

**IN THE CORONERS COURT OF MELBOURNE
AT MELBOURNE**

No. 1710 and 1711 of 2004

IN THE INQUESTS into the deaths of Christine and Terence Hodson

CONFIDENTIAL AFFIDAVIT REGARDING NICOLA GOBBO

Deponent:

A 4th PO

Date Sworn: 16 May 2014

Filed on behalf of the Chief Commissioner of Police, an interested party

Prepared by:

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I, [REDACTED] of the Victoria Police Centre, 637 Flinders Street, Melbourne in the State of Victoria, [REDACTED] of Victoria Police, make oath and say as follows:

1. I make this confidential affidavit on behalf of the Chief Commissioner of Police (CCP) on the basis that it only be reviewed by the State Coroner and Counsel Assisting the State Coroner.
2. I understand that the CCP has applied for an order that this affidavit be confidential. It contains highly sensitive material, and should not be published unless the Court orders otherwise.
3. I am a [REDACTED] at Victoria Police located in the Witness Security Unit which is part of the Intelligence and Covert Support Command at Victoria Police I have held this position since 2009.
4. I have been a member of Victoria Police for [REDACTED] years and performed investigative duties at various Criminal Investigation Units including the [REDACTED] (which involved the investigation into the murders of [REDACTED]). Throughout my policing career I have been exposed to risk management and risk mitigation strategies.

5. I make this affidavit on behalf of the CCP and from my own knowledge except where otherwise indicated. Where I depose as to information that is not within my knowledge, I believe that information to be true.
6. The Witness Security Unit administers the Victorian witness protection program as well as managing the safety of persons (including witnesses), who have involvement with Victoria Police and who may be at risk of serious injury or death.
7. I am aware that Nicola Gobbo (**Gobbo**) was registered as an informer in 2005. I am aware that Gobbo was deregistered as an informer in 2009.
8. I am aware that in 2009 Gobbo made a statement to Victoria Police in relation to her relationship with Paul Dale and Dale's criminal activities (**Gobbo Statement**). In 2009, Paul Dale and Rodney Collins were charged with the murders of Terence Bernard Hodson and Christine Elizabeth Hodson.
9. Following deregistration as a police informer, I, and other members of the Witness Security Unit conducted a risk assessment of Gobbo in January 2009. I assessed the risks to Gobbo to be 'high'. This meant that I considered there was a likelihood that Gobbo was in danger of serious injury or death.
10. I assessed the risk to Gobbo to be high due to a combination of factors. These included the fact that Gobbo had made the Gobbo Statement; the fact that Gobbo had been a registered informer and was now going to give evidence against Paul Dale; and the fact Gobbo was in need of protection. Another critical factor in the risk assessment was the capabilities of Gobbo's criminal associates. It was not public knowledge at this time that Gobbo had made the Gobbo statement.
11. Various measures were taken by Victoria Police to protect Gobbo until 2011 when Gobbo's involvement with Victoria Police ceased.
12. No risk assessments were conducted in relation to Gobbo between 2011 and 31 March 2014 because there was no involvement between Gobbo and Victoria Police during that time, and there were no events that occurred that would result in a change to the risk assessment. The risk assessment therefore remained unchanged that Gobbo was at 'high' risk.
13. On 31 March 2014 I became aware of the publication of the following media articles in relation to 'Lawyer X':



13.1 'Lawyer a Secret Police Informer' from the *Herald Sun*, 31 March 2014 (1st edition); and

13.2 'Underworld Lawyer a Secret Police Informer' from the *Herald Sun* (online), 31 March 2014.

Now produced and shown to me and marked **RT-1** is a copy of the articles as referred to in paragraphs 13.1 – 11.2 of my affidavit.

