with something, therefore I've got a defence."

One of the things we had huge arguments about was Dave Miechel, because Miechel was really at best a continuity kind of witness from the 2001 - sorry, 2000, 2001 police investigation where Tony was tape-recorded speaking to an informer, and Miechel had operated a recording device and recorded one of the conversations and subsequently was called to the committal and wasn't called at the trial, I don't think. But from Tony's point of view that meant, "Oh" - you know, his case should be delayed until Miechel's charges were resolved and they couldn't lead that tape because Miechel wasn't there. When you - it was very difficult to try and explain to him that just because that police officer is not there, it doesn't mean that they can't lead the evidence. That might sound

like a very simple, basic thing to explain to someone but it wasn't to him.

MR FITZGERALD: Could I ask just three more things while I think of it? When did you stop acting for Mokbel?

MS GOBBO: When he left, when he disappeared.

MR FITZGERALD: So you had really continuously acted for him up until that time?

MS GOBBO: That's right. And even though he - - -

MR FITZGERALD: And since he's been re-arrested in Greece he's been speaking to you again as his lawyer?

MS GOBBO: No. I'm not prepared to be involved formally or to go to Greece or do anything. He left us high and dry fee-wise because of what happened with his solicitor. Unfortunately, his Greek lawyers are requesting information that's - you know, that I know from the history of his proceedings which may or may not be - I don't know whether it's relevant or not but that's the sort of - you know, "What date did this happen? When did he get bail," those basic, basic sorts of things. But I'm not prepared to act formally, no.

MR FITZGERALD: This may sound excessively naive but how do you deal professionally with these relationships that involve informal conferencing, whether in person or by telephone where you may or may not be in chambers, which you're asked to go to prisons and see people and you're asked to give advice and so on and so forth? Are they - are they charged for - on a time-by-time basis or are they covered by a general retainer or how do you - - -

MS GOBBO: Most of the time they're included somehow. I meant to say this before, that one of the difficulties with Tony was that he kept changing solicitors. When he - and he went through six different solicitors in the time that I was acting for him. Sometimes in my view he got sucked into solicitors promising him the world because they saw him as the greatest catch of a sort of, you know, keep their name in lights kind of glamour of acting for him. And because he kept changing solicitors, the new solicitor wouldn't know what had happened for the previous 12 months and the previous 20 adjournments of whatever - whichever proceeding it was.

And so - and part of the other problem was - leave aside Zarah Garde-Wilson - every other solicitor he had he didn't trust and he didn't speak to. Tony's on tape saying he regards solicitors as a waste of space and no more than a post office box and barristers are the more important person in the legal profession.

And so in that context he was a bit unusual for me because he - I would have a lot of contact with because he wouldn't speak to - the normal way of speaking to a solicitor and a solicitor then speaking to me, there wasn't that in between and there wasn't that - he didn't have that confidence with anyone.

MR FITZGERALD: But - don't take this as an implicit criticism, I'm not forming any judgments, but weren't you in control of that? Couldn't you have said to him, "If you want to contact me you'll have to do it in the orthodox way through a solicitor"?

MS GOBBO: Yes. Anything I said to him, he couldn't have cared less. A number of times my issue was, you know, "You've got a duty to the court, duty to clients, duty to" - the number of times I threatened to withdraw or I tried to withdraw or just didn't answer his phone calls, or when he - a couple of times when he hung up on me, being stubborn, I thought, "Well, I'm not ringing back," and I would hope each time that that would be the end of it. And although I had no prior knowledge he was leaving the country or leaving - not turning up for his Supreme Court trial, that was a blessing to finally be free of a lunatic, until they found him.

MR FITZGERALD: Were the fees good?

MS GOBBO: No, no, no, no, no. To put up with that amount of angst and stress, no amount of money would have been enough.

MR FITZGERALD: Did you feel you couldn't terminate the relationship?

MS GOBBO: Yes.

MR FITZGERALD: Mm. The third thing I was going to ask you is just to elaborate a little on Ms Garde-Wilson. You said he changed his business to her; that is, as I understand it, not to your exclusion, but were you then briefed by her?

MS GOBBO: Yes, but that was a period of time when he had more to do with - less to do with me and more to do with her. It wasn't for a number of months - there were rumours that they were having some sort of relationship. Things came to a head in October 2005, Tony was rearrested and charged with incitement charges by the AFP and I hadn't spent a lot of - I'd seen Tony obviously but mostly it was in the city, mostly it was underneath my office or in my office.

MR FITZGERALD: Mm'hm.

MS GOBBO: The other thing about these - I meant to say this before too - people like Tony, they will not talk in your office. They think that police have got the whole thing wired for sound and they will not talk to you there. Even though you say to them, "We're not talking about anything illegal and police can't use it," they just will not - they would prefer a coffee shop.

MR FITZGERALD: Mm.

MS GOBBO: Anyway in October 2005 when Tony was rearrested his girlfriend Danielle rang me and I met her - went and met her one night a couple of days after he'd been arrested and she needed me to write a letter to the prison so that she could go and visit him because she had a criminal record and he was at Barwon Prison. But the first thing she said to me was that she owed me an apology. She was very sincere about it. She said that she had called me every name under the sun and had said some terrible things about me over the past 12 months because it was her belief that I was having an affair with Tony based on what Tony was telling her about his movements; that is, he was using me as an alibi and as an excuse for where he was disappearing to and that she had, through a private investigator, determined that it wasn't me at all and that in fact it was Zara Garde-Wilson and that she was terribly sorry for all the things that she said.

MR FITZGERALD: Mm.

MS GOBBO: And I had - I went through a lot of - some difficulties in 2005 because of those rumours which were not truthful at all but everyone knows what gossip is like. Someone repeats it and it suddenly becomes - has a ring of truth to it.

MR FITZGERALD: Yes, I understand, thank you.

MR LIVERMORE: Was there any social aspect to the relationship with Tony Mokbel at all? Like, did you go to dinner sometimes or anything like that?

MS GOBBO: No. While he was in custody his co-accuseds, that is in the original drug charges - and that included his brother Milad - they would come and see me - what began was they would come and see me once a week because all of them ringing me up at different times drove me insane because I would be repeating the same thing about when he was going to apply for bail next or what material had been served or whatever that week or that fortnight's worth of information was. It was driving me insane, telling it five or six times. So it began that they would all come to my office after court hours, or after 4.00 or 5.00, and I could tell everyone at once and there was - I didn't have to keep repeating myself. That eventually became, "Let's have dinner," because it

would always be - they would turn up sometimes at 6 o'clock and we'd be there for two or three hours all going through material. Subsequent to Tony being granted bail, occasionally we did have dinners that included him; that is, with his brother whose charges were eventually dismissed in 2004 - 2003-2004 they were dismissed. No, Tony and I were more a cup of coffee. I think I once went to a Christmas function with his - not function, a Christmas service with his children and family but otherwise, no, not dinners.

MR LIVERMORE: Okay.

MS GOBBO: And I also didn't go to - they used to - he had an interest in - or at least appeared to have an interest in a number of nightclubs. He was repeatedly saying, "Come to this nightclub, come to this place," and I never went to any of them.

MR FITZGERALD: What percentage of your practice would have been related to Mokbel or his associates?

MS GOBBO: Well, drug trafficking would have been 75 per cent and sadly I think that probably 70 per cent of the 75 per cent was connected to Mokbel, so a large part.

MR FITZGERALD: So all but 5 per cent of that 75 was - - -

MS GOBBO: Because indirectly or directly the other people that were trafficking were connected to him by reason of him being alleged to have been the supplier or a cook or - - -

MR FITZGERALD: And the referrals would come that way too, would they?

MS GOBBO: They would come that way and it was also - people would seek you out because in the drug trafficking world you acted for him and that meant something.

MR FITZGERALD: This might seem to you mere curiosity - and perhaps it is - so don't - if you feel that it is, tell me.

MS GOBBO: You're the examiner so - - -

MR FITZGERALD: What's that?

MS GOBBO: You're the examiner so that's okay.

MR FITZGERALD: Well, no, I don't mean to impose though beyond what - I

concede that you could say this was irrelevant. I'm not sure whether it's relevant or not. How did you come to develop that practice and why?

MS GOBBO: Drug trafficking or - - -

MR FITZGERALD: Mm.

MS GOBBO: I don't know. I did a lot of bail applications and I can't - I mean, I'd done quite a few bail applications before Tony Mokbel, but I think Tony's application or successful application suddenly put me in the spotlight because of - we had four failed applications before he finally got bail.

MR FITZGERALD: And would you think it was after that, that the preponderance of your practice switched into this area?

MS GOBBO: No, it was before that as well. It was probably from when he was in custody from 2001, late 2001.

MR FITZGERALD: You think he was telling people to use your services?

MS GOBBO: Well, he was, and he was charging them a fee behind my back.

MR FITZGERALD: Yes, I see. You said that.

MS GOBBO: Thank you.

MR LIVERMORE: Just something on another topic that you've already covered. You indicated that shortly after the burglary on Grand Final day in September 03 that you were engaged to act for a number of the people charged with drug offences in relation to the safe house.

MS GOBBO: Yes.

MR LIVERMORE: And you mentioned an ESD involvement with one or more of those clients.

MS GOBBO: Yes.

MR LIVERMORE: When did that occur and how did that develop?

MS GOBBO: I think my recollection is that Ethical Standards had been out to - must have gone to the prison and spoken to Abbey Haynes, because she contacted me and said the police had been out asking her to make a statement and she was seeking advice about the implications of that and whether it would

assist or hurt her changes of bail and that sort of thing. I can't remember - as I said before, I can't remember whether I applied for bail for her initially, was refused and then she did the ESD statement, or whether we had the ESD statement and she was refused - and even with that she was refused bail and then we went back and she got bail. I can't - I just can't remember.

