

Royal Commission into Police Informants

STATEMENT OF NICOLA GOBBO

1. I make this statement in advance of my evidence before the Royal Commission between 4-7 February 2020.
2. From the outset, I wish to make clear I have always wanted to assist the Royal Commission and provide evidence as best I can. My health, which has been an issue for me since 2004, coupled with my personal circumstances (including the fulltime care of my children) have made it exceptionally difficult to do so.
3. I suffer from a number of medical conditions, including a condition known as trigeminal neuralgia which first arose after I suffered a stroke in 2004. This condition causes me to experience acute, debilitating nerve pain on both sides of my face. My pain is exacerbated by stress, uncertainty and anxiety. I am prone to developing deep ulcerations in my legs. On twelve previous occasions, these ulcers have required surgical debridement. I have previously been told by my doctors that these ulcerated cavities are caused by stress. I developed ulcerated wounds on four occasions in the period January to March 2019 and received medical treatment. The Commission has received evidence to this end.
4. I gather that it has been suggested that one line of a transcript of a conversation on 5 April 2006 indicates that I could feign illness to avoid a court appearance. That one line should be read in context of the 50 odd pages of the transcript of my discussion with handlers on that day (5 April 2006) about adjourning a client's case in which I was appearing as counsel (not as a witness). The handlers were workshopping potential bases for an adjournment. There is a later passage in the transcript of me stating at the end of that discussion to the handlers that a reason to adjourn that case was

required, but I could not and would not lie to a court. I make this point only because it has been unfairly suggested that I might have been feigning illness to avoid giving evidence to the Commission.

5. I was interviewed recently for the ABC programme , 'The 7.30 Report'. My purpose in participating in that interview was to try and improve my circumstances, of which the Commission is aware of given a number of private hearings relating to those circumstances.
6. The 7.30 program team made arrangements to meet me at a remote location and it was only possible as I had the care of my children arranged. I had to rely on a medical professional to look after them during that period. Had it not been for that person's assistance, I would not have been able to participate at all. In addition, that person was well known to the children and they were comfortable in that medical professional's care.
7. That interview spread over two days. It was only meant to last a couple of hours on one day. However, my health was such that the ABC production team terminated the interview on the first day and made arrangements for the following day. On that second day, my children again had sufficient care for a limited period. I returned on that second day and answered further questions. I am led to believe I may have answered only half of the questions that had been prepared.
8. Throughout the interview, I required breaks and took medication to alleviate some of the pain I was suffering from and continue to suffer from on a daily basis. The Commission has before it medical evidence from multiple practitioners all of whom reach similar conclusions as to my health. Between them, those practitioners have been engaged in my care for well over a decade.
9. I appear to give evidence with the intention of assisting the Royal Commission as best I can. However, I do so without having had the opportunity to prepare properly. I have not reviewed the evidence of other witnesses beyond a few selected sections of

transcript and redacted statements and I have not had access to primary documents (including my own court books and diaries) or my work laptop. I have been unable to refresh my memory from this material.

10. I have not logged onto the Royal Commission website and have not watched any of the live stream. This is due to security issues, my personal circumstances and my health. I only received occasional updates from my legal team and others.
11. Additionally, my legal team was only granted access to thousands of pages of transcripts of conversations I had with my handlers on 29 July 2019 (due to Senior Victoria Police members' denying them access to the material and they have been unable to consider this material. They were also subject to undertakings preventing them from talking to me about the contents of my recorded conversations, again at the behest of Victoria Police). That undertaking was lifted on 4 December 2019.
12. However, it was not possible to review those documents or discuss matters with my counsel until last week given my remote location and difficulty accessing secure material. I also had little time to consider the material due to my personal circumstances.
13. Suitable arrangements were only able to be made last week to allow me at least some opportunity to prepare in advance of me giving evidence. I liaised with my counsel for 2 days. It was hoped that I would be provided in advance a limited number of documents, including the transcript of evidence of two witnesses and the statements of 7 witnesses. It was also hoped I would be provided redacted SMLs. Unfortunately, Victoria Police delayed the process of me receiving this material and I did not receive all of it until the first day of my discussions with my legal team. It meant I could not read the material in advance of the discussions. The redactions have made processing the content even more difficult.

