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Royal Commission into the Management of  
Police Informants

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Statement of Robert Richter QC

1. My full name is Robert Richter. I am a Barrister specialising in criminal law, having signed the Bar roll on 5 August 1971. I was appointed Silk on 26 November 1985. I am one of the founding members of Crockett Chambers, currently located at 530 Lonsdale Street, Melbourne. I have previously served as Chairman of the Criminal Bar Association, President of the Victorian Council for Civil Liberties, part-time Law Reform Commissioner for Victoria and member of Bar Council.
2. I make this statement in response to a request from the Royal Commission into the Management of Police Informants.
3. Nicola Gobbo was a member of our chambers. I do not recall when she joined our chambers. I believe it was sometime in 2005. In approximately late 2008, she was asked to leave our chambers. Philip Dunn QC, another founding member of our chambers, raised concerns amongst members of chambers who formed the view that Ms. Gobbo was engaging inappropriately with clients in and out of chambers. These concerns were shared by me. There were observations as well as rumours circulating about Ms. Gobbo's personal intimacy with her clients, other people's clients and police officers – in professional as well as private contexts - which we considered had the potential to give rise to conflicts of interest because her conduct seemed to lack discretion and a sense of what was appropriate. She also made reference to her sexual prowess with both clients and police. When I referred to 'conflict' in this context, I did not mean intentional betrayal of confidences or duty but rather an inability to judge boundaries of propriety. She appeared to be simultaneously troubled and brash. She suffered chronic pain in her jaw which she said required on-going use of strong pain relief.
4. When her car was set alight in South Melbourne, a consensus evolved among members of chambers that she should leave. It appeared that the episode related to serious enmity between Ms Gobbo and another member of the legal profession. I recall that Ms. Gobbo did leave our chambers without the need for formal process. I do not recall where she went.

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5. I related to Ms. Gobbo as a member of chambers but we were not friends. We did not socialise unless we were both present for chambers occasions and functions, or we would greet each other in passing in the common areas of Chambers or in Court precincts and ask how things were going. Nicola had a level of notoriety because she courted “heavy” clients, with whom she regularly and very prominently met at ‘Wheat’ restaurant, located underneath our chambers. She was not my junior barrister of choice. I have no specific recollection of working with her on any specific matters other than the brief to defend Faruk Orman. She may well have briefed me when she worked as an employee solicitor but there are no matters which come to mind as having any particular significance. My regular and chosen juniors at that time she was at Crockett were Chris Boyce (now Chris Boyce SC, Crown Prosecutor), Michael Croucher (now Justice Croucher), Mandy Fox (now a Judge of the County Court) among others. I recall that Ms Gobbo was regularly junior to Con Heliotis QC, who first introduced and recommended her to our chambers when a room became available.
6. I recall having Ms. Gobbo as my junior in one matter, being the prosecution of Faruk Orman for the murder of Victor Peirce. We worked on this case sporadically between 2007 and 2009. My recollection was that Ms. Gobbo had acted for Mr. Orman prior to the time he was charged with the murder and that she contacted him at the time of his arrest or shortly thereafter. Mr. Orman’s solicitor at that time was Brian Rolfe, of Galbally Rolfe, who briefed Ms. Gobbo as my junior in the matter. I was not consulted about the choice of junior but I had no objection to her being briefed given that she knew the client and had acted for him previously.
7. In preparing this statement, I have sought some information from Ms. Ruth Parker of Galbally Rolfe, who has access to materials arising from Mr. Orman’s matter. She had access to all the documentary material and I asked her about some dates and sequences in his matter because I had none of the relevant papers. I have not retained any documents relating to that matter having returned my brief, together with any conference notes and annotations, many years ago. I have not had the opportunity to search my court books relating to the case but these merely contain notes taken of evidence in and during court proceedings. My fee book is available and records all fees charged during my retainer. I had lung surgery 3 January 2018 and on 6 May and was recovering at home until attending a judicial welcome on 9 May. Thereafter I resumed active practice.
8. Of the many matters in which I have been engaged throughout my practice, Mr. Orman’s conviction is one of only 3 matters which have caused me grave concern since the jury returned their guilty verdicts. Orman was convicted in September 2009. It is my hope

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that this Royal Commission will closely examine the circumstances of Mr. Orman's case with a view to determining whether the actions of Ms. Gobbo and/or members of the Victoria Police and/or the prosecuting team, adversely and/or improperly impacted his prosecution whether by failing to discharge professional duties or by causing evidence to change so as to overcome obvious falsehoods in the evidence of the witness [REDACTED] whose evidence was central to the prosecution case.