MR LIVERMORE: Now, the - I suppose this almost goes without saying, but did you understand the ESD involvement to be an interest in possibly corrupt police officers in relation to drugs at that safe house?

MS GOBBO: Yes, but I really understood it to be with a view to her being able to say - I knew that there'd been a burglary and there was a - then it became an aggravated burglary by reason of what was - they were said to have at the time of the burglary, and I understood that you can't really have a burglary unless you've got a victim and unless you can have someone to say what property was or wasn't there, and my real understanding of her value was not that she could - she wasn't there when it happened, so she couldn't say - she couldn't identify anybody but she could say what had or hadn't been moved or removed and - - -

MR LIVERMORE: Yep.

MR FITZGERALD: And did it occur to you to wonder why ESD officers would be conducting that interview?

MS GOBBO: Miechel had been arrested.

MR FITZGERALD: Oh, Miechel had been arrested, yes.

MS GOBBO: That was - or not arrested but he'd been at the scene. It was all over the papers.

MR FITZGERALD: Yes, it was all over the papers. Sorry, I'd forgotten, yes.

MS GOBBO: Yep.

MR LIVERMORE: Yeah, he was apprehended at the scene.

MS GOBBO: That's - - -

MR LIVERMORE: And did you understand at that early stage that upon his apprehension he'd rung Paul Dale?

MS GOBBO: No, I didn't know that. That was - I didn't - I don't know

whether that was in the paper or not but I don't remember learning that for some months later, that - it might have been when he was charged that that came out. I can't remember when that was public.

MR LIVERMORE: Okay.

MR FITZGERALD: You said Mokbel was ringing you at that time.

MS GOBBO: Yeah.

MR FITZGERALD: What did you put that down to?

MS GOBBO: Well, I didn't know but as it - of course, hindsight again. That - it's still my belief now that that property in Oakleigh that was being - you know, the person that was charged with the most offences from that was Ahmad but my belief was that he was doing all of that for Mokbel. And certainly later on when the brief was served in 2004 it's apparent from the hand-up brief that Mokbel is very heavily involved in that drug trafficking.

MR FITZGERALD: So it was on one view a reckless burglary taking Mokbel's property. Would you agree with that?

MS GOBBO: I wouldn't - I don't know with hindsight whether you say reckless - oh, you mean reckless as in no-one knew it was his property?

MR FITZGERALD: Well, if they did know it was his property it would have been reckless to take it, would it?

MS GOBBO: Absolutely. If you didn't know, but I - put it this way, it's not - I don't - I don't take the view that it was - Mokbel was involved because of specifically being told that by instructions or anything.

MR FITZGERALD: No.

MS GOBBO: I take that view because of what was in that hand-up brief. And I'm only getting what the police consider relevant in the hand-up brief from the telephone intercept product that they've included. God only know what else there was that they haven't put in the brief.

MR FITZGERALD: Mm.

MS GOBBO: But Mokbel's on those - referred to in some telephone calls.

MR FITZGERALD: And Mokbel, what, developed or disclosed quite a sense

of concern about what was happening with that inquiry?

MS GOBBO: Yeah. And he - but that wasn't - that wasn't unusual for him.

MR FITZGERALD: No.

MS GOBBO: He - you could never work out whether - and of course he was never going to tell you, let alone could you ask - whether he was ringing because he was concerned, it was his friend such-and-such drug trafficker and he wanted to make sure he had a good lawyer and blah, blah, blah, or whether he was ringing because he really had a hidden agenda because it was half his product or money or whatever. You just - you just didn't know with him. And as time has gone on and more and more people were arrested, you know, in the last few years and a number of those have sought my - and got my - confidence and have disclosed things to me in the course of acting for them or doing pleas for them, it's apparent that he has had a role in much greater drug trafficking than I was aware of by virtue of what he was charged with.

MR FITZGERALD: Mm'hm.

MR LIVERMORE: You told us about taking the photocopied cases to a bar in South Melbourne - - -

MS GOBBO: Yep.

MR LIVERMORE: - - - as a result of a request - - -

MS GOBBO: Phone call, yep.

MR LIVERMORE: - - - from Paul Dale for you to meet him, and that was as a result of a phone call out of the blue, as it were, in that your only previous dealings with Paul Dale had been in respect of particular cases.

MS GOBBO: That's right.

MR LIVERMORE: Are you able to recall the name of the bar that you went to?

MS GOBBO: Off Montague Street, I can - O'Connells.

MR LIVERMORE: And the time, time of day?

MS GOBBO: I don't - I don't - I'd only be guessing because I don't remember whether it was - I went from work to there or whether I went home first.

Probably I went from work but that doesn't tell you anything because I work ridiculous hours. So I don't know.

MR LIVERMORE: Okay. And what was the discussion that occurred?

MS GOBBO: That was when - that was when he told me that he'd actually met me years ago. I remember that was one thing. A lot of general conversation. I was very suspicious of him. I thought he was recording me. Don't ask me why - paranoia about police - but I wondered what the point of it was. I remember sitting there thinking, "I don't quite know where this is headed and what he really wants. Is it information, assistance, does he want to sleep with me? What" - I couldn't work out what his agenda was. So I was very careful of what I was saying, in case he was sent there to - I thought that maybe he was there to find out information about - from Ahmad who I was acting for or who I was going - I wasn't really acting for him; I was going to do a bail application for him.

It was public that I was acting for Mokbel and I wondered whether, you know, his questions were about that or his interest was about that, whether he wanted to know what - I think - I'm sure by the time I met Dale for some reason I think Abbey Haynes had applied for bail and I'm sure - for some reason I think that his - one of the things he wanted to know about was what had happened in some hearing that he hadn't attended. Not that he'd been specifically excluded by the court from being there but I think he'd been told to not go there.

MR FITZGERALD: But wouldn't that have been a most remarkable way to find out what happened at the court hearing? You'd simply ask one of the police who was there.

MS GOBBO: That's precisely why I thought, "Why is he asking me? Maybe he's recording me. Maybe this is somehow to entrap me into doing something." Of course, it is unusual.

MR FITZGERALD: You didn't ask him why he wanted to see you when he rang you?

MS GOBBO: No. No. I don't even remember the phone call but it could have been at a time when I was - had 30 seconds to speak to someone. I don't - I just don't remember the phone call or the context of it.

MR FITZGERALD: No. And do you remember what the cases were about?

MS GOBBO: I don't. I - as I said before, I know - it sounds very sad to remember having a highlighter and sitting somewhere highlighting bits of cases

but I don't - in my mind I've got to think they must have been for him because why else would I have had them with me, but I don't remember - - -

MR FITZGERALD: Well, what advice did he ask of you?

MS GOBBO: Well, subsequently he asked for advice about all sorts of things to do with having been charged.

MR FITZGERALD: No, no, but on this occasion.

MS GOBBO: That's why I can't - I don't - I honest don't remember whether - I know I was sitting there with cases.

MR FITZGERALD: Forget the cases just for the moment.

MS GOBBO: But I'm trying to think of whether I had them for him or I had them to kill time; having them to kill time in case I was waiting for him for a while is a sad thing to take to a bar but it could have been that. I know the only other - - -

MR FITZGERALD: No, but he did ask you for advice when you were there.

MS GOBBO: Yes. More - not so much advice, more what I'd heard about things. One of the people who told me that - it was a rumour around that time - was Dave Waters who said to me, "Be careful of Dale because he's just realised that he's been involved in stealing from Tony Mokbel, so he'll want to talk to you about it." I can't remember again whether Waters told me that before or after that meeting, but that was certainly something that was around at that time. The only other person - police officer - who's ever wanted cases photocopied for them was Glenn Sadler, and I can't - I don't even know if he was charged in late 2003. I just had in mind the only times I've ever done it for a police officer is him, and that night I had them with Dale.

MR FITZGERALD: Is it a possibility that Dale saw you as a conduit to Mokbel?

MS GOBBO: Possibly, but it never - to this day I don't know whether they knew each other. I certainly never introduced them or I was never anywhere with both of them. To this day I don't know whether they did or didn't know each other because Tony used to mouth off all the time about - that was part of my fear because he used to give you the impression that he knew police, federal officers, customs agents, politicians, ESD investigators, all the time. I mean, he's recorded on tape saying that to a number of people. Maybe some of it's true, maybe none of it's true, but if there's a percentage of it that's true that's

enough for me to be concerned about speaking to anybody.

MR FITZGERALD: Who were the corrupt police that you know he was associated with?

MS GOBBO: I don't. I know that he talked about Wayne Strawhorn on the listening device tapes that were part of his hand-up brief. He was a name that he dropped, as well as [REDACTED] who was at VFSC.

MR FITZGERALD: But forgetting about the hand-up brief, I mean, you had a relationship with him.

MS GOBBO: He didn't - he wasn't specific with names. I mean, the one person - there's some ex-police officer called Brian Murphy - I think it's Brian Murphy. He used to drop his name a number of times. Ian Ferguson, he had some prior dealings with. That was a name that he did mention. He wasn't specific about names but he would say - - -

MR FITZGERALD: But did you not observe him having contact with particular police officers that seemed unrelated to any matter that was under - - -

MS GOBBO: No, not - when you say - - -

MR FITZGERALD: Obviously where the policeman was the investigating policeman.

MS GOBBO: When you say "observing", other than a court, I didn't see him with police at all.

