

Submission on behalf of **Pasquale Barbaro** to the
Royal Commission into the Management of Police Informants

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 Filed on behalf of: Mr Pasquale Barbaro
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- 1 On 1st December 2011, the applicant pleaded guilty before her Honour King J to an indictment that contained a single charge each of conspiracy to traffic a commercial quantity of MDMA,¹ trafficking in a commercial quantity of MDMA,² and attempting to possess cocaine.³
- 2 A plea in mitigation was conducted on 19th and 20th January 2012, and 23rd February 2012, her Honour sentenced Mr Barbaro was sentenced in accordance with the following table:⁴

Charge	Offence	Maximum	Sentence	Cumulation
1	Conspiracy to traffic in a commercial quantity of a controlled drug [MDMA]	Life	Life	Base
2	Trafficking in a commercial quantity of a controlled drug [MDMA]	Life	23 years	Concurrent
3	Attempt to possess a commercial quantity of a boarder-controlled drug [Cocaine]	Life	20 years	

¹ *Criminal Code* (Cth), ss 11.5(1) and 302.2(1).
² *Criminal Code* (Cth), s 302.2(1).
³ *Criminal Code* (Cth), ss 11.1(1) and 307.5(1).
⁴ *DPP v Barbaro & Zirilli* [2012] VSC 47 (King J).

Total effective sentence	Life imprisonment
Non parole period	30 years imprisonment
Pre-sentence detention	1249 days
Section 6AAA declaration	Life without parole

- 3 Following his sentence, Mr Barbaro appealed both to the Court of Appeal,⁵ and to the High Court.⁶ Each of those appeals was dismissed.

