

Naming of Australian lawyer police informant highlights top-level involvement

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After a decade of cover-up by police chiefs and successive governments, a police informer in the Australian state of Victoria, known previously to the public only as “EF,” “informant 3838” or “Lawyer X,” was this month named as Nicola Gobbo, a member of a prominent legal family.

Gobbo’s identity further points to the top-level and systemic use of lawyers and others to supply potentially incriminating information to police, regardless of the principle of lawyer-client privilege and other confidentiality rules.

Gobbo is the niece of a former Victorian Supreme Court judge, Sir James Gobbo, who sat on the bench from 1978 to 1994, and was later elevated to governor of the state, representing the monarchy, from 1997 to 2000. Both her sister and cousin, Sir James’ son, are high-profile lawyers as well.

The use of such a well-connected figure as an informant would hardly have occurred without the authorisation of the most senior police commanders, and possibly government ministers.

A procession of police chiefs, backed by one government after another, reportedly paying Nicola Gobbo \$2.8 million to inform on her clients in at least 386 cases. The police spent an estimated \$4 million or more on legal actions, all the way to the High Court, to keep her name hidden from the population, including convicted victims of her double life.

The police claimed that court suppression orders were essential to protect Gobbo from violent retribution from “crime bosses,” but her identity was already known in many such circles. In reality, the secrecy was intended to prevent the public from discovering the truth about the methods employed by the police.

Despite Gobbo’s self-serving claims that she only began assisting police in 2003—in response to supposed

gangland killings in Melbourne—police finally admitted that her career as a police informant began in 1995, when she was still a university student. That was a year before she was admitted to practice as a lawyer.

The evidence points to Gobbo being earmarked as an informer in 1993, when police dropped serious drug trafficking charges against her, linked to \$82,000 worth of amphetamines found at her home. Gobbo escaped any conviction, allowing her to later qualify as a member of the legal profession.

As a student, Gobbo was well-known. She was active in Labor Party politics, and editor of the University of Melbourne student newspaper *Farrago*. Ahead of the 1996 federal election, she achieved notoriety by falsely accusing a Liberal Party student activist, Scott Ryan, of forging letters that damaged Labor’s campaign.

Plea-bargaining deals, however, are not confined to well-connected individuals. They are common methods of recruiting police informers, who agree to testify or concoct evidence against their associates or clients in return for protection.

Court orders continue to prevent the identification of at least another seven informers within the legal profession. They are a court clerk, two legal secretaries, a solicitor, a former solicitor, a “self-proclaimed legal adviser” and a lawyer who has since died.

The scandal already has thrown a question mark over the myth that defendants are guaranteed fair trials with independent legal representation. Lawyers have denounced the “egregious” conduct of Gobbo and the police officers who utilised her services, with some saying accused people can no longer be confident that their lawyers are not collaborating with the police.

Alarmed leaders of the legal profession have sought to overcome the serious damage done to the reputation of lawyers and the legal system.

“In providing information to Victoria Police while a barrister, in breach of obligations of confidence she owed to clients, she committed fundamental and appalling breaches of her ethical obligations,” a Victorian Bar statement said. “Victoria Police also engaged in reprehensible conduct in knowingly encouraging her to commit those breaches.”

Victorian Bar president Matthew Collins added: “The public can and should have confidence in the integrity of the state’s 2,100 practising barristers, who take their ethical obligations very seriously and have been appalled at the revelation of the breaches committed by Nicola Gobbo.”

After backing the cover-up since it took office more than four years ago, the Victorian state Labor Party government called a royal commission inquiry. Nevertheless, Premier Daniel Andrews voiced full confidence in the police commanders who continued to sanction the employment of lawyers as informants.

The intended purpose of the inquiry, much of which will be held behind closed doors, is to keep as much information as possible out of public view, exonerate the police and give a green light to the continued use of informers.

In an opening statement, Commissioner Margaret McMurdo, a former Queensland Supreme Court judge, said it would be “problematic if the community doubted whether their police officers were honestly and conscientiously following lawful processes... The criminal justice system would regress into a dysfunctional, far more costly, clogged quagmire of universal distrust.”

That was not to say the use of police informants was “necessarily inherently improper,” McMurdo said, however, noting it was “far from it.” She said the “obtaining of intelligence” from informers was “an age-old and important policing resource.”

The judge added: “It is especially useful in today’s post 9/11 world where the community expects its police services to prevent serious crimes, including terrorism, before they occur.”

In fact, police informers, including undercover infiltrators and provocateurs, have been responsible for most of the convictions linked to alleged terrorist plots, raising the possibility of police entrapment to support the fraudulent “war on terrorism.”

McMurdo said her inquiry would attempt to

“maintain the community’s trust and confidence in its police service” by recommending “just, clear, comprehensible, consistent and practical rules and processes” for “informers and their police handlers alike.”

In other words, by purporting to regulate the employment of lawyers as informants, the royal commission will seek to legitimise the growing use of informers more broadly.



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