14. I confirm that Gobbo is the person referred to as 'Lawyer X' despite her name not being revealed in the articles. I believe that the pseudonym of 'Lawyer X' was created by the media as I am not aware of Gobbo previously being referred to with this pseudonym by Victoria Police.
15. Because of the two media articles published on 31 March 2014 in relation to 'Lawyer X', I, and other members of the Witness Security Unit conducted a risk assessment of Gobbo on 31 March 2014.
16. I assessed the risks to Gobbo to be 'high'. This means that I consider there is a likelihood that Gobbo is in danger of serious injury or death. Part of the reason for this assessment was the content of the two media articles published on 31 March 2014.
17. Between 1 April 2014 and 2 April 2014, further media articles were published in relation to 'Lawyer X':
- 17.1 'Murder Probe Compromised' from the *Herald Sun*, 1 April 2014 (print and online versions);
- 17.2 'Gangsters "Betrayed" by Informer Lawyer' from *The Australian* (online), 1 April 2014;
- 17.3 'Mokbel "told of lawyer" informer' from *The Australian*, 2 April 2014; and
- 17.4 'Fight for Truth' from the *Herald Sun*, 2 April 2014 published through a media monitor feed.

Now produced and shown to me and marked **RT-2** is a copy of the articles as referred to in paragraphs 17.1 – 17.4 of my affidavit.

18. I was concerned that the following information published in the articles might tend to identify Gobbo as Lawyer X based on information that was already in the public domain. This information included:
- 18.1 publication of Lawyer X's profession as a lawyer or barrister;
 - 18.2 publication of the fact that Lawyer X has dealings with gangland figures;
and
 - 18.3 the fact that Lawyer X may have issued civil proceedings against the State of Victoria in relation to her dealings with Victoria Police which was settled for a settlement sum.
19. The articles also published the following details about 'Lawyer X' which was previously not previously in the public domain:
- 19.1 the allegation that Lawyer X was 'recruited to inform on senior crime figures for years' to Victoria Police (the inference being that Lawyer X is a registered Victoria Police informer);
 - 19.2 the allegation that Lawyer X 'pocketed a multi-million dollar payout to keep silent';
 - 19.3 the allegation that Lawyer X was a confidante of Carl Williams and mixed with Tony Mokbel;
 - 19.4 the assertion that Lawyer X became a witness in one of Australia's biggest criminal investigations where the case unravelled after another witness was killed;
 - 19.5 the assertion that Lawyer X did not give evidence in a Supreme Court trial run by the Commonwealth Office of Public Prosecutions which resulted in more than half the charges being dropped against the accused before the matter went to trial and ultimately meaning that the man was acquitted of all charges;
 - 19.6 the allegation that Lawyer X has been called as a witness in a forthcoming case; and

- 19.7 the inference that Lawyer X may have provided Victoria Police information on clients Lawyer X represented who were involved in serious and organised crime.
20. The risk assessment to Gobbo was reviewed after the publication of the further media articles on 1 and 2 April 2014. I assessed the risk to Gobbo to be 'high' based on information published in each independent media article as referred to in paragraphs 13.1 - 13.2 and 17.1-17.4 of my affidavit. I also assessed the risk to Gobbo to be high based on a collective review of all the information contained in the articles.
21. In my view, each piece of information published in relation to Lawyer X may have contributed to the public's ability to ascertain that Lawyer X is Gobbo, and therefore the publication of each new article and each new piece of information, increased the risk to Gobbo's safety.
22. On 1 April 2014, the CCP sought an injunction in the Supreme Court of Victoria to prevent further publication of information in relation to Lawyer X because each new piece of information published, and the republication of information in relation to Lawyer X, may have contributed to the public's ability to ascertain the identity of Lawyer X, and each new publication thereby increased Lawyer X's risk of serious injury or death.
23. On Friday 11, April 2014, the Supreme Court of Victoria made a permanent injunction in the Lawyer X proceeding on the application of the Chief Commissioner of Police.
24. On or about 19 March 2014, I was informed by the Coroner's Investigator that Gobbo might be called to give evidence at the inquest into the deaths of Terence Bernard Hodson and Christine Elizabeth Hodson (**Hodson Inquest**).
25. Paul Dale is an interested party to the Hodson Inquest. Victoria Police have identified Paul Dale as a threat to Gobbo amongst others.
26. I am aware that the Inquest Brief contains the Gobbo Statement and other documents relating to Gobbo and her involvement with Paul Dale.
27. I am informed by legal representatives of the CCP that it is unlikely that Gobbo will be called to give evidence at the Hodson Inquest.