MR FITZGERALD: No.

MS GOBBO: And in fact I tried to - I used to tell him not to speak to police because he couldn't help himself in saying things that would get him into trouble, or big-noting himself. There were a couple of times that he - well, he wouldn't heed my advice. For all I know, he may not know a single corrupt police officer, that it might all be - - -

MR FITZGERALD: Do you really think that's feasible?

MS GOBBO: No, I don't, but I'm saying I don't know whether - he used to say, "Oh, I've heard A, B or C about a particular case," or, "This guy's evidence is gunna be thrown out," or, "They can't prove this," and, "I've heard because my contact" - but he wouldn't say who it was. He wouldn't tell you anyway,

and it was a brag factor. All I'm saying is from my point of view I never knew whether it was - none of it was true or all of it was true or he was saying it to - let me give you an example which will make this clearer. There's one particular fellow that I acted for who was [REDACTED] who used to [REDACTED]. When he was finally granted bail, it took him some months but eventually he had enough courage to ask me whether it was true that the magistrate had been paid [REDACTED] on the side for him to be granted bail, as opposed to the DPP, this time it was the magistrate. I said to this fellow, "Absolutely not. You were granted bail fair and square. There was nothing" - to my knowledge, and I appeared for him. "There was nothing shifty about it at all."

Now, Tony wouldn't have known that that guy had enough courage to come and ask me, and he had enough trust in me to know I was never going to say anything to Tony about it. But at the same time, Tony being the manipulator that he was would fill my head with things so that - half-truths, lies and rubbish, so that if these people were asking me anything - that is the same [REDACTED] - whatever I could tell them would help back up whatever lies he told them. That's one example of many, many occasions when it happened, when he would say he heard things about people or police. At one stage he claimed to have a contact at ESD.

MR FITZGERALD: But he didn't name it?

MS GOBBO: No, and I never saw - I never saw anything with my own eyes that led me to think, like, for example, ESD, that he did know someone there, because most of the time what he was saying turned out to be just complete rubbish.

MR FITZGERALD: Thank you. Yes, Mr Livermore.

MR LIVERMORE: Did he ever tell you that Paul Dale was on his payroll or Williams' payroll or both their payrolls?

MS GOBBO: No, he said - at one stage he told me that Carl knew him.

MR LIVERMORE: Knew Dale?

MS GOBBO: Yes. But beyond knowing him and what was involved, he didn't say.

MR FITZGERALD: Well, now, if we're back in the bar in Montague Street - - -

MS GOBBO: Yep.

MR FITZGERALD: - - - and you've had this conversation - I don't know whether there's any more you can tell us about it, but so far you've left me with the impression that Dale was fishing for information about what Mokbel might know about the burglary, and perhaps using you in some way as a conduit to Mokbel.

MS GOBBO: Or trying to find out things which he didn't get from me.

MR FITZGERALD: But you can't - can you remember anything else he was trying to find out?

MS GOBBO: No, for some reason it stick in my mind that he was asking about Abbey Haynes and her bail application. She must have had one by whatever date that was but, look, there was a bail application when I did get her bail which involved the statement that she made to Ethical Standards.

MR FITZGERALD: Mm'hm.

MS GOBBO: I obviously was involved in relation to that. A person doesn't make a statement unless they check with their lawyer, and their lawyer says it's okay. Now, for example, I never told him - I would never tell him that - that she'd made a statement. The fact of somebody having made a statement, even though it didn't relate to him, or directly it didn't relate to him, but I still wouldn't say that. But I can't - I just can't - I'm pretty sure it was after a bail application but I'm not sure if it was after the first or a second one.

MR FITZGERALD: Ms Gobbo, you've been around these people for a long time, and I suppose someone in your position - upon being asked by a police officer something to do with the possibility that one of your clients had made a statement to ESD - would immediately suggest to you that that police officer was concerned for himself or one of his colleagues in relation to some matter under investigation by ESD.

MS GOBBO: Not so much in relation - I didn't think it was him, I thought it was Miechel - - -

MR FITZGERALD: I see.

MS GOBBO: - - - at that time. Ask me what my thoughts were two months later, they're entirely different.

MR FITZGERALD: Okay. Well, we'll come to that. I just - I'm just trying to

get a sense of - because if we can we'll try to move along a little but - - -

MS GOBBO: Well, I'm not - I honestly - I can't - I am really guessing at what exactly was spoken about that night. I'm much clearer on late - on December 2003 than beforehand.

MR FITZGERALD: October, yeah. And - October, November, whatever. Was that conversation both the first conversation you had with Dale after the burglary and the last conversation before he was charged?

MS GOBBO: Other than - other than if I saw him at court or in the city, it would have been the first one. And the last one, probably. I don't believe I saw him - I don't have any recollection of seeing him before - - -

MR FITZGERALD: Or speaking to him?

MS GOBBO: No, I don't - I don't think so before he got arrested.

MR FITZGERALD: Okay.

MS GOBBO: I don't. That's not to say that I - I may have but if it was - doesn't stick in my head.

MR FITZGERALD: But it wouldn't have been, for example, an arranged meeting or a - - -

MS GOBBO: I don't think so. I don't think so. I don't have a memory of - - -

MR FITZGERALD: You don't recall him ringing you again in that period?

MS GOBBO: No.

MR FITZGERALD: Or you ringing him?

MS GOBBO: No, it wouldn't have been me ringing him. No. I'm - I think the next phone contact was then he was arrested and he called from when he was arrested, because before that I'd never met his family and all of a sudden - or his friends - and all of a sudden all these people were ringing me and driving me - they drove me insane the day he was arrested.

MR FITZGERALD: Did you have any basis before he was arrested for thinking that it was possible he might be involved?

MS GOBBO: Not him specifically, no.

MR FITZGERALD: What do you mean, specifically?

MS GOBBO: It was suggested that there was more than two people involved. So if you believe what people were saying at the time it had to be someone who was involved in the investigation, which doesn't leave that many people. So when I say "not specifically", I had no reason to think it was him specifically but in a general sense it could have been.

MR FITZGERALD: It was a little more than that, wasn't it? Wasn't he Miechel's partner?

MS GOBBO: Yes, he was. He was but - - -

MR FITZGERALD: And wasn't it in your mind that the reason he might have spoken to you in the Montague Street bar because of his concern for Miechel?

MS GOBBO: Concern for Miechel as opposed to - - -

MR FITZGERALD: But if there was to be another policeman involved, didn't it seem to follow that it was possible it was Dale?

MS GOBBO: Possibly. It was - it really was much clearer after - - -

MR FITZGERALD: I'm sure, yes, yes.

MS GOBBO: I'm just - I'm trying to be as specific as you're asking me.

MR FITZGERALD: No, I understand. No, no, well, I understand it would have - sometimes all the pieces in the jigsaw come together with the last piece. I - - -

MS GOBBO: And I'm trying to think of what it was at that time as opposed to what you then know because you've heard things, read subpoenaed material, read briefs and so on.

MR FITZGERALD: Mm'hm, mm'hm. Okay. So we've got to the stage where he's been arrested and he contacts you.

MR LIVERMORE: Perhaps if I can just - it's your best recollection, is it, that you have the one meeting - - -

MS GOBBO: Yep.

MR LIVERMORE: - - - at O'Connells in Montague Street? You've done the best you can to recollect the discussion there. And the next contact is a phone call from him on 5 December when the three of them were arrested and charged.

MS GOBBO: Yes.

MR LIVERMORE: And it's your best recollection that there was no contact - - -

MS GOBBO: I don't - I don't believe so.

MR LIVERMORE: Do you recall whether between the time of the burglary, 27 September 2003, and the date that the three of them were arrested and charged, 5 December 2003, did you receive any text messages from Detective Dale?

MS GOBBO: I might have. I didn't - I don't - as I said before, I think - I didn't have a mobile phone number for him. I had a crew phone number for him but I didn't have his mobile number until that - that night that we had a drink. And I remember sending - I remember sending him a text message the next day.

MR LIVERMORE: What did that say?

MS GOBBO: "Thanks for the drink," or, "Thanks for a good night," or something like that; nothing - nothing - nothing that springs to mind as specific. I think I went away. I think I went away with my sister for a week in October, late October 2003, because I remember being diagnosed with glandular fever when I came back from - Bali or Phuket. I was - came back with a migraine that lasted for days and I was diagnosed with a mild dose of glandular fever, and I had a little bit of time of not working. So there may have - there may have - may well have been text messages or even phone calls but I haven't got a specific recollection of any call or text message in relation to anything.

MR FITZGERALD: But there'd have been no reason for any contact at all, would there?

MS GOBBO: Well, not instigated by me but I don't believe - I don't think so.

MR FITZGERALD: I mean, the very possibility that he might have been in contact with you by text or phone at that time raises the question, "What about?"

MS GOBBO: That's right.

MR FITZGERALD: You'd had a drink. If we assume he tried to find out what Mokbel knew or whatever it might have been, you didn't leave anything hanging from that evening still to - - -

MS GOBBO: No, no. But for all - I mean, I don't know. Maybe - I mean, for all I know he might have been in contact with Carl or Tony back then. I really don't know.

MR FITZGERALD: I'm still struggling to understand why, if that was so, he'd be texting or leaving you phone messages.

MS GOBBO: Who knows? I thought that he was setting me up that night. That's how bizarre it was to me.

MR FITZGERALD: Mm. Well - - -

MS GOBBO: And then I thought - then I thought - subsequent to that I thought that ESD was setting me up because Hodson came to see me. Andrew Hodson brought his father to see me, and of course his father - it was public knowledge that his father had been arrested that night, although not at the house but he'd been arrested and was rumoured to somehow be involved. And then I thought that I was being set up by - by ESD and I wondered what was really going on.