14. I understand that many police officers who have given evidence called by Victoria Police have had access to material and have ample time to prepare in advance of their evidence. I am in a very different position. It has been anything but procedurally fair.
15. I am therefore unfamiliar with most of the voluminous material before the Commission, much of which I understand to relate to my alleged conduct between 2003-2011.
16. To be clear, I am unaware, beyond the odd press report or brief summary by my legal team, as to what evidence has been received beyond the two witnesses whose transcripts I have been provided. To put this in context, I am unaware as to the evidence of my handlers, the investigators etc. The two transcripts of evidence I have seen amount to two days of evidence. I am aware the Royal Commission has received evidence from March 2019 to present.
17. My counsel has sought to have available during our discussions RC/81, which I am told is the pseudonym list. That never eventuated. Consequently, I am at a disadvantage when reading some of the material I have. I will try not to mention the real names of several people but it may be difficult as I am unaware of all pseudonyms used and am also told some cannot be used in any event in a public hearing.
18. I also am being asked to recall matters from a very long time ago. Not only has the passage of time impacted on my ability to recall all matters, but in addition, I suffered a stroke on 24 July 2004 (which affected my memory, particularly of the latter part of 2004) and other very serious health issues.
19. In the past, (prior to the Royal Commission) I have provided statements and given evidence.
20. Generally speaking, I was better placed to provide detailed evidence on those occasions than I am now, for the reasons I have explained. I have provided a witness

statement in 2009 relating to the prosecution of Paul Dale as well as having given evidence before Justice Ginanne in 2017 and Tony Fitzgerald at the OPI in 2007.

21. However, it should be borne in mind that when I appeared before Fitzgerald, I was trying to protect my identity as a Human Source and had been assured by my handlers that I would not be asked any questions that would reveal my status. The first question asked at that hearing had the tendency to do so and it caused me significant angst as I was acutely aware that if this was revealed then the transcript may end up in briefs of evidence for many accused and my life would be in jeopardy. I was aware something similar happened to at least one person during the time I was a registered informer. My evidence before Fitzgerald should be seen in this context.

22. Further, I have seen a draft statement relating to Operation Briars. I can say that, during the taking of that statement in Bali, I did not say that Mark Perry confessed to me. I believe that Ron Iddles will confirm this. I have never seen that entry until I was shown it recently. It must have been added without my knowledge. I assume it must have been added by DI Waddell, but that is a matter for him to answer.

23. I also provided a statement to [REDACTED] relating to a [REDACTED]
[REDACTED] I understand that statement was provided to the OPP [REDACTED]
[REDACTED]
[REDACTED]

24. I have been told by my legal team that text messages from old phones of mine have been retrieved and are before the Commission. The messages that were able to be retrieved range from 2009 to April 2013. There are no messages after April 2013. I believe that is because I changed phones and messages thereafter are not available as those phones are not available, primarily due to matters relating to circumstances and security.

25. I understand that I am required to answer questions that will inevitably relate to matters that are privileged. I do so cognisant of section 32 of the Inquiries Act 2014. I

am well aware that the privilege is not mine but the particular client I may be asked questions about.

26. I also wish to add this detail. The reporting I have been made aware of suggests:

- a. That I am an illegal drug user. That is ridiculous. Apart from minor recreational cannabis use when at University, I have never taken illegal drugs.
- b. That I provided information against all of my clients. That is wrong. I did not inform on the large majority of the clients I represented. They were represented to the best of my ability and often received favourable outcomes.
- c. That I was promiscuous. Allegations about my personal life, many of them blatantly false, have been the subject of extensive media reporting for a protracted period. My privacy has been invaded comprehensively, but the picture that has been painted of me is far from the truth in many respects.
- d. That I met Simon Overland at Kew Golf Course. I have never met him.

27. The media coverage, which at times has been inaccurate, has caused significant damage to me, both physically and mentally. Consequently my nerve pain, PTSD, severe anxiety and depression have become worse.

28. The impact of my interactions with Victoria Police coupled with the subsequent media coverage has also caused me numerous sleepless nights due to the significant detrimental impact it has had on my children and their futures.

Dated: 3 February 2020

Signed:

