

David Aye -

from Melbae.

It is my preference to be able to live in Melbourne and to either continue to practice as a barrister, or to at least to maintain the option of being able to do so. Of course I don't know how devastating the impact of what I've done will be on my practice but I see no point in being unrealistic and thinking that it will not have an adverse effect. I know that I will struggle to stay in my Chambers (for which there is a 4 year waiting list) and I suspect that I will struggle to find private criminal work (as opposed to legal aid crap) as co-operating with a Police investigation is not looked upon favorably by those who form the sources of my income.

I maintain that whatever the actual financial loss is that I suffer, it is up to VicPol to address it.

I started this little adventure on the understanding that it was preferable (but not absolutely necessary) for me to be [REDACTED] for [REDACTED] that option was problematic for various reasons.

It has now become apparent that the preferred course is for me to not to [REDACTED] [REDACTED] My only [REDACTED] (since [REDACTED]) has been in [REDACTED] and I am now [REDACTED] [REDACTED] I understand that the view taken is that I would be safer and better able to be protected if I was not [REDACTED] and particularly, [REDACTED] (and therefore maintaining [REDACTED]).

I maintain what I have repeatedly said that in being a witness I should not suffer financially as a consequence.

In terms of what effectively amounts to [REDACTED] I have tried to detail what I would consider acceptable, albeit that it is not my preferred option.

FAMILY & FRIENDS/EMOTIONAL SUPPORT

My primary concern is that I maintain the close relationship I have with my sister (33) and be able to look after my mother (73). But for my mother being a widow and being in a poor state of health, I would've previously considered [REDACTED] on the

basis that my sister could [REDACTED] whereas my mother is less able to do so. I'm never [REDACTED] for more than 2 weeks as a result of my mother's reliance upon me.

I have an obligation to my mother which as far as I am concerned outweighs everything else, including my own future. Any option for me [REDACTED] is therefore one which I am very reluctant to entertain and would only be even considered on the basis that my mother is never made aware of Witsec in the formal sense and that I can maintain a level of [REDACTED]. Any mention of Witsec would not only cause her to be hospitalized but the secrecy of the program would be at risk given she would not be able to refrain from communicating my participation despite the best intentions. (If I am [REDACTED] I will explain it on the basis of an amazing [REDACTED] opportunity and a better [REDACTED] for my health.)

Unfortunately, my mother worries constantly about me since my stroke and my more recent poor state of health (which is aggravated by stress). I have an obligation to protect her from all of this and to not burden her with greater worry. She has no idea about anything I have done with/for VicPol and would be consumed by fear and stress if she did. She is presently in remission from cancer but has a range of medical/health problems which result in her depending upon either me or my sister for assistance. Put simply, I cannot ask her to [REDACTED] but I need arrangements to be flexible enough to enable [REDACTED].

In so far as my sister is concerned, she not only keeps me sane but we have a particularly close relationship and see each other daily. She is aware of the entirety of the issues relating to me being a witness but does not know about my other "voluntary work" for VicPol. She is the only person I trust absolutely with my current situation. Putting it simply, not only do I need someone to confide in but I need to know that if something happened to me, she would know what to do and who to speak to (or yell at.) There would need to be an understanding that we can maintain a frequent level of contact as well, although there is not the same issue with the secrecy of what I am doing.

Obviously, the ongoing costs involved with being able to [REDACTED] ought not be my responsibility and I would need a specific assurance that they would be met by VicPol.

In so far as other emotional support is concerned, I have a couple of particularly close male friends (one of whom I currently share a business with) and a couple of close female friends. I would like to be able to maintain these friendships/relationships in circumstances in which [REDACTED]

I make the assumption that someone would find me a new home and I would expect it to be [REDACTED]. I am not prepared to live in any [REDACTED], nor [REDACTED] [REDACTED] and [REDACTED] are not possibilities for a number of reasons. I am happy to live in an apartment or townhouse as opposed to an actual house as I will feel safer and have lived in an apartment for the last decade. I don't know whether I get to have any input into the choice of an actual residence or what arrangements would be made in this regard.

HEALTH

I have a complicated longstanding medical condition which presently involves being treated by a specialist ([REDACTED]) at the [REDACTED] hospital (for over 15mths). I see my specialist [REDACTED] depending upon my level of pain and stress. He is a great source of support as he is aware of some of the reasons as to why there is considerable stress in my life and he also supervises my other treatment including pain relief, myotherapy & acupuncture sessions, botox, physical joint manipulation and dental intervention. He also maintains an interest in my mental health.