9. Mr. Orman was charged with the murder of Victor Peirce on 22 June 2007. Victor Peirce was murdered in Bay Street, Port Melbourne, on 1 May 2002. The Brief of Evidence was served upon Galbally Rolfe in the latter part of 2007. Brian Rolfe briefed Ms. Gobbo to consider the Brief of Evidence and provide an advice in relation to the strength of the Crown case and what disclosure requests/subpoenas should be drafted. I was approached at around that time to appear for Mr. Orman when his matter was listed for Committal and Trial.
10. My recollection is that Ms. Gobbo was prominently involved in obtaining instructions from Mr. Orman, who was on remand, and discussing the nature of the evidence with him. My infrequent prison visits were always in company with an Instructor.
11. There were also a number of administrative and subpoena hearings in the Melbourne Magistrates' Court, where Ms. Gobbo appeared on behalf of Mr. Orman. Most specifically, I recall that we were seeking statements, materials and transcripts relating to [REDACTED]. Essentially, the entire case centred on the evidence of [REDACTED] who claimed that, on 2 May 2002, Faruk Orman and Andrew Veniamin [REDACTED] [REDACTED] had (together) murdered Victor Peirce. The [REDACTED] account was that Orman was Veniamin's driver and that Veniamin was the shooter. The motive alleged by [REDACTED] was that Veniamin had killed Frank Benvenuto in 2000 and Benvenuto's good friend, Victor Peirce, had learned of this. It was alleged that Veniamin, having learned that Peirce was intending to take action against him, decided to get in first and kill Peirce. The evidence of motive came exclusively from [REDACTED] as did a description of the incident which [REDACTED] alleged <sup>PII</sup> [REDACTED] and which made no coherent sense to me.
12. The genesis and development of [REDACTED] evidence were matters we had to explore because our instructions were that [REDACTED] evidence was false. We were aware that he had given evidence in exchange for a significant discount in sentence. We had no idea he'd become [REDACTED] a number of matters. We later became aware that,

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in fact, he had at least [REDACTED] (from recollection) as well as (I think) [REDACTED] matter. Accordingly, he was sentenced to a [REDACTED] when arguably the charges he initially faced would have merited life imprisonment with something like 30 years before parole eligibility. I am informed by Ms. Parker that [REDACTED] is [REDACTED] and [REDACTED] to [REDACTED]

13. At Committal as well as Trial, the defence was anxious to secure notes, transcripts and recordings of [REDACTED] interactions with Police, the Office of the Chief Examiner and the Australian Crime Commission together with draft and jurated statements he signed in relation to Pierce and various related matters. Given that his was the only real evidence capable of securing a conviction of Mr. Orman, in circumstances where the vast body of other evidence was contradictory or purely circumstantial, [REDACTED] credibility was thus central to the proceedings.
14. It was apparent at all times that the Victoria Police were attempting to protect [REDACTED] from scrutiny and criticism. I recall that there were protracted subpoena arguments arising from incomplete production of materials relating to [REDACTED] public interest immunity claims arising from the call for production of documents, heavy redactions to documents and non-disclosure of occasions when [REDACTED] had spoken to law enforcement agencies. I was not principally involved in these arguments until Trial, because Ms. Gobbo was briefed to argue for the disclosure of materials relating to [REDACTED] I am now aware that [REDACTED] had been [REDACTED] on a number of occasions prior to Mr. Orman being charged. I can only recall having one examination disclosed to the defence, which was heavily redacted. I do not recall having been advised by either the Police or the Prosecution that [REDACTED] was in fact examined on some [REDACTED] occasions. The content of these examinations would have been most relevant, had they been disclosed prior to Trial.
15. I had not the slightest inkling that the real efforts at resisting proper disclosure were directed at protecting Ms Gobbo's efforts, in concert with police, to get [REDACTED] to do a deal and tailor/alter his evidence as well as to try and persuade Orman to betray Dominic Gatto.
16. I was disgusted to read a letter published last year in the press, which Ms. Gobbo wrote to Assistant Commissioner Fontana, wherein she claimed credit for turning [REDACTED] into [REDACTED] witness and securing the conviction of Faruk Orman. At no time did I ever have knowledge, or reason to believe, that Ms. Gobbo was a Police Informer.



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I cannot recall whether I was told that Ms. Gobbo had some prior unrelated involvement with [REDACTED] in any retained capacity. I had no knowledge or reason to believe that she had any disqualifying affiliation with [REDACTED]. I have a recollection of asking her whether she felt in any way conflicted by prior association with [REDACTED]. I cannot recall why I asked her but I do recall being assured that there were no issues of conflict.

17. At no time did I have reason to be concerned that Ms. Gobbo was conflicted in acting for Mr. Orman because of any previous interactions with [REDACTED]. However, I was not informed of the extent of her involvement with him. Had I had any reason to believe that her involvement with [REDACTED] put her in a conflicted situation, I would have required that she be removed from the case. Mr. Orman maintained his innocence of the murder of Victor Peirce throughout the entirety of the proceeding and, had I known the depth of Ms. Gobbo's involvement with Police or her duplicity, I would have reported her to the relevant authorities and advised the Court. I am appalled to think that her role as a human source produced a situation in which both police and [REDACTED] were kept informed of every move the defence was planning in the conduct of Orman's defence. I am now of the view that the prosecution of Orman was constructed with awareness of at least two central issues which demonstrated concoction by [REDACTED] with or without assistance by Gobbo, police investigators or anyone else. I respectfully ask that her treachery, in concert with others, be investigated because from what I have now learnt – mainly from the media – there was clearly, in the matter of Orman, a broad conspiracy to pervert the course of justice.
18. Between the service of the Brief of Evidence and the Committal Proceedings, Mr. Orman changed solicitors. He retained Alistair Grigor, who remained his solicitor until the conclusion of his Trial in September 2009. I have had the benefit being told by Ms Parker that Ms. Gobbo appeared for Mr. Orman in the Magistrates' Court on at least a number of occasions in 2007. In addition, it is clear that Ms. Gobbo attended upon Mr. Orman and sought his instructions in the absence of an instructor on a number of occasions. Ms. Gobbo was regularly briefed by Mr. Grigor to assist with the 'ground work' in his matters.
19. I appeared for Mr. Orman at his Committal proceedings, which commenced on 12 March 2008 in the Melbourne Magistrates' Court, instructed by Mr. Grigor. Ms. Gobbo was not briefed to appear as my junior at the Committal. However, I recall that she assisted me to prepare for the Committal (including preparing summaries of evidence and discussing the case with me) and that she was present in Court for at least part of the Committal. My recollection is that she was not briefed to appear as my junior at the Committal. I appeared

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without a junior and was instructed by Mr. Grigor. I recall that Ms. Gobbo was, however, frequently present in Court as a spectator, given her ongoing involvement in the case. Mr. Horgan SC prosecuted Mr. Orman, and his Junior was the then Mr. Andrew Tinney.

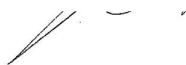
20. I recall cross-examining [REDACTED] at Committal. At some stage during his cross-examination, [REDACTED] conceded that he had perjured himself before the [REDACTED] and, thereafter, stated that he wanted to seek legal advice. When he returned to give evidence, he answered many of my questions with the response "I can't recall". However, of significance was the fact that he maintained in his evidence that at the time of the Peirce murder, [REDACTED] was living at [REDACTED] and that shortly after the killing, [REDACTED] and [REDACTED] came to [REDACTED] and [REDACTED]
21. The reason why this was significant was that we had sourced information from the Melbourne City Council that the construction of [REDACTED] was incomplete in May 2002 and that the first certificate of occupancy for the building was not issued until July 2002. Accordingly, it was not possible that [REDACTED] was living there at the time of Victor Peirce's murder. I have no specific recollection of sharing this information with Ms. Gobbo; however, as a member of the defence team she knew about this crucial fact and its potential impact on [REDACTED] credibility.
22. I recall that, during the Committal, I called for transcripts of [REDACTED] evidence at the [REDACTED] given that [REDACTED] had referred to that evidence. I also cross-examined the Informant, Boris Buick, about the non-disclosure of these transcripts and other documents relating to [REDACTED]
23. Between the Committal and Trial, I believe that Ms. Gobbo continued to work with me on the Orman matter, as she was originally briefed to be my junior in the Trial. It was initially listed to commence in the Supreme Court in October 2008. However, due to the passage of time, I have no recollection of what it is we discussed or what preparation we undertook together. The Trial date in October was vacated, because Mr Vincent Benvenuto was charged as a co-accused in the murder of Mr. Peirce in or about August 2008. Accordingly, Mr. Benvenuto had to proceed through the Magistrates' Court Committal stream before joining Mr. Orman at Trial.
24. Ms. Gobbo appeared at Directions and Administrative Hearings before the Supreme Court on several occasions on behalf of Mr. Orman.

