

This document has been redacted for Public Interest Immunity claims made by Victoria Police.
These claims are not yet resolved.

Statement of WARREN HUGH PEACOCK, address known to the Commission.

I was admitted as a Solicitor in Victoria in 2000.

I am currently employed by a Statutory Authority.

The content of this statement represents my own personal view from my own recollections. I hold no documentary evidence to substantiate anything asserted as these matters relate to a period of between 10 to 16 years in the past. I do not provide permission for this statement to be posted on any website.

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- 1 I did not become aware that Nicola Gobbo was a police informer until the 3838 revelations appeared in the media and the suppression orders were lifted.
 - 2 I believe I first met Nicola Gobbo in 2003. She was representing a co-accused of my client, David Waters, at a Committal Hearing at the Melbourne Magistrates' Court. Mr. Waters, an ex-police detective, was charged with drug trafficking. There was a number of other co-accused whom were separately represented.
 - 3 In October, 2003 the police attempted to coerce Mr. Waters into making a false statement in relation to another ex-police detective, Wayne Strawhorn. This resulted in a 56A application in the Melbourne Magistrates' Court. Mr. Waters was required to provide oral evidence. Prior to this occurring there had been one or two adjournments, because of Ms. Gobbo's unavailability, and I appeared at the Court for, at least one adjournment application, I believe Her Honour Ms. Hannon was presiding. The Informant in the 56A application was then, Det. Inspector Peter de Santo.
 - 4 I became friendly with Nicola Gobbo after that time. I was acting as a solicitor and would often see Nicola at the various Courts. I would sometimes see her walking along William Street and we would talk and I believe we would have coffee and then we started to have drinks on occasion at the hotels around the city courts. These occasions were almost always when other people were in attendance. These were other lawyers, police, David Waters and members of a group of mutual friends.
 - 5 Nicola was a high-profile barrister when I met her. It was well known whom she counted among her clients and she would often relate events concerning her representation of them.
 - 6 I was aware of Nicola's family connections and of her prestigious education. I think we talked about her school days at Genazzano on one occasion because I was interested, as I had attended Scotch College.
 - 7 Nicola told me that it was her ambition to become the youngest female lawyer to take silk in Victorian legal history. I told her that in my view she was well on track to achieve that ambition. She seemed to me to be well connected, she had an extensive knowledge of the law, was good on her feet and seemed to work very hard.
 - 8 I was very pleased early on, as a fairly newly admitted solicitor, to be told once by Nicola that I myself was good on my feet after she happened one day to be in Court where I was appearing. I valued her accolade and held her in high regard as a person and a lawyer.
 - 9 I had every confidence that she held the interests of her clients as paramount, and acted within her duty as an Officer of the Court.

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- 10 I do not mean that the rough and tumble of the criminal law is an environment where everyone acts impeccably ethically as I know from my own experience that it is not just criminals who manipulate the so-called justice system. I have seen and heard police, lawyers and members of the Crown service perjure themselves on oath and in documentary evidence.
- 11 Notwithstanding that, whatever manipulation I thought Nicola would be involved in was in the usual practice of the criminal law, as it was and is with many criminal lawyers, and was part of the game that needs to be played in the interests of clients.
- 12 It was not until later, and I'm not exactly sure when, that I started to wonder about Nicola. She would talk of her life-style, of late-night drinking and socialising with undesirable criminals, albeit clients.
- 13 In those years a lot of lawyers and police and members of the OPP would frequent city hotels after court. I would often be there with David Waters and a host of others. Lunchtime on Fridays was particularly well frequented. Nicola would sometimes be in whichever hotel it might have been although usually not to have a long lunch as we did.
- 14 In time I began to talk to Nicola about representing clients of mine who were charged with serious drug offences as that was her forte.
- 15 On one occasion I was acting for a client called Paul Duncan. I briefed Nicola to act as Counsel. We met in her chambers on the golden mile. I think we went to the Wheat Cafe which she liked to frequent. Paul had been pinched, arrested, in possession of thousands of pills, I think they were ecstasy tablets. I think this was in June, 2005. It wasn't long into the case that I was stood down. I thought at the time that perhaps Paul didn't think I was experienced enough although in effect I was only doing the groundwork and Nicola would be running the matter.
- 16 I was never told why I was stood down. I now believe that it was because she was concerned about me becoming too close and not agreeing with what she was doing. Paul Duncan went to a dealer to purchase about 20 pills, the dealer apparently told him to take several thousand for some reason. Paul took the stash and went out and was arrested down the street. It was obvious he was set up. Perhaps the dealer brokered a deal with police for his own benefit and in so doing set up users and minor dealers. Nicola, I believe, advised Paul to plead guilty, which surprised me. He did so and I think he received 6 years in prison and served about 2.5. I since learned that Nicola then represented the dealer who had given the gear to Paul, I believe his name was George Cancer. This reeked of police intervention and of Nicola's inside dealing, outside of her ethical responsibilities.
- 17 That Nicola was involving herself in nefarious dealings came to my attention when she represented my client, Mr. Waters, in the 2003 56A application. She was in fact breaching her oath as a lawyer and passing privileged information to the police. She pretended to be acting in the best interest of Mr. Waters yet was providing the Informant with privileged information that she had received from David Waters, her own client. This became apparent in the examination of Waters when he gave evidence as questioning was based on information the prosecutor could only have been in possession of if it had come from Waters, which it would not have, and so it obviously had been passed on by Nicola Gobbo. This I believe was verified in the current Royal Commission by the admission of IR reports written by the Informant, then, Det. Inspector de Santo.

