
Royal Commission into the Management of Police Informants

Given the historical nature of these events being greater than 10 years and the nature of my employment, I respectfully request that my identity be replaced with a suitable pseudonym, and that any publication of this statement be in a redacted form.

Amended Statement of **Mr Bickley**

My name is **Mr Bickley** and I make this statement at the request of the Royal Commission into the Management of Police Informants dated 4 October 2019.

In preparing my statement, I have had access to material prepared in my defence between 2005 and 2007 made available to me from my then solicitors Theo Magazis & Associates.

I have received no legal advice in preparing this statement so I take this opportunity to apologise to the Commission if my responses deviate from specific questions at times, it is done so in order to provide the Commission greater context of my version of events.

1. An outline of how you first came to know Ms Gobbo;

I first came to know Ms Gobbo after being arrested on the 15 August, 2005. I was taken to St Kilda Rd Police station and interviewed by Detective Senior Constable Paul Rowe and Detective Senior Constable Lisa Burrows. **They were interviewing me in relation to large commercial quantities of drugs. I know now that this was part of** Operation Quills targeting Tony Mokbel and known associates that were allegedly manufacturing ecstasy.

I was given the opportunity to seek legal advice at the time - I did not know of any legal practitioner to call and so I initially refused, stating I would endeavour to contact one after the interview. Mr Rowe commenced the interview before pressing whether I wished to exercise my right to contact a legal practitioner once again - to my recollection he suggested Ms Gobbo and called her mobile number on my behalf. I had never heard of Ms Gobbo before, nor was I advised by anyone other than Mr Rowe to contact her. The call was made and I received her answering service, I left a message for her to contact me.

I have since learned that Mr Rowe contacted her on another mobile to advise Ms Gobbo that I was arrested [REDACTED]. I did not meet Ms Gobbo at St Kilda Rd Police Station.

After my interview I was transferred to the Custody Centre, I made the decision to not contact anyone. Subsequently, I was also visited by Solicitor 2 [REDACTED] and advised that Mokbel had sent her, and to keep my mouth shut as she would be acting for me. I was communicated by way of written note which was held up to the glass window. Later that day I was visited by Tony Hargreaves whom I had never asked for and declined his services.

The following day Gobbo and Solicitor 2 [REDACTED] came to visit me and Gobbo briefed me as to proceedings from thereon. I remember establishing an early trust with Ms Gobbo as she like Solicitor 2 [REDACTED] advised me that she was sent by Mokbel and that I was in good hands. Ms Gobbo visited me on another occasion prior to me being transferred to the MAP where she visited me on a further occasion prior to me obtaining bail. [REDACTED]
[REDACTED]

Rowe and Mansell also visited me in an attempt to get me to make a statement implicating Mokbel at this time, leveraging the fact that [REDACTED] had made statements against me - indicating that I was the link to Mokbel.

What I know now?

I am now led to believe that Rowe or Victoria Police was advising other parties that Ms Gobbo was acting for me, Ms Gobbo herself was preparing a bail application for myself [REDACTED] and continued to act for me for over a year even though she admitted to having a conflict of interest [REDACTED]. Ms Gobbo never advised me she couldn't or wouldn't act for me.

2. **Detail how you learned, or were given reason to suspect or believe, that Ms Gobbo was providing information or assistance to Victoria Police, including:**

a. when that occurred and in what circumstances that occurred;

I first became aware that Ms Gobbo was assisting Victoria Police when the media labelled her lawyer X. I immediately knew who they were referring to.

b. the effect of this knowledge upon you; and

This profoundly effected me in the sense that I felt deceived upon reflection of my legal representation involving her. I immediately started to piece together how and why I was

arrested 13 June 2006. I not only felt betrayed, I felt as I was used as a means to an ends that deprived me of fundamental rights.

c. What you would have done had you known that Ms Gobbo was doing so.

Had I known that Ms Gobbo was assisting Victoria Police, I would have sought alternative counsel, and I would not have been arrested on 13 June 2006.