MR FITZGERALD: And why would they be - what would there be for them to try to set you up about?

MS GOBBO: Because when Andrew contacted me - now, to go back in time, Andrew was someone I had acted for previously.

MR FITZGERALD: Which crew was he associated with?

MS GOBBO: Well, good question. I don't - Williams, I think. Williams and Moran, I think - sorry, Williams - I think prior to that the Morans.

MR FITZGERALD: Thank you.

MS GOBBO: Andrew Hodson came to me by being referred by Tony Mokbel. To put this in context I need to tell you that back when Andrew Hodson was in custody in early 2002 he had been committed to stand trial on commercial drug trafficking which was - the allegation was that he and his

sister had purchased drugs [REDACTED] [REDACTED]
 [REDACTED] The drugs that Andrew Hodson had
 purchased [REDACTED] sorry, not had purchased - yes, had
 purchased. The allegation was that [REDACTED]
 [REDACTED]. The drugs got divvied up in a car in
 [REDACTED]. They weren't analysed, weighed, photographed. [REDACTED]
 [REDACTED]. As odd
 as that sounds, [REDACTED]
 [REDACTED]

[REDACTED] The reason all this even came to my
 knowledge was because when Tony was in custody, one of the things that -
 when his hand-up brief got served, he said, "I can't understand this," because
 he'd been charged with traffic, a specific count of trafficking [REDACTED] But
 [REDACTED] and it wasn't until he worked
 out within the gaol that Andrew Hodson, as part of his brief, had been served
 [REDACTED] because of course the police never had [REDACTED]
 [REDACTED] Andrew
 Hodson who then did whatever he did with them, so they could never be
 analysed.

Tony when he said - he referred Andrew Hodson to me and he said, "His case
 is connected to mine. You can see the shoddiness of these corrupt police and
 what they've done with [REDACTED] You've got
 to get him bail but be careful of him because his dad's an informer." So
 subsequent to, I don't know, February 2002 I get Andrew Hodson bail, I met
 his father, roll on to the end of - towards the end of 2003, and Andrew - for
 whom I was then acting, because his case had been delayed because of the - by
 then [REDACTED] were charged and all of that was happening - brought
 his father to see me wanting some advice and - no, at the beginning I don't
 think he wanted advice but then he did.

MR FITZGERALD: Just to pause for one moment, where are we now -
 post-September but before December?

MS GOBBO: November maybe.

MR FITZGERALD: Mm'hm.

MS GOBBO: November 2003.

MR LIVERMORE: I think you might have previously said in an interview in
 2004 that you thought it was maybe two weeks after the burglary. Is that still
 your recollection or - - -

MS GOBBO: I couldn't be specific. I think my memory, when I did that interview with Homicide, was pretty good, because I had a stroke after that interview and now my memory of that interview I can remember about three questions I was asked but I can't remember the rest of it.

MR LIVERMORE: Mm'hm.

MR FITZGERALD: Sorry, going back to October, November, whatever, Andrew Hodson has brought his father to see you.

MS GOBBO: Yep. And he was saying that his dad had been arrested, he had been interviewed by Oakleigh police or some uniform police and then ESD had spoken to his father but at that stage his father had - my belief, my recollection is that he said "no comment" and he hadn't been - I don't think he'd been charged. Subsequent to that - Andrew was a firm believer that you do not make statements and you do not assist the police. He was a big - that was his very public belief. Subsequent to that I saw him a couple of times on a couple of occasions with Jim Valos who was Andrew's solicitor, my instructing solicitor for Andrew.

I introduced Terry to Andrew's solicitor. One bit of advice I gave Terry was that if he was - I remember saying to him, going through with him what he would have to show to demonstrate exceptional circumstances if he was arrested and charged with anything to do with that property, because of the quantity of drugs alleged he would have to show exceptional circumstances, blah blah blah, and I remember he had some health issues because he was using drugs and he was an alcoholic. I do remember telling him to get some documents in relation to that and employment and a surety, the usual things.

On one of those occasions, Terry Hodson indicated, or it was made clear to me either from what he said directly or me inferring from what he did say that he had had some relationship with Paul Dale - I don't recall him coming out and saying that he was an informer - and that he wanted to have contact with Paul Dale, and there was some suggestion of him getting me to ring Paul Dale and my - I remember - I do remember saying to him, "Well, he's not charged. There's no reason why you can't speak to him." I think - I can't remember whether - Terry may have been told he shouldn't speak to him or it was something like that anyway, and I remember saying, "Well, I don't want to be there. If you two want to - if you want to meet him, go meet him. There's no reason why you can't do it. There's nothing illegal about it, as in you're not subject to some condition where you can't speak to him."

MR FITZGERALD: I'm sorry - we'll come back to it. Go on.

MS GOBBO: I don't know that - I don't know whether or not they did have any contact; they certainly didn't through me, but I don't know whether they did independently. I subsequently - I did give Terry advice in relation to the usual things you tell people about, "You've got option 1, if you get arrested say nothing; option 2, assist the police, use it to your advantage to get bail but these are the consequences of it; answering questions in a record of interview, not answering," all those things. I remember going through that with him. The next I knew was that he had been arrested and charged with Paul Dale, but it turned out he'd made a statement some weeks before.

MR FITZGERALD: So what was the basis for the possible concern that he gave to you about meeting Dale?

MS GOBBO: I might have been asked this in 2004. I can't - - -

MR FITZGERALD: That's all right. I'm not trying to trick you.

MS GOBBO: No, no, no, and I'm being honest with you. I cannot remember that interview. I'm not saying that there's anything in there that wouldn't have been more accurate than my memory is now. I have a recollection of him saying that he had been told to not have any contact with Dale.

MR FITZGERALD: There does seem to be more and more indicia for someone like yourself that Dale was somehow caught up in this. Who would tell Hodson not to speak to Dale?

MS GOBBO: Some police that wanted to get him to - logically it would have to be police wanting to get him to put Dale in for something or - alternatively - or it could be the exact opposite. You'd want him to talk to him because you'd want him to go wired up. That's what I would - that's one thing that would occur to me if - - -

MR FITZGERALD: It does suggest, doesn't it - I hope without being unduly suspicious or cynical - that there was something about a particular police officer relative to these events - and that police officer was Dale - that made him the one you shouldn't talk to, and you also knew that that same police officer was the one who had been approaching you out of the blue and taking you for drinks at O'Connell's? I'm just finding it a little difficult to understand why the penny wouldn't have dropped and it would have been thought, "Well, this Dale is somehow mixed up in this."

MS GOBBO: I think by the time I was speaking to Hodson, I thought he was.

MR FITZGERALD: I see.

MS GOBBO: And I remember saying - I do remember saying to Hodson, "If you want to see him, go see him."

MR FITZGERALD: But it was in a context in which you understood that perhaps Hodson and Dale were accomplices in this.

MS GOBBO: Possibly.

MR FITZGERALD: No more than that?

MS GOBBO: Well, you see, there were lots of different stories, and you don't sit down with someone and ask them exactly what they did - I wouldn't ask someone those questions - - -

MR FITZGERALD: No, no, I understand that but presumably Hodson told you why he was troubled about seeing Dale, or did he tell you he wanted to see Dale?

MS GOBBO: No, he wanted to see him. He gave me the impression - not gave me the impression. I'm sure he said that he - he made out that Dale was some friend of his and he really missed him and wanted to speak to him which is what led me to say, "Well, if he's really a friend and he's" - I didn't know whether they were in it together, or he was setting him up, or they were setting me up. Call it stupidity, but I didn't know then, but later on I did.

MR FITZGERALD: Knew what later on?

MS GOBBO: Well, later on when I read Hodson's statement then I knew what the real situation, at least according to Hodson, had been then.

MR FITZGERALD: Did you act for Hodson, did you say?

MS GOBBO: No.

MR FITZGERALD: No.

MS GOBBO: No. When he was arrested [REDACTED] acted for him.

MR FITZGERALD: So when you were - - -

MS GOBBO: Sorry, Jim Valos was initially acting for him because Jim Valos was acting for Andrew and that's who had come to a couple of the meetings I

had with Terry and Andrew, Jim had come, and then I think he then changed to [REDACTED].

MR FITZGERALD: So the advice you were giving Terrence Hodson was really just ancillary to the advice you were giving his son.

MS GOBBO: That's right. Well, his son had an ongoing court case at the time.

MR FITZGERALD: But not related to these matters.

MS GOBBO: No, no, no, no, no, completely separate, separate, with Tony, or connected [REDACTED] with Tony, and Andrew's case was another one that had been adjourned and adjourned because of the corrupt police Ceja investigation.

MR FITZGERALD: And again there's no implicit criticisms, I'm just trying to understand, why if a relative of a client wanted advice from you wouldn't you say, "Well, speak to a solicitor, perhaps the same solicitor as the client - - -"

MS GOBBO: That's exactly what I did do.

MR FITZGERALD: "- - - and I'll then see them on a - as a barrister."

MS GOBBO: That's exactly what I did do. I said - - -

MR FITZGERALD: But you gave him advice although you weren't his barrister.

MS GOBBO: No, I said, "Bring him in and I'll speak to him and I'll introduce him - let's introduce him - well, I'll introduce him to Jim Valos," and that's exactly what happened.

MR FITZGERALD: But you then saw him subsequently?

MS GOBBO: Yeah, I did, but at least two of those occasions were with Jim.

MR FITZGERALD: Well then, why wasn't he a client?