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- 18 This is an example of the corruption of the justice system that I referred to earlier. The police were aware that what they wanted Waters to write in a statement was untrue and it was their intention, had he made the untrue statement, to produce it in Court proceedings, presumably against Strawhorn, and in so doing knowingly pervert the course of justice. Added to that Insp. de Santo knew that Nicola Gobbo was acting for Waters and therefore knew she was in breach of her duty as a lawyer, and to the Court, by providing him with privileged information.
- 19 The Crown prosecution service was also complicit as the prosecutor would have been aware from where Insp. de Santo was obtaining his information and failed to inform the Court of the conflict. This seems to me to be a breach of the duty of the OPP, as well as a breach of its duty to put forward exculpatory evidence.
- 20 Before this Royal Commission began I was of the view that when the matter of the so-called vampire began the Purana Task Force and Ron Iddles were encouraged by Simon Overland, and probably Ms. Nixon, to find a link between the gangland killings and police. Mr. Overland referred to this link as 'the smoking gun' and it is my belief that his personal motive was to obtain the kudos of exposing such a link to enhance his prospects of becoming Chief Commissioner.
- 21 To achieve this Overland and Iddles, I believed, decided to illegally implicate David Waters and Peter Lalor in conspiracy to murder the vampire. I now believe that the ulterior motive for fabricating evidence against Waters and Lalor was that the police hierarchy were concerned that Waters would find out that Nicola Gobbo was a police informer from his friend, [REDACTED] who was then a serving police officer in human resources.
- 22 Peter Lalor was also a serving police detective at that time. Ms. Nixon hated Lalor over the 'Kit Walker' affair which was part of her vendetta against the then Police Association Secretary, Paul Mullett.
- 23 [REDACTED] was, and is, a dreadful criminal and liar. He is in prison for murder. [REDACTED] and Waters were known to each other, as criminals and detectives often are. In [REDACTED] Overland, Nixon and Iddles found the conduit with which to fabricate evidence against Waters and Lalor and charge them with conspiracy to murder.
- 24 Nicola Gobbo, I now believe, was recruited to help execute the plot.
- 25 [REDACTED] confessed to the murder of the vampire. This obviously was a complete lie and the police hierarchy knew it. It was well known who the main suspect of the murder was and he was also charged. The police were so intent on fitting up Waters and Lalor that the murderer of Shane Chartress-Abbott (the vampire) has not been convicted. Waters and Lalor were never charged. [REDACTED] described how he shot the vampire. This description did not fit the forensic evidence in any way at all and showed him to be perjuring himself. The police knew the details of the forensic evidence and chose to ignore it, and the fact that [REDACTED] was lying to the Supreme Court.
- 26 [REDACTED] would say anything to receive an extra roast potato on a Sunday. The police exploited that and [REDACTED] made about 5 statements (at least one of which had several addendums) on the circumstances of the murder. Each time his evidence did not match up with what Iddles and Overland wanted to use to fit up (illegally charge using fabricated evidence) Waters, I believe, they fed him revised information which he included in his next statement to try to better create a false scenario.

