

**Submissions on behalf of Francesco Madafferi relevant to the Royal  
Commission's Terms of Reference**

1. From 1998 the late Joseph Acquaro was retained by Mr Madafferi to act on his behalf with regards to his personal and business interests.
2. On a date presently unknown but believed to be prior to the year 2005, Mr Acquaro introduced Mr Madafferi to Ms Gobbo.
3. At this first meeting Ms Gobbo specifically questioned Mr Madafferi about various personal and legal matters.
4. Thereafter, Mr Madafferi recalls meeting with Ms Gobbo on several other occasions prior to 2008.
5. In the early hours of 8 August 2008 approximately 31 persons were arrested by the Australian Federal Police (AFP) and charged with various offences relating to the alleged importation of 4.4 tonnes of MDMA.
6. During the course of the afternoon of 8 August 2008 Mr Madafferi was arrested and taken to the AFP's Melbourne headquarters. Mr Madafferi was interviewed and charged with the trafficking offence that he was later convicted of committing.
7. Later that same evening Mr Acquaro together with Ms Gobbo attended at the AFP headquarters and were successful in obtaining bail for Mr Madafferi. The AFP granted Mr Madafferi bail on his own undertaking subject to conditions. It is believed that the AFP granted no other person arrested that day bail.
8. Mr Madafferi has cause to believe that he, and only he, was granted bail on 8 August 2008 as a consequence of his being represented by Ms Gobbo and /or Mr Acquaro or a combination of both.
9. Subsequent to Mr Madafferi's arrest and bail Mr Madafferi instructed Mr Acquaro to act for him in defending the charge. He conferred with Mr Acquaro frequently and regularly to discuss his case and to provide his instructions. On many of these occasions Ms Gobbo was present and would take an active role in the conference questioning Mr Madafferi about the evidence, challenging his answers and providing legal advice.
10. Mr Madafferi estimates that he conferred with Mr Acquaro with Ms Gobbo present in excess of 20 occasions between the time of his arrest and release on bail on 8 August 2008 and September or October 2013 when Mr Madafferi terminated Mr Acquaro's instructions.
11. The conferences attended by Ms Gobbo were clearly protected by legal professional privilege. Ms Gobbo purported to act in his interests in circumstances where she was in fact acting at the behest of and in the interests of investigating officials.

12. Mr Madafferi has cause to believe that the close interest that Ms Gobbo paid to the details of his case stemmed more from her role as a police informer than professional competence.
13. On each occasion Ms Gobbo purported to act as counsel for Mr Madafferi. She provided legal advice. The total impact of her duplicity cannot be known at this stage. Whether she provided sound legal advice or whether she sought to steer Mr Madafferi away from proper legal defences and on a path that was not in his best interests has yet to be determined. Such information may reside within the knowledge of Ms Gobbo, Victoria Police or others presently unknown to Mr Madafferi.
14. In late December 2013 Leanne Warren and Associates took over the representation of Mr Madafferi and continued to represent him at the trial.
15. On 26 August 2014, Mr Madafferi was convicted of trafficking in a commercial quantity of MDMA and on 17 December 2014 sentenced to 10 years imprisonment with a non-parole period of 7 years.
16. Mr Madafferi has cause to believe that the close interest that Ms Gobbo paid to the details of his case and the legal advice that he received from Ms Gobbo between 2008 and 2009 (and subsequently) may have affected his trial in the following ways:
  - by passing on his instructions to investigating officials
  - by passing on defence strategies to investigating officials
  - by providing legal advice that was misleading
  - by providing legal advice which may have been contrary to Mr Madafferi's interests
17. At this point no disclosure documents have been received by Mr Madafferi's legal representatives from this Royal Commission, the Commonwealth Director of Public Prosecutions, the AFP or any other relevant law enforcement agency.
18. Mr Madafferi is a vulnerable man who has been assessed by expert psychiatrists and psychologists as of low intelligence with a long history of a major depressive illness which has been evident, with varying degrees of severity, for over 20 years. He has been reliant on mental health services for treatment including a lengthy involuntary patient admission during a period of acute suicide risk. Mr Madafferi was rendered particularly susceptible to the undue influence of Ms Gobbo acting as a clandestine police informer.

