

MEMORANDUM

1. The purpose of this memorandum is to discuss the way forward in respect of matters concerning the witnesses Gobbo and Argall.
2. I attach two documents. The first is a short chronology of the most significant matters. The second is a colour coded summary, by topic, of the evidence of Gobbo and Argall before the OPI and the interview of Gobbo in 2004 by Bezzina.
3. The evidence demonstrates quite extraordinary conduct on the part of Gobbo:
 - (i) On her evidence, since 2002 (Valentine's day) she has acted for Tony Mokbel and associates of his in relation to numerous serious drug prosecutions. Mokbel regularly contacted her directly as did associates of his. She had coffee, dinner and informal contact with Mokbel and other clients. Indeed, she was at dinner with Andrew Hodson on the night that Terry and Christine Hodson were murdered. She said that Andrew was infatuated with her. She shared information gathered in various cases between criminals, including her conclusion, in 2002 that Terry Hodson was a police informer in relation to drug related matters.
 - (ii) At the same time she seems to have been sharing information with police or former police, including Argall and Dale and "Docket" Waters who she said told her that Dale was concerned that his burglary of the safe house on 27 September 2003 had resulted in him inadvertently "robbing" Tony Mokbel.
 - (iii) In mid 2003 she received a death threat from "Benji" Veniamen, who was later made to apologise by Mokbel and

Carl Williams. Veniamen was subsequently shot dead in a Carlton restaurant by Mick Gatto.

- (iv) On the night of the burglary of the safe house, 27 September 2003, she received a call from a Mokbel "runner" asking if she knew anything about a burglary. Either that night or early the next morning she received a call from Dale who told her that he had three people under arrest for drug trafficking in respect of the safe house and that they had said she was their lawyer. She spoke to all three and subsequently appeared for them on bail applications. She advised at least one, Abby Haynes in relation to cooperating with ESD and providing a statement.
- (v) Tony Mokbel was very interested in the burglary and told her that a large amount of money had been taken, as well as drugs.
- (vi) By mid October Gobbo says she had been contacted by ESD asking her about Terry Hodson. She said that she did not act for him at this time. Shortly thereafter Andrew Hodson, a client in respect of drug matters where Miechel was the senior police officer, introduced her to his father Terry. She said that she meet Terry Hodson 3 or 4 times before 5 December 2003 and provided advice to him. It is to be remembered that by this she is acting for Mokbel, Andrew Hodson and various other associates of Mokbel in matters where it is likely that Terry Hodson is either a witness or an informer that lead to the charges being laid. She is also acting for the three people arrested at the safe house in the knowledge that Terry Hodson and Miechel had been arrested near the scene and were suspected of the burglary.
- (vii) During this time she says that she was contacted "out of the blue" by Dale and attended a bar in South Melbourne for the

purposes of providing advice to him. She is extremely vague about the content of this meeting.

- (viii) Argall says that during October 2003 he and Dale attended upon Gobbo for advice in respect of their exposure in respect of the burglary. His story about his perceived exposure and the reasons for it are nonsense. Coincidentally, Argall says that he was with Dale on the day of the burglary and on the weekend of the Hodson murders although neither is a direct alibi for Dale.
- (ix) Gobbo says that apart from one text message thanking Dale for the drink at South Melbourne, she had no contact with him until 5 December 2003 when he, Miechel and Terry Hodson were arrested and charged with the burglary. CCR records show 18 SMS messages between Gobbo and Dale between 8 October and 16 October and further contact in October and November. She lied about her contact with Dale.
- (x) Gobbo said that after Dale was arrested he asked her to represent him. She said that she told him she could not and referred him to Tony Hargreaves. CCR records show 9 text messages between Gobbo and Argall on 5 December, the day of the arrests. Gobbo was contacted by Argall, and went to Melbourne Magistrate's Court and met Dale's mother, although she did not appear. Between 5 December 2003 and the end of December CCR records show many (about 40, including Christmas day) text messages and calls between Argall and Gobbo. These continue through January 2004.
- (xi) Gobbo had a scheduled meeting with her client Terry Hodson on 5 December, which he did not attend because he was arrested. Hodson was represented on his bail application by solicitor Alex Lewenberg.