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- 27 I am of the view now that they used Nicola Gobbo to transmit to [REDACTED] what they wanted him to put in his statement. Over the 5 statements [REDACTED] changed dates and locations and suddenly developed a recollection of matters that he had not mentioned previously. These all seemed to miraculously implicate Waters.
- 28 I believe that Waters and Lalor never had any knowledge of, or association with the so-call Vampire.
- 29 They were maliciously implicated by [REDACTED] He did this as he a personal grudge against Waters. It also benefited him personally as he was taken on outings outside prison and was able to meet with his partner, [REDACTED]
- 30 [REDACTED] was encouraged in his falsehoods by the senior police involved. The most inexperienced investigator would have been able to see that his accounts of the murder were lies.
- 31 During the period leading up to the vampire trial Nicola Gobbo would sometimes approach me. I would wonder why she, a high-profile barrister, would want to associate with me. I now know why. At the time she would ask me about Waters, and by extension, Lalor. She would ask what his strategy was to refute the latest set of lies that [REDACTED] had been put up to making. I thought she was doing so because she was to represent David Waters as a barrister. She would often provide him with legal advice and I thought she was on our team, that she was concerned for him. I now believe that she was an agent provocateur for the police and betrayed his trust and her duty as a lawyer. I now believe that she was providing him with false information which had been given to her by the Purana task force. There seemed to be no end to the perversion of justice.
- 32 Nicola Gobbo had accepted an implied retainer to appear for Dave Waters in a bail application in the event that he was arrested. This was around September, 2007 after Waters had appeared at an OPI hearing.
- 33 I have read the unsigned statement purported to have been written by Nicola Gobbo on 21st May, 2009, the so-called Bali statement. This statement mentions me by name and alleges that I was with her and Waters at certain venues. The statement seems to me to be very poorly cut and pasted. It seems that sections of it are photocopied from another PDF document. The font sizes are different and spacing between the words varies. Ron Iddles, I thought, said that he took that statement and said that he didn't have her sign it because he didn't want her to be blown as an informer. The statement has Mr. Waddell's name on the bottom. The questions arise, did Nicola Gobbo make the statement as Mr. Iddles says, who added to the statement, as it seems to me that someone has, and has anything been deleted?
- 34 Perhaps the content of this statement was put forward by way of affidavit to support an application for telephone intercepts. If so, it would be another blatant example of disregard for the law.
- 35 These are people entrusted in public office, sworn to uphold the law.
- 36 The references to me in the 'Bali' statement are completely false. I do not ever recall being at the Mitre Tavern with Nicola Gobbo. In her purported statement she says I was with her and Waters at the Mitre Tavern on 19th September, 2007. On that date I had an appointment in Kilsyth with two people, one of whom was a Priest, regarding a sex-offending matter, the appointment was at 1030 hours. The allegation that Waters told Gobbo, in my presence, that he (Waters) had something over a police officer involved in the vampire investigation is completely false. Waters never told Gobbo in my presence that he had telephoned the Magistrates' Court pretending to be a solicitor and obtained the vampire's address over the

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- phone. I do not believe Waters ever rang the Magistrates' Court for such a purpose, this is a complete fabrication on the part of Gobbo, if indeed she did write that statement. The allegations about the other parts of the conversation, during which I was purported to be present, are completely untrue. The assertion that Waters whispered to her in order that I could not hear is completely false and once again designed to paint Waters as some sort of conspirator.
- 37 I recall drinking with Nicola Gobbo in the Metropolitan Hotel opposite the County Court, the Great Western, which was in Little Bourke Street, down from the Supreme Court and perhaps the Wheat Cafe. There may have been other venues where we were together however the Mitre Tavern was not one that I recall.
- 38 That senior members of the police force were prepared to pervert the course of justice to further their personal ambitions is reprehensible. The calibre of these people, and Nicola Gobbo, is evident in that they slept peacefully in their beds knowing full well that an innocent man was in gaol. Faruk Orman seems to have been set up by Gobbo with assistance from police. The human resources offices provided information to Purana which was passed on to corrections to torture Orman while he was in prison. This information came from Nicola Gobbo.
- 39 Nixon, Overland and Iddles were prepared to do the same to Waters and Lalor. These are family men with children. These men and their families were put under immense stress and anxiety, under fear of arrest for something with which they had no connection. Waters' young daughter was ridiculed at school and told that her father was a murderer. His wife is a highly regarded and decorated serving police officer. The torment she suffered over these concoctions is immeasurable.
- 40 When I last saw Nicola Gobbo, and I can't quite remember when that exactly was, she and I were having a drink in the Metropolitan Hotel. Nicola began to cry uncontrollably. Naturally I wanted to help and asked what it was that was upsetting her so much. She wouldn't say. I told her that we knew many people who would help with whatever it was. She couldn't say, and I now know why. She was in too deep. The next thing I heard was that she was in witness protection.
- 41 I myself was stressed and anxious throughout this period. I believe it likely that my phone was off (tapped) which is an unjustified breach of my privacy. I was ostracised by lawyers who believed I was associating with a murderer.
- 42 I believe I lost work and my reputation suffered.
- 43 An old friend of mine, with whom I had worked at ASIO, was sent to see me. I hadn't seen him for years. He confronted me in the street and wanted to talk about Waters and the vampire. I immediately knew he was wearing a wire. I told him the truth, which was that Waters and Lalor are not silly enough to make a pact with the devil, [REDACTED] and implicate themselves in murder for the fabulous gain of \$750 each. My relationship with my old friend is permanently fractured.
- 44 I attended the funeral of my old school friend from Scotch, Stephen Sherriffs QC. At the reception I was shunned by lawyers and old-Scotch boys because of my association with Waters.
- 45 All this was completely unjustified as Waters and Lalor were known not to be involved by the police who were attempting to implicate them for their own benefit.

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- 46 I had to counsel Waters and to some extent Lalor, for several years, I had to assure Waters' wife and elderly mother, and his many friends.
- 47 This took a personal toll on me as well.



WARREN HUGH PEACOCK

2nd October, 2019