3. In relation to the legal matters that Ms Gobbo represented you in or advised you on, please provide details of:

a. the matters Ms Gobbo advised you on; and

15 August 2005 - Arrested (refer Q.1)

Ms Gobbo formally acted for me from August 2005 to January 2007, specifically:

IV. August/September 2005 - Ms Gobbo prepared a Bail application on my behalf

V. 27 April 2006 - Restraining Order (purpose of travel) - see attachment

13 June 2006 - Arrested (refer Q.4)

VI. 20 June 2006 - Notice of Application to Vary Bail Conditions - see attachment

What I know now?

I listened to Mr Rowe describe the relationship I had with Ms Gobbo as a social one rather than a professional one, and that she was acting for me informally during the 18 months I knew her. Refer to attachment sent to both Ms Gobbo and Rowe (Application re: Restraining Order dated 27 April 2006, and forwarded to Ms Gobbo, as well as Notice of Application to Vary Bail Conditions faxed to Ms Gobbo on 20 June 2016), this clearly demonstrate that Ms Gobbo was acting for me prior to my arrest, during and after my arrest.

I was friendly with Ms Gobbo however, that friendship was a culmination of her acting for me, and insisting on meeting in places of a social nature. We did not meet for any reason other than to discuss my case or to arrange contact with Mokbel - period. Rowe, O'Brien, [REDACTED] and [REDACTED] knew she was my Barrister, I often spoke to them about meeting with her. Ms Gobbo readily admits that she was acting for me. Refer to [REDACTED]

b. how you paid Ms Gobbo for legal representation

My legal fees were paid by Mokbel in addition to sums of money he gifted to me whilst I was out on bail, this continued up until the time he absconded in around March 2007. During this time Ms Gobbo ceased communication with me - I assumed that because there was no-one to pay the bills, she no longer wanted to act for me. At no time did she express or state that she did not want to act for me during the 18 months she represented me.

4. Detail the nature of Ms Gobbo's involvement in any conversation in the lead up to your arrest on 13 June 2006, in particular the circumstances where you discussed illegal activity.

I often communicated with Mokbel through Ms Gobbo as I would be infrequently in contact with him directly. Ms Gobbo was able to always reach Mokbel, and I was still in possession of Mokbel's pill presses. I advised her on more than one occasion that I wanted them gone, and for her to relay this information to him to have them out of my hands - I did not, and never had any contact with anyone to do with any criminal activity in the past, or during that time other than Mokbel himself. Police were aware of this calling me a "cleanskin" [REDACTED]

Other than discussing that I was in possession of these machines - I did not speak to her regarding other matters apart from my case, as I was simply disconnected from the broader criminality associated with Mokbel or Ms Gobbo.

During one of our meetings at the Wheat Cafe below her chambers (we almost always conducted meetings in a public setting - as it was her preference), she gave me a mobile phone to contact one of Mokbel's [REDACTED]. She instructed me to call him to arrange a meeting to either have [REDACTED] or [REDACTED] for him to take their possession. I had never met or heard of [REDACTED] prior to her arranging this meeting. The date would have been no more than two or three weeks prior to the arrest.

Shortly after my meeting with Ms Gobbo, either I contacted [REDACTED] or he called me on the mobile provided to me by Ms Gobbo - I can't recall. We arranged to meet in [REDACTED] at a future date and time. We met and discussed the [REDACTED] - he was not interested in taking [REDACTED] and implied that it was at Mokbel's request. We parted ways not before agreeing to meet again.

We continued to communicate on the mobile phone Ms Gobbo provided, and I was in dire need of funds. Admittedly, I asked him for money thinking it was coming from Mokbel and he obliged with \$3-\$5k when we met a second time at the same location - I can't recall the exact amount. At no time did [REDACTED] produce any [REDACTED] or [REDACTED].

From that point on [REDACTED] was not contactable and I was arrested in North Melbourne on 13 June 2006, a few days later.

I challenged Rowe on the charge as I had not committed any wrongful act, he asserted that I conspired to manufacture drugs, and that was sufficient to breach my bail conditions. I was taken to St Kilda Rd Police Station.

5. The nature of the advice provided to you by Ms Gobbo on 13 June 2006 and following.

I was advised by Ms Gobbo to help myself by co-operating with Police, she advised that its every man for themselves and that Mokbel has his own proceedings to worry about. This was in stark contrast to our meetings some twelve months prior where she asked me to consider pleading guilty to obtain the maximum benefit, during that time I was resolute in not talking to Police, although Rowe and Mansell had asked if I was prepared to.