MS GOBBO: Well, I suppose in terms of giving him advice, yes. Yep, sorry, I'm not trying to - I'm not trying to - - -

MR FITZGERALD: No, no, I'm not trying to be argumentative. It's a matter of trying to understand these relationships because as I'm sure you appreciate

now if not before they're extraordinarily complicated.

MS GOBBO: And I wish people actually paid for all the time they spent with you, I truly do. The number of times those sorts of things - yeah, I'll sit and have a cup of coffee and give someone 10 minutes worth of really general advice. I mean, "What do you need when you need to apply for bail?" These are the sorts of things.

MR FITZGERALD: No, no. But you're only retainer from Hodson, that is to say Terrence Hodson, for any purpose was for the advice you gave him during those few meetings.

MS GOBBO: Yep.

MR FITZGERALD: And that is all you did for him.

MS GOBBO: That's right, and then - and I. I think I did get paid something, actually, for that, just for a change. The reason I think that happened is because when he changed solicitors I think - I think Jim Valos asked me to send him a bill, because then he'd transfer money to [REDACTED].

MR FITZGERALD: And was another counsel then engaged for Terrence Hodson?

MS GOBBO: No, I think [REDACTED] did his bail application himself.

MR FITZGERALD: I see. And that's as far as it had got when he was murdered.

MS GOBBO: That's - sorry, that's as?

MR FITZGERALD: As far as matter has got when he was murdered?

MS GOBBO: What do you mean? With - with me or?

MR FITZGERALD: Well, with you. Hodson hadn't - I mean, there hadn't been a committal or - - -

MS GOBBO: No, no, no, no, no, nothing. There had been a brief of evidence served for Dale and Miechel but there hadn't been a committal, no.

MR FITZGERALD: The brief of evidence, though, wasn't - you didn't have a copy of that.

MS GOBBO: No, we didn't. We got an order from a magistrate to inspect statements on that brief that were relevant to Tony Mokbel.

MR FITZGERALD: Just to go back to one matter, do you know who the [REDACTED] Andrew Hodson brought his drugs from?

MS GOBBO: Yeah, [REDACTED] I think he was - - -

MR FITZGERALD: Sorry, Mr Livermore, please.

MS GOBBO: [REDACTED] - I think he was [REDACTED]

MR LIVERMORE: At the time you saw Terrence Hodson there was generally circulating, wasn't there, concern as to someone might have rolled over in relation to the Miechel, Hodson and possibly Dale burglary of the safe house?

MS GOBBO: There would have been, yes.

MR LIVERMORE: And was it the reason, or was at least one reason that Terrence gave for wanting to speak to Dale was that he wanted to assure Dale that he hadn't rolled over?

MS GOBBO: I think so. I can't specifically remember that but I'm - but that's probably right.

MR FITZGERALD: Do you have any recollection of that being the case?

MS GOBBO: I don't. I have got a recollection of him saying that Paul was his friend and he wanted to see him. I have - that I have in my memory, as opposed to what you've just asked, but that would be consistent with that.

MR LIVERMORE: You mentioned going away in late October and being ill.

MS GOBBO: Yep.

MR LIVERMORE: Do you remember going to the Melbourne Cup, which was on 4 November 2003?

MS GOBBO: No, but I probably did. It's not a good thing to say you can't remember - - -

MR LIVERMORE: Do you remember - - -

MS GOBBO: - - - going to the - - -

MR LIVERMORE: Do you remember meeting a policeman, Peter De Santo, at the Melbourne Cup one year?

MS GOBBO: I definitely remember one year, because Dave Waters was there.

MR LIVERMORE: And - - -

MS GOBBO: Whether it was that year or another one I don't know, but yes, I remember - - -

MR LIVERMORE: Mr De Santo says, though, that it was that year, says that you asked him if Dale was a suspect in the burglary and you told him that Dale believed that his phones were off and that he needed legal advice.

MS GOBBO: I think - I think I had that conversation with De Santo before the Melbourne Cup, because when Hodson - before Hodson came to see me De Santo rang me and said - asked me if I was in - asked me if I had any contact from - something about whether I had any contact from Terry Hodson, and I said, "No." But I had dealt with De Santo before in relation to Andrew Hodson. So that wasn't that unusual that he rang me. But I remember saying to - I remember saying to De Santo on - I don't think it was at the cup, though, that whether - I remember saying to him at one stage, "Should I be speaking to Paul Dale? I mean, what is going on here?" and not getting a straight answer. So if he says I said that maybe I did. I actually thought the he was inebriated than I was, but - - -

MR LIVERMORE: Does that assist your recollection in terms of your meeting with Dale at O'Connell's?

MS GOBBO: Whether it was before or after?

MR LIVERMORE: Well, if you had gained the state of mind that Dale was concerned that he was a suspect, that he was slightly paranoid, believed that his phones were off and needed legal advice, by the time you had that state of mind it's got to be something that Dale has said to you that has given you that state of mind, does it not, or is there some other way you would have come to that position?

MS GOBBO: It could have been. I suppose the way you put it, it could have been that way, but - or alternatively, from things that I'd heard at the time.

MR LIVERMORE: Dale and Argall were longstanding friends were they not?

MS GOBBO: Apparently they were friends from Lorimer days. It's funny though because I don't ever remember encountering - in all the years I've known Tim Argall I don't ever remember encountering Paul Dale with him, except by the time of the Lorimer Taskforce, but I got the impression that they'd been friends for years before that, yet I'd never - I don't think I'd ever met Paul Dale with Tim.

MR LIVERMORE: And how did you gain that impression? From who? From Mr Dale or - - -

MS GOBBO: That they'd known each other for longer?

MR LIVERMORE: Yeah.

MS GOBBO: No, probably from Tim Argall because the day that Paul Dale was arrested, when he was brought into the Custody Centre to court, for some - Tim Argall rang me because he turned up to court. I remember speaking to him at the Magistrates' Court, albeit that I didn't appear for any of them, or even go into the court room, and he introduced me to Paul Dale's mother who was the mayor of some - she was some position in some country town. And I formed the view that he must know - he'd known the family, because if you know the bloke's wife and you know his mother, he must have been friends for - and he was very concerned too.

MR LIVERMORE: You've said that Mr Hodson told you that he wanted to meet Paul Dale.

MS GOBBO: Yep.

MR LIVERMORE: Did he ask you for your assistance in facilitating a meeting?

MS GOBBO: He may have, I can't - I remember that was something he was talking about doing. For some reason I have a recollection that he wanted to know what I thought of it because I - for some reason I remember thinking or saying to him, "There's no reason why you can't. If you want to, go right ahead. There's nothing illegal about it." But I don't - I don't recall doing anything about it.

MR FITZGERALD: I suppose I should tell you I'm just a little troubled when we - and I know you were ill subsequent to the interview in 2004. So I'm just a little troubled that your evidence of your recollection of some of these matters

is rather more opaque than I would have expected it could be. For example, Argall and you were friends; Argall and Dale are friends; you and Dale certainly aren't friends - you're not enemies but you're not friends. But he feels able to ring you out of the blue and arrange a meeting with someone who's connected to really all the main players - directly or indirectly connected - in what's happened on grand final day. I'm just wondering whether Argall was the intermediary for that meeting or whether, for example, Dale prayed in aid his friendship with Argall as a means of arranging that meeting. I'm just saying these things so you know what's going through my head, not to make any accusations. I suppose I'm wondering if it isn't a reasonable inference from the circumstances that you were perhaps unwittingly - but perhaps not - being used to provide Dale with information, that you could consistently with your ethical obligations provide, that might have assisted him in the difficult situation in which he found himself. I just want you to know that that's in my mind at the moment because that meeting, for example, with Dale - coincidences happen but it's just a little troubling that you can't really recollect much about that. Then when we get to this next conversation with Hodson you become vague again about what Hodson wanted relative to Dale.

MS GOBBO: I'm not being - - -

MR FITZGERALD: No, no, I just want you to know that it would be wrong to assume that we don't have any other sources of information.

MS GOBBO: Clearly, but I am not trying to intentionally be vague about it.

MR FITZGERALD: Okay.

MS GOBBO: The things that stick in my head about the Hodson meeting was him talking about - I have a specific recollection of him talking about cocaine and talking about his drinking. He smelt like an alcoholic. I remember walking away and thinking, "You know, what is this? Someone's trying to set me up. It's the miracle the bloke didn't offer me cocaine or drugs." He certainly - I didn't trust him. I didn't know why he was coming to me, and his own son didn't trust him. I have got specific - I can remember the specifics of a bail conversation with him, possibly because I then went and wrote a note about it to give to a solicitor - or typed it up. But I'm not trying to intentionally be opaque in answering some things, I'm trying to make sure that what I say is my memory of it then as opposed to what, with the benefit of later on, rather than supposition and - - -

MR FITZGERALD: No-one wants you to do anything other than give honest evidence. I'm pressing you - - -

MS GOBBO: Where you say - - -

MR FITZGERALD: I'm pressing you though to really test your memory, for example, in relation to the question of whether or not Hodson asked you to arrange a meeting with Dale, or Dale asked you to arrange a meeting with Hodson, or Argall asked you on behalf of one or other of them - I don't want you to give - please don't think I'm asking you to say something that you don't believe to be true.

MS GOBBO: No.

MR FITZGERALD: Nothing could be further from the truth. But that does seem to me the sort of thing that if you were involved in any activity like that or received any request like that, that you'd be likely to remember.