I am not prepared to be put in a position in which I can no longer [REDACTED]. Whilst it is generally known (by some of my clients) that I have been unwell and see doctors, no-one has specific knowledge of who I receive treatment from or where or when. There are [REDACTED] in chronic pain management and I do not want

to be forced into a position in which I have to [REDACTED] let alone explain [REDACTED]

I also receive treatment from a cardiac surgeon (who I am required to see once every 12 months). I see my treating neurologist every 3-6 months as well. I wish to be able to [REDACTED] my neurologist has treated me since a few hours after my stroke in mid 2004 and my cardiologist operated on my heart a few months after my stroke.

FINANCIAL/INCOME

I have worked since the age of 14 and have never had a period of more than 4 weeks off work since finishing school (in 1990). The concept of not working is foreign to me. I choose to work long hours and that enables me to sustain a particular level of comfort/lifestyle. It's bad enough to be considering living somewhere else but I do not want to be forced to live elsewhere in anything less than what I am accustomed to (so caravans are definitely out of consideration).

I maintain that whilst I do not necessarily want to profit from these circumstances, I ought not be put in a position in which I am worse off financially. I have indicated from early on that any financial loss I suffer as a consequence of being a witness ought to be addressed and compensated by VicPol. That said, I am now being told to turn my mind to [REDACTED] something which I have never seriously thought about, (given I had anticipated [REDACTED] and being [REDACTED] in a few years time.) Giving evidence in this particular case will be the end of those aspirations.

Whilst my current state of health isn't great and if I am honest with myself, I have to acknowledge that it is affecting my capacity to work and my enthusiasm for work. However, I enjoy being self-employed and have invested a huge amount of time and money getting qualified and building my practice to what it is today. As a (self-employed) defence barrister your reputation and results guarantee you work and therefore an income; voluntarily making a statement to Police (let alone covertly recording a suspect) is simply an act of insanity in terms of maintaining my practice. I anticipate it having a disastrous impact, more so in my absence.

I have been actively looking for alternative employment (as discussed - [REDACTED]
[REDACTED] in either an [REDACTED])
without success for over 12 months so I would not expect [REDACTED]
[REDACTED] If you were to offer or help to [REDACTED]
[REDACTED], leaving aside the question of [REDACTED] I would consider it.

I had considered taking a break for health reasons but in doing so, would have had to
maintain contact with clients & solicitors to ensure I had a practice to return to; [REDACTED]
[REDACTED]

I have given great thought to an alternative career. I would not consider doing
nothing at all. I want to work and I need to be challenged. I am not interested in [REDACTED]
[REDACTED] (which would make me unhappy [REDACTED]
[REDACTED]) nor am I remotely interested in becoming an
[REDACTED] nor doing anything that results in me sitting in an office all day
every day. I don't mind doing 16-18 hour days but I need a job that interests me and
will continue to do so, that is if I have to start again, I need to look at a career rather
than just a job.

I would consider applying to be qualified as [REDACTED]. The course is run
in Brisbane and is currently recruiting. I am yet to determine its cost. This is an
option that is at least guaranteed to remove me from anyone with whom I currently
associate.

If I am required to [REDACTED] then I would receive the same level of income (less
the expenses associated with being [REDACTED]). I am not prepared to receive less
than my current after tax income and some consideration must be given to the future
income that will be lost as a result of a [REDACTED]. A suggested way of
calculating an amount of income would be the average of my "after tax" income for
the last couple of years. The starting point would be \$220,000.

Payment of a small fee and a minimum amount of [REDACTED] is
required if I [REDACTED] that would enable me to maintain [REDACTED]

[REDACTED]. I would need to do this as there will be insurance and professional complaint issues that arise as soon as my statement becomes known publicly.

As a result of being self-employed and the need to create tax deductions, as well as to fund my own superannuation etc., I have put myself in a position in which I have significant monthly payments to meet for various loans as well as a car. (My car loan is purely for tax reasons and would probably have to be paid out if [REDACTED]) I currently owe over \$1.5 million to the CBA. I do not live an expensive lifestyle however I cannot afford to be unemployed.

OTHER

I have Court cases booked through until the end of August 2009 so I will require a reasonable amount of time to unburden myself from these and to give sufficient notice to terminate my Chambers lease and car park lease. I have other commitments such as a mobile phone contract that will have associated costs to end earlier than expected. These are incidental by comparison to my income.

My sister & I are scheduled to fly to Bali on March 28 returning on Easter Sunday, April 12. The flights have already been paid for and it was booked some time ago to fit in with both of our court/work commitments. Other than the short break after Christmas (which was not relaxing as this whole mess has totally consumed me), I have not had time off since last July so irrespective of anything else, I would really like to be able to leave as planned for this trip at the end of March.

There are all sorts of other expenses that I have thought of that are created if I find myself without an office (after more than 14 years) such as phones, computer/internet access etc. but I am not sure whether to detail all the minor stuff.