

**Submissions on behalf of Salvatore Agresta relevant to the Royal Commission's
Terms of Reference**

1. On 8 August 2008, Mr Salvatore Agresta was charged with conspiracy to commit the offence of possessing a commercial quantity of an unlawfully imported border-controlled drug, namely, MDMA, contrary to sub-section 11.5(1) and sub-section 307.5(1) of the *Criminal Code* (Cth) (**conspiracy offence**). The conspiracy offence related to an operation carried out by the Australian Federal Police (AFP) known as 'Operation Bootham Moko'.
2. Ms Nicola Gobbo (formerly referred to as *EF*) represented Mr Agresta and several accused involved in the conspiracy offence and/or related offences (at one stage or another), including Mr Rob Karam, who was Mr Agresta's co-accused. Mr Agresta along with Mr Karam, John Higgs and Pasquale Sergi of Griffith were tried together and convicted of the conspiracy offence. Mr Agresta was sentenced to a period of 12 years imprisonment with a minimum non-parole period of eight years and six months for the conspiracy offence.
3. It is understood that Ms Gobbo provided information to Victoria Police relating to the impending shipment of 4.5 tonnes of ecstasy tablets (**MDMA**), including but not limited to a copy of the shipping documents relating to the shipping container in which the MDMA was found.
4. Subsequent to Mr Agresta's arrest, Mr Agresta instructed Mr Joseph Acquaro to act for him in defending the charge.
5. In or around September 2008, Ms Gobbo and Mr Acquaro obtained bail for Mr Agresta. It is believed that Mr Acquaro and Ms Gobbo had a close relationship over several years. At the time of the bail application, Ms Gobbo and Mr Acquaro provided Mr Agresta with legal advice in relation to the conspiracy offence.
6. Subsequent to Mr Agresta obtaining bail, he conferred with Mr Acquaro on a regular basis to discuss his defence. Whilst Ms Gobbo was not in attendance at any of the conferences between Mr Acquaro and Mr Agresta, it is understood that Mr Acquaro would regularly catch up with Ms Gobbo over lunch to discuss Mr Agresta's case and that Ms Gobbo was "on board". Notwithstanding the aforesaid, Ms Gobbo was not retained as Counsel for Mr Agresta for any subsequent hearings in the proceeding for the conspiracy offence.
7. Mr Acquaro ceased representing Mr Agresta following the Committal Hearing in the Magistrates' Court in or around March 2011 due to funding issues.

8. Mr Agresta vividly recalls that throughout the trial for the conspiracy offence, Ms Gobbo would regularly attend Court to observe the proceeding. Mr Agresta has cause to believe that the close interest that Ms Gobbo paid to the details of his case stemmed from her role as a police informer.
9. Self-evidently, in her letter to Assistant Commissioner Fontana dated 30 June 2015, Ms Gobbo identifies that one of the most significant crimes and/or arrests for which she assisted Victoria Police by providing information was the seizure of MDMA involving Mr Karam, Mr Higgs, Mr Pasquale Barbaro and others, including Mr Agresta.
10. Whilst it is believed that Ms Gobbo's dealings with Victoria Police may have affected Mr Agresta's conviction in relation to the conspiracy offence, the total impact of Ms Gobbo's role as police informer cannot be known until full and proper disclosure of all relevant information concerning such dealings has been provided to Mr Agresta.
11. Mr Agresta has cause to believe that the close interest that Ms Gobbo paid to the details of his case, the cases of his co-accused and the information she provided to Victoria Police from around 2007 onwards may have affected his trial in the following ways:
 - by passing on his instructions and/or defence strategies to investigating officials
 - by providing information to police with respect to the seizure of the shipment of MDMA
 - by providing legal advice which may have been contrary to Mr Agresta's interests
12. On 12 February 2019, the Commonwealth Director of Public Prosecutions provided to Mr Agresta's legal representatives information by way of disclosure in relation to the conspiracy offence. The CDPP have advised that such material has been disclosed to Mr Agresta due to it having been previously disclosed to his co-accused, Mr Karam. Mr Agresta and his legal representatives have not received any disclosure material from any other agency. Mr Agresta has also received a pack of information from the Royal Commission regarding the submissions process.
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