MS GOBBO: That's why I said to you before, I do - I said to Mr Livermore before, I do remember Hodson saying that Dale was his friend and wanting to meet him but having - I remember something about him having been told he shouldn't see him or that Dale couldn't see him - one or other - and I remember saying to him, "There's no reason why you can't. If you're not subject to some condition that you can't, namely, like a bail condition or something like that, there's no reason why you can't." When he raised - - -

MR FITZGERALD: Is it possible that you offered to see if Dale would speak to him?

MS GOBBO: Possible, yes.

MR FITZGERALD: Did that occur?

MS GOBBO: Not that - not that - not that I have any recollection of it. But if he was the subject of some investigation or he was the subject of a telephone intercept, for example, then the police would know about it. I didn't hide anything about my contact with him if I did ring him.

MR FITZGERALD: With Hodson, you mean?

MS GOBBO: Either of them. There was nothing untoward on my part about - all I'm saying is, there's nothing hidden about speaking to them. So if I did, there would be a record of it. As I sit here now, I don't have a recollection of - when you just said, "Well, how did the meeting with Dale get organised?" it may well have been with or via Tim Argall. I don't have a recollection of that, but I'm not saying that that's not possible, and I promise you I'm not trying to be difficult in - - -

MR FITZGERALD: No, no, I really meant that when I - it's not just a form of words. I'm not accusing you of anything. Some of these matters are potentially quite significant, and I'm sure you appreciate that in many ways you're in a unique position. You could - you had a wide practice, and I think still have a wide practice.

MS GOBBO: It's shortening in some ways.

MR FITZGERALD: You know, and knew most if not all these people.

MS GOBBO: Mm.

MR FITZGERALD: And I'm sure many of them saw you as a safe pair of hands, not only for your legal skills but because they could say things to you and - with at least a chance of sustaining a claim of legal professional privilege and so on. Now, we are quite interested in the conversations you had, or the contacts you had with Dale and Hodson and Argall in the period between the burglary and at least the death of the Hodsons. You won't be surprised to have me tell you that.

MS GOBBO: No, no. That's apparent from the summons.

MR FITZGERALD: Yeah, well. And I really ask you to the extent that your recollection does go to this to tell us what you know about it. I mean, it might be that you say, "Look, I'm not entirely sure of this but I think that, now that you've reminded me of it, that I did do this, or I did do that or, et cetera." But that's - it's only what you recollect and we all reconstruct. I understand that too.

MS GOBBO: Well, and look, not only that, I - July 2004 I had a stroke so I have some difficulty - I don't have - generally I don't have a difficulty remembering events, but the detail of some of them I've had difficulty with since it happened. I can remember some things in 2004. I can remember the fact of something happening but I can't remember the specific detail of it. But if you remind - sometimes it does help to jog your memory.

MR FITZGERALD: Well, I'll leave it to you, Mr Livermore, but perhaps we may come back to those conversations and meetings because - will we take a break for 10 minutes or so? Would you like a break?

MS GOBBO: No, no, I'd rather get this over and done with.

MR FITZGERALD: Okay.

MR LIVERMORE: Again, in an effort to assist your memory the information we have is this. There's two other meetings, one on 30 October and one on 5 November, the day after the Melbourne Cup - - -

MS GOBBO: Yep.

MR LIVERMORE: - - - that you had with Mr Hodson were at Dominos, the coffee shop - - -

MS GOBBO: Yep. That's right, yep.

MR LIVERMORE: And that during the course of the discussion about the burglary that you mentioned you'd heard a figure of \$750,000 in cash that might have been involved in the burglary.

MS GOBBO: That's right.

MR LIVERMORE: As well as a substantial amount of drugs.

MS GOBBO: That's right.

MR LIVERMORE: Do you have a recollection of that?

MS GOBBO: I have a recollection of the seven - I have a recollection of a large amount of money, not specifically 750, but money, yes.

MR LIVERMORE: And where did you get the information about the large amount of money that may also have been involved in the burglary?

MS GOBBO: Tony Mokbel.

MR LIVERMORE: And as you sit here today do you now have a recollection of telling Mr Hodson that, that there was a suggestion a large amount of money, or \$750,000, also being involved in the burglary as well as the drugs?

MS GOBBO: I don't have a recollection of telling him that, but if that's what I said that wouldn't be - wouldn't be inconsistent with what we were talking about.

MR LIVERMORE: Did you tell Mr Hodson that you would try to arrange a meeting between him and Paul Dale through an intermediary, through a mutual friend? Does that ring a bell?

MS GOBBO: I thought that - I know he wanted to see him, and I said, "Well, there's no reason why you can't do that." I thought that what he wanted was for me to arrange for him to see him but for - I don't think there was an intermediary involved, I thought it was that he wanted it to take place somewhere and I said, "I'm not prepared to be there."

MR LIVERMORE: Do you recall telling him that you were happy to arrange it but you didn't want to be involved, and they could go for a walk and have whatever discussion they wanted?

MS GOBBO: That sounds - that sounds more - because I do remember saying, "You can do what you like but I don't want to be involved."

MR LIVERMORE: In view of the evidence that you've given about your relationship with Mr Argall, and your relationship with Mr Dale, and your contact with Mr Hodson, is it the case that if you did look for an intermediary to try and arrange the meeting between the two that Mr Argall would be a logical person to put in that role?

MS GOBBO: Between Hodson and Dale?

MR LIVERMORE: Yeah, to speak to Dale, to ask Dale if he was prepared to meet with Hodson, because you didn't know Dale - - -

MS GOBBO: No, I probably - I don't know whether I would have rung him myself or whether I would have rung someone like Tim.

MR FITZGERALD: You wouldn't have - you only had Dale's - - -

MS GOBBO: I'd only had his mobile number for not very long. Before that I only had a crew phone number.

MR FITZGERALD: That - I say. At this time you only had his crew phone number.

MS GOBBO: That's right.

MR FITZGERALD: So you wouldn't have been ringing him there.

MS GOBBO: No, I would have rung him at work.

MR FITZGERALD: You wouldn't have done him at that.

MS GOBBO: No, I said if any - my capacity to ring him would have been at

work.

MR FITZGERALD: At work, yes. And arranging for him to meet Hodson would have been an unlikely thing to do, to ring him at work.

MS GOBBO: That's right.

MR FITZGERALD: So you needed someone to arrange it.

MS GOBBO: If I'd - yeah.

MR FITZGERALD: And Argall was the only person you knew who could do it, wasn't he?

MS GOBBO: He was the only person I knew who was - at that time who was a friend of Dale's.

MR FITZGERALD: Dale's, yes. Well, does that refresh your memory as to whether you did ask Argall to arrange a meeting between Hodson and Dale?

MS GOBBO: I don't - I don't have a - I don't have a recollection of doing that or of - I don't even have a recollection of seeing Tim Argall at that time, but if I did - - -

MR FITZGERALD: But you had plenty of ways of contacting him.

MS GOBBO: By phone?

MR FITZGERALD: Yeah.

MS GOBBO: That's right.

MR FITZGERALD: You had his mobile.

MS GOBBO: That's right. I don't think he's changed it for many, many years.

MR FITZGERALD: Yeah, all right.

MR LIVERMORE: Did you tell Mr Hodson that after you made the inquiry of Paul Dale through the mutual friend that you would contact him on Chrissy's phone to let him know if the meeting was arranged or not? Chrissy is Terrence Hodson's wife, is she not?

MS GOBBO: Yeah. I'd never met her, though, and I don't think I had her

phone number. Unless he said, "Call this number," or unless he was using her phone number and not his own phone then.

MR LIVERMORE: Did you know - - -

MS GOBBO: Hang on, hang on, hang on. Sorry, in answer to that question, I don't - I don't believe that I had her phone number but, unless he gave it to me I wouldn't have had her phone number, and I don't - I don't have any specific recollection of saying I would ring her number, unless he said, "Here's this number and ring this." But sounds logical, when you think about it, that he wouldn't be using his own phone. Sorry, I'm not disagreeing with you, I'm just - - -

MR LIVERMORE: No. Well, if it somehow helps your recollection - - -

MS GOBBO: Yep.

MR LIVERMORE: - - - it's worth doing the mental exercise.

MR FITZGERALD: It would have been Hodson, presumably, not you who would have had that number and who would speak about her as Chrissy?

MS GOBBO: I wouldn't have even known her name then.

MR FITZGERALD: No, no.

MS GOBBO: That's why when he - when Mr Livermore asked whether I would've said, "I'll call you on Chrissy's phone," I thought, "I wouldn't have said that, but - - -

MR FITZGERALD: No, that's right.

MS GOBBO: Yeah.

MR FITZGERALD: Saying to you, I think - it presumably is a reference to a discussion in which someone else, not you, would've referred to her as Chrissy.

MS GOBBO: Yeah, yeah.

MR FITZGERALD: Just remind me while we're - while Mr Livermore is looking for something, why didn't you represent Hodson?

MS GOBBO: Which one?

MR FITZGERALD: The father.

MS GOBBO: In - when he was charged?

MR FITZGERALD: Charged.

MS GOBBO: Because when it came out that he had made a statement and that - and what everyone was charged with, I took the view that I couldn't act for any of them, because I was already - I had already applied for bail for people connected with the house and I was already acting for the occupier of the house. See, within the three - - -

MR FITZGERALD: Did Mokbel tell you not to act?

MS GOBBO: No, no, not - well, not that I have a recollection of. The person who was most unhappy with his father was Andrew.

MR FITZGERALD: Do you know why?

MS GOBBO: Because he was an informer.

MR FITZGERALD: In a way that affected Andrew?