Where to with Gobbo?

Conflicts

4. Gobbo has defended her position regarding issues of conflict by explaining that it was the potential conflict that stopped her acting for Dale.
5. Once she was aware of the Mokbel interest in the safe house (which was really from the outset) she should not have been acting for anyone else alleged to be involved in the burglary.
6. Further, it would seem that her belief (knowledge) regarding Terry Hodson being an informer and his involvement in ongoing prosecutions (we have not explored these in detail) where she was acting for Mokbel and Mokbel related defendants, should have precluded her from acting for (including providing advice to) Terry Hodson in relation to the burglary. Such is particularly the case when she was acting for Abby Haynes and the other two occupiers of the safe house, from the day after the burglary.
7. To be acting for and/or providing advice during October 2003 to Mokbel and his associates, Andrew Hodson, Abby Haynes and the two co accused from the safe house, Terry Hodson, Dale and Argall is susceptible only to the inference that there was an expectation that she would use information gathered in one role to the advantage of someone else in another role. The conflict of interest is so obvious and glaring that it must be inferred that she was a willing participant in the process of gathering and distributing information.

8. Apart from the CCR records and the glaring nature of the conflicts, there is little to put to her.

Dale

9. Gobbo's evidence concerning her contact with Dale conflicts with the CCR records. Query putting these directly to her. It would show that we probably do not have anything of greater substance.

Argall

10. Her evidence regarding contact with Argall and Dale conflicts with Argall's evidence, in particular his evidence that he and Dale attended upon her together for advice at least once and that he attended for further advice on one or two other occasions. Consider locking her in regarding any legal advice to Argall and then putting his version to her. Remember that she failed to disclose the sexual encounter with Argall that he says was a one of in 1996.

Hodson meetings- Argall-Dale link

11. When put to her Gobbo was not prepared to rule out Hodson's account of the meetings with her. (she was of the belief that at least one of them had been tape recorded) The meeting of 30 October is followed by a Gobbo/Dale text and a belief that they met at about 10pm that night. (confirm)
12. On 5 December 2003 Gobbo meets Hodson from 1500 to 1615 at Café Domino under Owen Dixon Chambers in Lonsdale Street. Hodson says that Gobbo is to arrange for a mutual friend to contact Dale to see if he will meet Hodson. CCR records show that at 16:31 Argall calls Dale. We do not have a record of the Gobbo-Argall contact.
13. She was prepared to accept the possibility that she asked Argall to ask Dale to either contact her or to seek out Dale to see if he was prepared to speak to Hodson. Assuming she did, how bad is this conduct?

14. Do we put Hodson's account of the meetings and the CCR records directly to her in terms? We have put the content of Hodson's version to her (without attribution) and apart from the suggestion regarding her calling on Chrissie Hodson's phone she was, in general terms, not prepared to exclude Hodson's version.

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15. We have not asked her about this document. Bezzina did not show it to her and wrongly inferred that it named Hodson as an informer.
16. We could ask her about it but we do not have much to work with if she gives a similar account to the Bezzina interview.

Where to with Argall?

17. We should have Gobbo first so that when Argall is recalled we will have Gobbo's version of the legal advice story to put to him.
18. The non sensical nature of his story regarding seeking legal advice has already been pointed out to him.
19. Although Argall has admitted that he may have passed "rumours" on to Dale and that he expected (although had no direct knowledge) that Dale would have been receiving information from his friends at the drug squad, it seems that we cannot take the issue of him providing information to Dale any further without referring to the recently obtained information.
20. We could obtain further detail from him regarding contact with Gobbo at and following Dale's arrest and leading up to Dale's successful bail application. (15 December 2003)

21. It seems that in respect of the allegation that he was the go between for the proposed Dale/Hodson meeting there is not much more we can do with him other than put the CCR record of 5 November to him, but what would be achieved by that? What is wrong with Argall asking Dale if he is prepared to meet with Hodson in any event?

22. It is understood that it has been decided that recent information will not be disclosed at the hearings.

Garry Livermore
Flagstaff Chambers
14 August 2007