I relented as the prospect of going to jail was something I was not willing to do, and I agreed to work with Police as I found myself in a hopeless situation.

6. What influence did Ms Gobbo have, if any, in relation to your decision to:

a. plead guilty to any charges against you; and/or

Upon my initial arrest, Ms Gobbo advised me to plead guilty to receive the maximum discount back in 2005, my understanding is that Mokbel was in favour of this and he gave assurances that funds would be made available on-going to provide for my family.

Pertaining to my subsequent arrest 13 June 2006, Ms Gobbo expressed deep sorrow for my situation given that she provided me with the mobile phone, but she was adamant police had me under surveillance and that was the reason for the arrest - I did not consider that the phone she gave me was in fact a means to entrap me into finally co-operating with police.

b. Become a prosecution witness.

Subsequently after my arrest on 13 June 2006, Ms Gobbo encouraged me to help myself by co-operating with Police, I expressed concern regarding Mokbel as I was and always were under duress from him, my co-accused and myself often discussed how we could distance ourselves but things spiraled swiftly and uncontrollably with gangland members being killed in and around our homes. Clearly notifying police would have been the safest option. **Jim O'Brien, Dale Flynn and Paul Rowe sat me down in a boardroom, not an interview room and told me that they said I have two options: 1) go straight to jail or 2) start assisting Police. I was advised i would be charged on summons if I agreed so as to avoid fronting the court but I have never received any such charges to date.**

Ms Gobbo **would regularly say** that she herself was sick of the state of criminality and the influence Mokbel had however, she stopped short of criticising Mokbel. At this time (March 2007), Mokbel was a phantom and Ms Gobbo was increasingly difficult to contact. **about my prior relationship to Mokbel, and his role in orchestrating things. I provided clarity about Mokbel's operations, and various people that I knew very little about, but had come into contact nonetheless.** Eventually [REDACTED] however, I [REDACTED] as police refused to assist me or look after my interests once they had no need for me.

7. What representations did Victoria Police make in regard to your legal Counsel and what effect did these representations have in relation to any decisions you made in relation to your legal proceedings?

In January 2007, [REDACTED] indicated that they would assist me in finding alternate legal counsel, I was led to believe that they would assist with some of those costs as at that time [REDACTED] I was no longer able to engage Theo Magazis & Associates [REDACTED] hence on the advice of Police (Mr Rowe), they arranged for me to meet with Margaret Macaulay in or around January 2007, as she had experience in these matters.

I recall that Victoria Police and [REDACTED] at the time kept delaying my plea hearing, as they were [REDACTED] to as [REDACTED] as they could in a [REDACTED] to [REDACTED] - I had never met [REDACTED] before. The whole process was extremely stressfull, often [REDACTED] in [REDACTED] at a [REDACTED] and [REDACTED] present - I experienced a very different side [REDACTED] up until [REDACTED] to give evidence.

Victoria Police stated that my assistance as a prosecution witness would forever remain anonymous as long as I fulfilled my obligations to assist in their endeavours. They had a duty based on that agreement that was brokered between the OPP, Victoria Police and my eventual legal Counsel (Philip Dunn Q.C.), and ratified in the Supreme Court by way of suppression order by Williams. J (22 Nov, 2007) only to be varied (perhaps mistakenly) by Whelan J. and Ginnane J. And more recently by Hannah J. (13 Jul 2016). A degree of conjecture **remains** about whether suppression should be maintained.

[REDACTED] would often joke and place verbal bets on how many years I would be behind bars, often citing no less than 10 years, I like others who are the subject of these proceedings have suffered immense mental and emotional pain, yet we comply in the interests of justice. I was very fortunate as ultimately I entered a plea and the OPP requested I pay a \$75k pecuniary penalty order. Again, this may have been avoided were it not for the series of events instigated by police and my legal counsel at the time Ms Gobbo.

Mr Dunn was extremely professional, supportive and matter of fact, he simply took control in my circumstances and delivered the best possible outcome free from any Police involvement - I was finally rid of my "monkey" and I was able to walk out of the County Court a free man.