MS GOBBO: In a way that I got the impression it affected him in terms of criminal circles. Because his father was an informer, he had the same name; reflected on him. And again I must say - - -

MR FITZGERALD: But Mokbel would have been unhappy with you representing Terrence Hodson if he'd stolen or been complicit in the stealing of - - -

MS GOBBO: Absolutely, yep.

MR FITZGERALD: - - - a large amount of money and a large amount of drugs.

MS GOBBO: That's right.

MR FITZGERALD: He would've been a - if Lewis Moran was unpopular, well, Mr Hodson would have been very - - -

MS GOBBO: Well, Tony's view was he didn't even want me to act for Andrew Hodson because of who his father was. It was - Andrew was just a convenience to him because Andrew was helpful, because material in his brief

was relevant to Tony's prosecution. That was standard Tony.

MR FITZGERALD: Thank you.

MR LIVERMORE: Do you recall the upshot of the discussions about arranging the meeting between Paul Dale and Mr Hodson was that Paul Dale was going away on holidays and therefore the meeting couldn't be arranged straightaway? Does that ring a bell at all?

MS GOBBO: Actually now that you say that, I'm sure he was on leave. Maybe that's why I think he was - I thought he was on leave or suspended. I thought he was suspended, but he may have been on leave.

MR LIVERMORE: He'd take a few weeks' leave at that time. Does that help at all in terms of - - -

MS GOBBO: Oh, account there was a bail application that we - I think that was one of the reasons why - I think I used it at a bail application, that he was just suddenly on leave because on leave was a way of police explaining that they were really suspended, or not explaining that they were suspended and they were just on leave. What sort of leave are you on? No-one can really explain. But that does ring a bell, on leave.

MR LIVERMORE: Do you recall - if you take it from me that one of the meeting you had with Mr Hodson was on 5 November, the day after the Melbourne Cup, do you recall having any direct communication with Mr Dale shortly thereafter, either by way of a telephone conversation or an SMS or a meeting in person?

MS GOBBO: I don't have a specific recollection of it but if I'd left Hodson with him asking me to ring him or me saying I was going to ring him, I probably did.

MR FITZGERALD: But you couldn't have done it directly?

MS GOBBO: I don't believe I would've, no.

MR FITZGERALD: Well, I mean, it's getting more and more difficult to do it, because not only could you not ring him at work if he was suspended or on leave, but you did - - -

MS GOBBO: But I'm - - -

MR FITZGERALD: I'm sorry, if he was on leave you couldn't ring him at

work, so the only option would have been a mobile.

MS GOBBO: That's right.

MR FITZGERALD: And you didn't have the mobile.

MS GOBBO: No, I did. I had the mobile from after the night I had a drink with him. But you're saying this is December 5?

MR FITZGERALD: No, November 5, I think - yeah, November.

MS GOBBO: Oh, sorry, sorry.

MR FITZGERALD: The day after the - - -

MS GOBBO: Sorry, I beg your pardon, sorry. Yeah, you're right.

MR FITZGERALD: I'm suggesting that you had the meeting with Hodson the day after the Melbourne Cup.

MS GOBBO: Yeah, sorry.

MR FITZGERALD: November 5, and that shortly thereafter - - -

MS GOBBO: Yeah.

MR FITZGERALD: - - - you made contact with Dale.

MS GOBBO: Yeah.

MR FITZGERALD: And he - - -

MS GOBBO: No, but I'm sorry for interrupting. I thought you said December.

MR FITZGERALD: Not at all.

MS GOBBO: I don't have a specific recollection of it, but if I left saying I would do it then I may well have done it. I know that one of the - that at least one of the meetings with Hodson was recorded, so there would be - somewhere there would be a transcript of what I did or didn't say. The police accidentally revealed that in a brief of evidence. Well, they didn't reveal the transcript of the conversation but the fact of it being recorded was, I think, accidentally revealed in a brief.

MR FITZGERALD: But you would - and this contact, if you made it, would have had to have been through Argall.

MS GOBBO: That's right.

MR LIVERMORE: As you can appreciate, at least for the purposes of today's hearing, we're after your best recollection - - -

MS GOBBO: Yep.

MR LIVERMORE: - - - of what occurred at these meetings with Hodson.

MR LIVERMORE: When did you first become aware that Hodson had effectively confessed to the burglary and implicated Miechel and Dale?

MS GOBBO: The day of his arrest.

MR LIVERMORE: Not until then?

MS GOBBO: No, not until then.

MR LIVERMORE: Even though you'd met him, what, three or four times in the interim and provided some advice to him?

MS GOBBO: I didn't become aware of it until the day of his arrest. That's not too say that I wouldn't have suspected that that's what he was doing, because he - as it turns out, he had no choice or he didn't really have a choice and people that have informed in the first place generally will do it again.

MR FITZGERALD: What was the nature of the advice you were giving him?

MS GOBBO: Principally in relation to bail. I know there was a bail conversation. There was a conversation about bail. There was a conversation about them meeting up. There may or there may not have been a conversation about what evidence he could give if he assisted the police, because I had had a conversation with ESD before that, the detail of which I don't remember. But bearing in mind that I was suspicious of where he was coming from, I would have given - I'm sure I would have covered all his options as in, "If you're arrested and this is what happens - or speak to the police and do this." I don't know whether he had by then already made a statement.

MR FITZGERALD: No, no. But leaving that to one side, as part of your disclosure of his options to him, one of them would have been, "Cooperate

with the police."

MS GOBBO: Yep.

MR FITZGERALD: And talk of cooperation with ESD necessarily means cooperate with the police and implicate those police who were involved?
---Those people involved and police, yes.

MR FITZGERALD: Yeah. Now, would that conversation not have descended into any detail as to what he could have told ESD?

MS GOBBO: My recollection of the way he was talking was that he was on drugs and affected by alcohol and he was scattered and a bit all over the place, no doubt that he was involved in a burglary. I don't know that I was ever being told accurately what his role was or what he did or didn't, or what was or wasn't taken from that house. There was some - - -

MR FITZGERALD: But wouldn't - sorry.

MS GOBBO: There was some - there was some - there was some detail mentioned. I don't have - I don't remember him mentioning Dale being involved in the burglary but he did mention Miechel. But by then that wasn't a secret. The world knew that anyway, that has been involved.

MR FITZGERALD: I suppose I'm assuming that in advising someone as to whether they should look at the option of speaking to the police, in this case speaking to ESD, one would need to know whether the evidence that they could provide would be valuable.

MS GOBBO: Well, you would get them to make a "can say" statement, but I wasn't at that stage with him.

MR FITZGERALD: I see.

MS GOBBO: So that's what I would normally do, would be to get them - either remove yourself completely from it because you don't really want to know what they can say because it can have too much of an impact on other people that you act for, without you even knowing it at the time. So what I have generally done is introduce the person to a police officer who I know will - or I entrust will look after them, as in someone that they can trust or someone that I trust.

MR FITZGERALD: But as a precursor to that wouldn't you need - - -

MS GOBBO: Or - I was going to say - - -

MR FITZGERALD: Sorry.

MS GOBBO: Or I would get them to - I'd take a statement from them, a "can say" statement, but the difficulty with so many of these people is - it was and still is - that they're so interrelated. You do not want to be told things that then precludes you from acting for other people. So you're better off having nothing - you're better off having nothing to do with it or not being told it in the first place.

MR FITZGERALD: I don't understand how in those circumstances you could help them assess whether or not they should speak to the police because you'd need to know what they could say. I would have thought that's - - -

MS GOBBO: Except that if you're sitting with someone like Hodson and presumably you're involved in - you were involved in the burglary and you can give evidence of people that you were involved with or knowledge that you have specific to that, what - I don't need to know more than that.

MR FITZGERALD: I see.

MS GOBBO: In all the people - - -

MR FITZGERALD: Did he give you the impression that that was where he was at?

MS GOBBO: That he was considering it or that - - -

MR FITZGERALD: That he was considering providing evidence of that character?

MS GOBBO: Yes, that was something that had - again I'm not trying to be obscure about not remembering detail, I'm sure we talked about that in those sort of terms, but the specifics I can't remember - I can't be accurate about.

MR FITZGERALD: You knew one was Miechel and you suspected another was Dale.

MS GOBBO: And possibly a fourth person. There was - there were a number of rumours around at that time that there were four people involved.

MR FITZGERALD: Knowing that, why would you agree to be an intermediary in arranging a meeting between two persons neither of whom you

could act for?

MS GOBBO: Because if one wanted to - well, I can't really - no logical reason other than if someone - if Hodson was going to be wired up or tape-record Dale and that would incriminate him, so be it. It had nothing to do with me. Just because I wasn't going to act for either of them didn't mean that I wouldn't organise for them to see each other.

MR FITZGERALD: Mm.

MS GOBBO: I mean, I don't know if your question really is what did I have to gain out of it? Nothing.

MR FITZGERALD: I don't suppose I really had that in mind so much as rather assuming you had nothing to gain from it, why would you do it?

MS GOBBO: That's why I said probably no reason. When you look at it logically why would you? Yeah. To - because Hodson asked, why not, because you can do it but not because you're getting anything out of it; not even in terms of necessarily winning over the person to act for them at the end because you can't.

MR LIVERMORE: In your interview in 2004 you said that - in relation to Terrence Hodson that "There was a bit of toing and froing between ESD and me" - that's you - - -

MS GOBBO: Yep.

MR LIVERMORE: - - - "in relation to giving instructions about whether he did or didn't want to cooperate with them."

MS GOBBO: Yep.

MR LIVERMORE: What did you mean by that?