Background

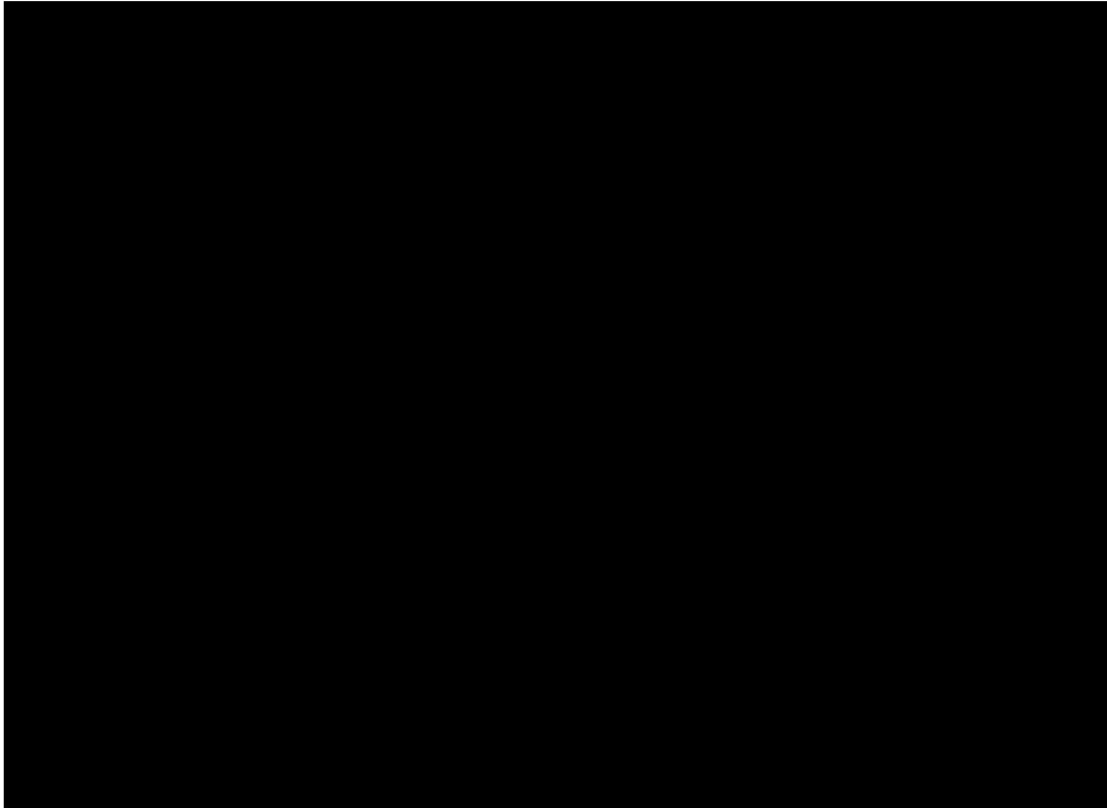
Commonwealth offences

- 4 On 8th August 2018, Mr Barbaro was arrested along with co-offender Rob KARAM ('Karam') in connection with drug offences referred to above.
- 5 Immediately following his arrest, Mr Barbaro was represented by solicitor, Mr Joseph ACQUARO. On the strength of a recommendation by Karam, Mr Barbaro instructed Mr Acquaro to brief Nicola GOBBO as counsel in his case. While Mr Barbaro had been represented by Mr Acquaro in the past, he had not previously had any dealings with Ms Gobbo and had never been represented by her.
- 6 In the days following his arrest, the applicant was remanded in the cells at the Melbourne Magistrates' Court. While there, Ms Gobbo and Mr Acquaro visited him almost daily. During these visits, the applicant would seek legal advice from Ms Gobbo and Mr Acquaro.
- 7 At the applicant's initial bail application, he was represented by Mr Robert RICHTER QC and Ms Gobbo. The application was unsuccessful. Between September and December 2009, the applicant had regular contact with Ms Gobbo and Mr Acquaro. That contact was both in person and by telephone. The purpose of that contact was to discuss his case and prepare for further application for bail.

⁵ *Barbaro v The Queen; Zirilli v The Queen* [2012] VSCA 288 (Maxwell P, Harper JA and T Forrest AJA).

⁶ *Barbaro v The Queen; Zirilli v The Queen* (2014) 253 CLR 58 (French CJ, Hayne, Kiefel, Bell and Gageler JJ).

- 8 On 19 December 2008, the applicant was granted bail. In that renewed application, he was represented by Mr Con HELIOTIS QC and Ms Gobbo. Ultimately, however, the Commonwealth Director of Public Prosecutions ('CDPP') appealed the decision to grant bail, and on 6 February 2009 Forrest J upheld the Director's appeal.⁷ The applicant sought to appeal that decision but was ultimately unsuccessful.⁸



Disclosure and why Mr Barbaro's case may have been affected by Ms Gobbo conduct

- 12 Documents provided by the Commonwealth Director of Public Prosecutions say, among other things, that:
- 12.1 '[On] occasions legal privileged or otherwise confidential information...was disseminated to police units then engaged in investigating activities of [Ms Gobbo's] clients with a view to prosecution and or engaged in the prosecution of such clients', and

⁷ *DPP v Barbaro* [2009] VSC 27 (Forrest J)

⁸ *Barbaro v DPP (Cth)* (2009) 20 VR 717 (Maxwell P, Vincent and Kellam JJA)

- 12.2 Ms Gobbo 'maintained daily contact with one of the six different handlers who obtained assessed, and disseminated information provided by [her] to the benefit of various taskforces', and
- 12.3 Ms Gobbo provided 'consistent and valuable criminal intelligence' that was obtained from her interaction both 'professionally and socially' with criminal clients and associates. Further she provided '*ex tempore* ... legal advice outside usual professional business settings'.
- 13 In respect of Mr Barbaro's matters specifically, it is clear that Ms Gobbo's involvement as a human source or police informer pre-dated her involvement with Mr Barbaro. Further, it is clear that she was aware of an operation relating to the importation of drugs from her dealings with Karam as his legal adviser. Moreover, Ms Gobbo provided information, including a shipping manifest, to police that related to his offending.
- 14 By the time Mr Barbaro had instructed Mr Acquaro to brief Ms Gobbo as Counsel in his case, she had already been involved in the providing of critical evidence to police, obtained from a client and co-offender of Mr Barbaro, about that very case.
- 14 Documents also disclose that the 'Purana Taskforce' was one of the taskforces that was a recipient of information and intelligence provided by Ms Gobbo. As noted above, it was the Purana Taskforce who were investigating Mr Barbaro in respect of the charge of conspiracy to murder.
- 15 What is abundantly clear from limited disclosure provided, is that at all relevant times while representing Mr Barbaro, Ms Gobbo was providing information about her clients to police.
16. Mr Barbaro would like this submission [REDACTED]
[REDACTED]

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



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