I have a great distrust of police as a result of what has surfaced, and have little faith in the judicial system that has abandoned me.

More recently?

14 December 2018 - I made an application for suppression to the **Court** of Appeal in an attempt to uphold the assurances given to me by police and the OPP, Paul Rowe was in attendance and provided an Affidavit dated 11 December, 2018 attesting to those assurances, unfortunately the amici curiae contested the reasonings given, and suppression was ultimately refused. This is extremely concerning given that these proceedings are taking place some 14 years after the date in question. I fully understand public interest however, my understanding under spent convictions legislation implies disclosure would be limited.

Mr Rowe also indicated on the 14 December 2018 outside the court, that there were other ways to maintain my anonymity and gave me his mobile number to make a time to discuss this in greater detail, since that date I attempted to contact him on two occasions however, my calls and messages were unanswered.

I have suffered considerable loss as a consequence of various suppression orders being lifted at various times (Whelan J., 2010, and Hannah J., 2016), with loss of employment, relationships and friends who were quick to distance themselves given the persons I was involved with - this has happened recently again thanks to Ms Gobbo's letter stating I was a

significant arrest in her assisting police. I suffer a sentence every time Mokbel or Ms Gobbo makes news - I am a very different person than the gullible young man I was back then.

I have since established a career for myself which will no doubt become untenable should my identity be thrust into the public domain once again, however the distorted events that police have fed the Commission to date need to be corrected in the interest of justice.

16 June 2019 - I was contacted by Victoria Police and met with them covertly, as in the past they expressed concern for my position regarding the Royal Commission and advised me that Paul Rowe was going to give evidence regarding myself, and that I should contact their legal counsel Paul Millet (they mistakenly [REDACTED] whom Police were going to pay to represent my interests at the hearing.

My solicitor at the time Andrew George made contact with Victoria Police's legal counsel to substantiate the offer, but was met with ambiguity to say the least. Victoria Police remain illusive with respect to what was offered, and the reasons why are now becoming ever-clear thanks to these proceedings.

- 8. Detail whether you were advised to obtain representation from anyone other than Ms Gobbo, and if so, what you were told in relation to that.**

Please refer to paragraph 1 of Q.7.

- 9. Detail whether you were given advice as to what to tell your instructing solicitor in relation to your arrest.**

I was initially given advice by both **Solicitor 2** and Nicola Gobbo to plead guilty, I abstained from doing so until I had a better understanding of the charges against me.

- 10. Detail your awareness of Ms Gobbo's involvement in the production of any statements made by you. In regard to any statements, detail whether you have any reason to believe that Ms Gobbo had any influence or effect on the content of the statements you produced or any evidence you provided to Victoria Police.**

I am not aware, nor have I seen any statements made by Ms Gobbo. My solicitor Theo Magazis would typically provide instruction to her.

Throughout the whole process of when I was [REDACTED] Ms Gobbo knew who I was talking to and what I was doing, [REDACTED] I was involved with and the people targeted. She gave me advice about what I should address and what I should focus on – what I should or shouldn't include in any statement. This advice was very different before Mokbel absconded and after he left the country. But she was not present when I actually wrote the statements in the presence of police.

I had been told by [REDACTED] not to tell anybody about what I was doing. But she and I knew the same people and I trusted her and so I told her about what I was doing.

11. **Detail any awareness you may have of any concern expressed to you by Ms Gobbo to shield or protect any person, including herself, from investigation or prosecution.**

My only recollection pertains to Ms Gobbo expressing that she was concerned that her interests with Mokbel were entrenched so far as she found it difficult not to comply with his requests, whether she engaged in criminal activity with Mokbel or others it was never mentioned, I only recently found out she was charged with drug offences in the past.

12. **Detail whether and when you provided any written instructions to Ms Gobbo.**

Please refer to Q.3a. I and II. (attached fax receipts between Theo Magazine & Associates and Ms Gobbo.

These fax receipts document that Ms Gobbo acted for me before, during, and after my arrest 13 June 2006.

13. **Provide details of a time, if any, where Ms Gobbo discussed other client's legal matters with you, and if yes, what matters were discussed with you and what were you told.**

I cannot recall details of any other matters regarding other clients except that Ms Gobbo mentioned that [REDACTED] made statements against me shortly after my arrest 07 September 2005, this did not surprise me as *"there is no honour among thieves"* - I never held any animosity towards them.