MS GOBBO: Because the first contact had come from De Santo about Andrew, ostensibly about Andrew but it was really about Terry, and on one or more of the occasions when I saw Terry he was contemplating his options. That's what he was talking about. I don't remember whether I was asked by him to contact ESD on his behalf or to - or they were ringing me to find out what he'd said or done - sorry, what he was prepared to do. I can't remember. I may have though called him.

MR LIVERMORE: I'll read the words out to you again. I just ask you to do

your best to explain what you mean. You said, "There was a bit of toing and froing between ESD and me in relation to giving instructions about whether he did or didn't want to cooperate with them."

MS GOBBO: Yep.

MR LIVERMORE: So does that mean that you'd obtained instructions from Terrence Hodson about what he could say about the burglary and - - -

MS GOBBO: Not in - - -

MR LIVERMORE: - - - that was the subject of the discussions - the toing and froing with ESD? Because you'd want to do a deal, wouldn't you? That's the whole point of the cooperation.

MS GOBBO: Yeah, but I couldn't - yeah, but I couldn't - I couldn't do a deal until I knew what he was going to be charged with and I remember - it does jog my memory for one conversation I had with De Santo, or maybe it might have even been - no, I don't know whether it was De Santo. Well, it must have been. No, it may not have been De Santo, it might have been Murray Gregor because I dealt with him when I was - when Abbey Haynes signed her statement. In order to give - in order to actually sit down and cut a deal you need to know what a person can specifically say, but in order to be able to work out what they can say you need to know what the police want from them, and I wasn't getting the answers from either side because I wasn't being told by ESD exactly what they wanted, and I think in part, in fairness to ESD, they thought that I was - that I knew more because I was acting for the person who was the occupier of the house.

MR LIVERMORE: But you didn't have to be a Rhodes scholar, did you, at this time - - -

MS GOBBO: No, that's right. That's right.

MR LIVERMORE: - - - to work out what they wanted. They wanted Miechel and Dale and they knew Hodson could give them to them.

MS GOBBO: And/or whoever else. That's right.

MR LIVERMORE: And maybe number 4 as well.

MS GOBBO: That's right.

MR FITZGERALD: Do you have an idea who number 4 was?

MS GOBBO: I don't know that there - I don't know whether there was a fourth person. There are so many varying accounts of what really was in that house and what did and didn't go on. I mean, I had heard a number of times that Dale had an alibi for the night, and because he had an alibi he couldn't have been involved. Now, I don't know what - I don't know exactly what the alibi was, but police were saying - or at least my recollection is that it was a police supported kind of view that he had an alibi and therefore it couldn't have been him. So then one I went to - well, if it wasn't him and there were more than two people involved, could it have been Tony Mokbel, because it would just be like Tony to either steal what were effectively his own drugs but then blame someone else for it; or get someone to do it; or was it just police, because arguably were police the only people that could have known what was in the house at the time from surveillance?

MR LIVERMORE: Apart from Peter De Santo, was there anyone else from ESD that you talked to on behalf of Terrence Hodson?

MS GOBBO: I don't think I did but was there Dick - some guy Richard or Dick someone? I might have. At some stage I spoke to someone else. I can't remember if I was told by Hodson to speak to someone else. I would have if there was someone else, or someone rang me.

MR FITZGERALD: I'm still struggling a bit with your relationship with Hodson. It was apparent to you, as I understand it, that you couldn't act for Hodson or anyone connected with the burglary because you were acting for persons resident in or otherwise associated with the house that was burgled.

MS GOBBO: I expected to, that's right. Bearing this - - -

MR FITZGERALD: By this time you were already acting for Abbey Haynes, aren't you?

MS GOBBO: I've done a bail application for her, yes.

MR FITZGERALD: So you're acting for her. I mean, that is a barrister-client relationship.

MS GOBBO: Yep.

MR FITZGERALD: And acting for Hodson, for example, in a bail application you would see as a conflict with that.

MS GOBBO: If he was going to put her in, yes.

MR FITZGERALD: But you'd also said earlier that you couldn't take it any further because, as I understand it, of the chance that by reason of what he told you, you might be unable to act for her.

MS GOBBO: That's right.

MR FITZGERALD: So there is a clear potential conflict between the interests of Abbey Haynes and the interests of Hodson, such that when Hodson is actually charged you can't act for him, and when Dale's charged you can't act for him. But - - -

MS GOBBO: Because whether or not there's - as you know, whether or not there's the actual conflict as in someone has said something about someone else, there's still a perception of it anyway.

MR FITZGERALD: Yes. But notwithstanding that - and again I'm not being critical - you did in fact - - -

MR: I've just been advised, sir, we're going to have to have a break while they change discs - - -

MR LIVERMORE: I think the disc - - -

MR: The recording disc is going to be full in a moment. So we might have to take a break.

MR FITZGERALD: Very well. Sorry, we'll take 10 minutes.

MR: No more than that.

MR FITZGERALD: No, no, that's all right. Let's stop transcribing now and we'll just - - -

ADJOURNED

RESUMED

MR LIVERMORE: Recording again, sir.

MR FITZGERALD: Thank you.

MS GOBBO: I hope all that wasn't recorded, my tragic discussion of my state of health.

MR FITZGERALD: Still not strong?

MS GOBBO: No.

MR FITZGERALD: I don't know, are we waiting for Greg to come back?
Ms Gobbo, I know this will be unwelcome, but do you have some time tomorrow afternoon?

MS GOBBO: Yes.

MR FITZGERALD: There's a couple of things, we want to follow up on a few matters because it would be nice to let this - it would be nice to finish this to a point where you could put it behind you.

MS GOBBO: Yep, I agree.

MR FITZGERALD: Now, I can't promise that, but I think if we adjourn until tomorrow afternoon then we can - our chances of doing that are much better.

MS GOBBO: I'm all for that if that's the case, and I can look for that 2004 diary, anyway.

MR FITZGERALD: Yeah. We - I mean, technically - - -

MR LIVERMORE: 2003.

MS GOBBO: Sorry, 2003, sorry.

MR FITZGERALD: And 4, if you've got it.

MS GOBBO: Yep.

MR FITZGERALD: I mean, technically we can subpoena them. You don't want us to do that?

MS GOBBO: No, no, I'll find them. I'll find them. There may be nothing in them anyway.

MR FITZGERALD: No, no, that's fine. Thank you. Shall we - is - you mightn't have your diary with you but is 2 o'clock tomorrow afternoon feasible?

MS GOBBO: I know tomorrow afternoon is fine. I've got a County Court

plea in the morning, but until I look at the court list I don't know what judge it is or what time.

MR FITZGERALD: But you'd expect to be finished by lunch?

MS GOBBO: Yes.

MR FITZGERALD: All right.

MS GOBBO: So 2 - - -

MR FITZGERALD: Well, we want to interpose another witness anyway and do some of these other things. So 2 o'clock tomorrow?

MS GOBBO: And if for some reason something happens and court doesn't finish in the morning I won't - I just - I won't be able to tell you until lunchtime.

MR FITZGERALD: 1 o'clock. No, we understand, and we understand if you're on your feet in a hearing, we're not going to say you should be here. So we - - -

MS GOBBO: No, it should - - -

MR FITZGERALD: We'll work with you to try to sort that out.

MS GOBBO: It's for a lady who should be in prison by lunchtime tomorrow. So it shouldn't take that long.

MR FITZGERALD: Thank you. Now, I'm not sure but I suppose I'd better do this, because I understand that there is a special investigations monitor who has certain requirements about statements that are made at the commencement and conclusion of the process, and although this is only the adjournment the matters are such that in fairness to you I'll do it anyway.

Two matters about which I'm required to remind you, the first concerns your continuing obligation of confidentiality, and it's said it's necessary to draw your attention to three particular sections concerning your obligations of confidentiality in relation to this examination. Section 102G of the Police Regulation Act 1958 establishes a general obligation of confidentiality. Section 86KA(2) of the same act establishes a continuing obligation of confidentiality arising from the confidentiality notice given to you at the time of service of the summons, and section 19B subsection (2) of the Evidence Act and the order made under that section by me at the beginning of the examination, that order prohibits publication of a report of the whole or any

part of this examination or information derived from it.

Each of those provisions are binding on you and carry significant penalties. The Police Regulation Act provisions carry a penalty of 120 penalty units or 12 months' imprisonment or both. The Evidence Act provisions carry a penalty of 30 penalty units or three months' imprisonment. It is important that you maintain the confidentiality of the summon, the subject matter of the investigation and information that you've received as a result of or derived - as a result, I think, or derived from the investigation, and in particular today's examination. Do you have any questions about your obligation of confidentiality?

MS GOBBO: No.

MR FITZGERALD: Thank you. The second matter I'm required to remind you of concerns your right to complain to the special investigations monitor. You have a right under section 86ZE of the Police Regulation Act 1958 to complain to the special investigations monitor if you consider that you were not afforded adequate opportunity to convey your appreciation of the relevant facts to me during this attendance. You may make your complaint in writing to the special investigations monitor. It says "or in writing", so perhaps the word "orally" has been left out. Your right to complain must be exercised within three days after you've been excused from attendance.

Thank you, your attendance is adjourned until 2.00 tomorrow, 2 pm tomorrow afternoon. You remain under the requirements of the summons and may be recalled at any time during the course of this investigation to give further evidence on your oath. While I can't dispense with that latter statement, as I said to you earlier, if we can we'll wrap up your involvement in the matter tomorrow.

MS GOBBO: That would be good.

MR FITZGERALD: Thank you, you're excused.

**MATTER ADJOURNED AT 4.37 PM
UNTIL FRIDAY, 20 JULY 2007**