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25. In early 2009, I recall that Ms. Gobbo left the bar. Initially, I was told that it was due to her poor health. Media reports in relation to Paul Dale later revealed that she had entered witness protection in or around March 2009. Since she left the bar, I cannot recall seeing her again other than once passing by in Lonsdale street as I was heading to court. I think it was at the time when there were settlement discussions relating to her action against Vicpol and the State for failing to protect her identity.
26. Mr. Orman was found guilty of the murder of Victor Peirce following a Trial in September 2009. He has been in custody since 22 June 2007. His non-parole period is due to expire on 22 June 2021. Of the gravest concern to me during the Trial was that [REDACTED] version of events developed to a point where I held suspicions that he had been tutored in the giving of his evidence and had fore-knowledge of what he would be cross-examined about. For example, in his examination in chief, for the very first time, he recalled that he was not living at [REDACTED] at the time of the Peirce murder. In fact, he was living in [REDACTED] This was completely contrary to the evidence given in his two witness statements and at the Committal. He must have been told that we had evidence about the dates for occupancy at [REDACTED] That must have come from Ms Gobbo reporting to her handlers.
27. I have not seen any of the numerous Information Reports referable to her activities and know no more than has been reported including the caution by her and police that I must not find out she'd been lying to me.
28. Whilst I have no evidence to substantiate my suspicions, I do believe that [REDACTED] was told, amongst other things, that he would be cross-examined about the fact that [REDACTED] [REDACTED] hadn't been finished at the time of the alleged confessions. I am not directly aware as to whether Ms. Gobbo provided that information to [REDACTED] or the Police and/or others concerned with prosecuting the matter because I have not seen any of the relevant Information Reports. I do know that it improperly undermined the defence.
29. It is clear to me that [REDACTED] completely changed his evidence to include a new allegation that Orman [REDACTED] I believe that was an invention to which police contributed.

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30. Another matter which concerned me was the fact that we had obtained toll records which showed that the murderer's vehicle did not pass any toll points – contrary to [REDACTED] description of the route he says Orman took. This led the prosecution to procure evidence of how it could have been that there were no video or toll records about the car's movements. The evidence they cobbled together was risible.
31. In the course of his evidence, [REDACTED] in a completely unresponsive answer said that [REDACTED] Given that Vienamin was known to be a professional hit man, I sought a discharge of the jury. This was at a very early stage of what was to be a long case. Justice Weinberg dismissed my application. I have always wondered whether [REDACTED] dropped this bombshell unaided and untutored as part of his pact to "get Orman".
32. The contents of this statement reflect, to the best of my recollection, the entirety of my involvement with Ms. Gobbo. To me, the Orman trial was always a source of deep misgivings and ruminations involving speculation about gross and possibly criminal breaches of duty and misconduct by a number of people. It came as a shattering revelation to me that Ms Gobbo, acting in concert with her handlers and others procured a corruption of our system of justice which resulted in a young man spending 12 years, thus far, in prison. I was aware that Orman had been terribly treated in prison because he refused a police/prosecution deal which would involve him creating evidence against Dominic Gatto. What I and Orman didn't know was that his Junior Counsel was a police informer seeking to manipulate him and was deceiving and sabotaging his Senior Counsel's efforts to defend him.
33. If can be of any further assistance to the Royal Commission, please do not hesitate to contact me.



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