This is significant given that Ms Gobbo made no assertions that she had advised Rowe that [REDACTED] wanted to make a statement against me, or that she represented him at a Bail Hearing on [REDACTED] 2005. Ms Gobbo represented me at a Bail Application the day before [REDACTED] 2005, and the next day she is representing [REDACTED]

and advising Mr Rowe that [REDACTED] wanted to make a statement against me. This appears to me at least, to be a conflict of interest. [REDACTED] Paul Rowe)

My understanding is that Mr Rowe took down a statement from [REDACTED] ^{PII} [REDACTED] 2005. [REDACTED] Paul Rowe)

14. Detail your knowledge of criminal or unethical activity engaged in by Ms Gobbo, if any.

I knew of no criminal or unethical activity engaged in by Ms Gobbo at the time of my representation.

What I know now?

Prior to my arrest, Ms Gobbo orchestrated a meeting with one of Tony Mokbel's associates [REDACTED] she handed me a phone to contact [REDACTED] indicating it was instruction from Mr Mokbel himself to arrange the [REDACTED] I had in storage which Ms Gobbo knew about. I can't recall whether [REDACTED] called me or I him, either way I met with [REDACTED] and it was clear he wanted me to [REDACTED] him rather than take possession of [REDACTED]

15. Given the Commission's first two terms of reference, namely:

1. The number of, and extent to which, cases may have been affected by the conduct of Nicola Gobbo as a human source.

I am not aware of other cases that may have been affected by the conduct of Ms Gobbo other than what has come to light as a result of these proceedings.

I personally believe that Ms Gobbo's desire to position herself as a significant human source was strategic in her leveraging police to shield and excuse her own conduct. Not only has Ms Gobbo advised clients to make decisions against their best interest (myself included), Ms Gobbo has been instrumental in passing information on to police, and actively orchestrated events under police direction to charge and eventually incarcerate offenders. As stated earlier, providing information to police as a human source is one thing - actively taking steps to have clients arrested is another.

2. The conduct of current and former members of Victoria Police in their disclosures about and recruitment, handling and management of Nicola Gobbo as a human source.

What I know now?

Ms Gobbo and Victoria Police (Rowe in particular) conspired with the help of [REDACTED] to orchestrate my arrest and pervert the course of justice. They deliberately put me in a position to force my hand so as to co-operate with them, as all attempts up until that point were met with refusal. The outcome may have been different, what I do know is that I would never have endured a year of stress and fear, or abandonment by the very institution that gave false assurances for my safety and wellbeing.

Casting the offence aside, how is anyone supposed to have faith in the legal system or the stewards that enforce laws when representatives of both have exhibited reprehensible conduct.

Nicola Gobbo, Victoria Police and her handlers were well aware of LPP, O'Brien, Rowe, Smith and the coloured detectives referred to can all take the moral high ground regarding their enthusiastic conduct, but put simply legality trumps both morality and ethics, and what they did made a mockery of the justice system.

Contrary to what Mr Rowe claims (see: VPL.0014.0035.0041, Page 14, Item 106 - Paul Rowe), I had never stated I would represent myself with informal help from Ms Gobbo, According to Rowe's statement, I was represented at this time by Margaret Macaulay whom he assisted in acting for me (refer: VPL.0014.0035.0041, Page 14, Item 104 - Paul Rowe).

I hear the term 'Altruism' and 'Mokbel's monkey off her back' used in Ms Gobbo's motivation in becoming an informant and I'm overcome with disgust, an altruist wouldn't seek monetary compensation, or concert tickets. An altruist would have faith and trust in law enforcement to fulfil such a mission, and the monkey would be shackled and caged within the due process. Two wrongs don't make a right, let us hope that such transgressions don't repeat themselves in future.

The Commission would be assisted by you providing any further details of any other matters within your knowledge potentially relevant to those terms of reference.

The above matters are not intended to limit you in any way, and you are invited to include any other information that you consider to be relevant.

I have nothing further to add.

Dated: 17 November 2019

Mr Bickley