

From: Fryer, Douglas
Sent: Thursday, 3 November 2011 10:22 AM
To: Frewen, Michael; Buick, Boris
Cc: Ashton, Graham; Pope, Jeff; Sheridan, Paul; O'Connor, John T
Subject: FW: Driver - Buick v Dale - Memo from McGuire

Importance: High
Sensitivity: Confidential

Attachments: @

Gents, as you're aware the DPP are attending our building today to consider issues surrounding "F", the management file (SML) and other matters which may impact on PII, disclosure and credibility.

Yesterday as a result of a Driver SC decision I contacted Paul Sheridan with a request for select Driver staff to review the SML. Paul is not in favour of this (but has agreed for the DPP to view the SML). Paul and I met this morning and I agree with his initial decision. Investigators know in broad and sometimes specific terms the historic involvement "F" has had with police (we know where the threat would come etc; The police, unlike the DPP, may be questioned in the box about our knowledge.

Paul and I have an agreed view: Mr McGuire has already viewed the SML - attached is his 13 page memo of advice - whilst some of it is highly speculative and "worst case scenerio", it is based on facts gleaned from the SML. We propose the the DPP be fully briefed on the various status's "F" has held with Victoria Police, be permitted to fully read the McGuire memo, then, and only if deemed necessary be allowed to view specific or relevant areas of the SML. Full exposure to the SML may place the DPP in a difficult position in the future.

For background, a meeting was held over a month ago with all parties where the SML, PII, human source info etc was discussed as matters that may impact the current prosecution and it was agreed that Mr McGuire would review the SML and provide advice (attached).

It is the view of Graham and I that if the DPP form the view of any of the material is discoverable and relevant and must be presented to the defence, then we request the DPP to proceed on the 6 charges (only) which don't require "F" as a witness. Our rationale being any disclosure or even the potential of disclosure is an unacceptable risk to "F" and we have a duty of care to "F" to ensure the exposure doesn't occur. In principal I believe the DPP agree to this proposition.

Paul, as the SML won't be the main focus of discussion, the McGuire report is; I'd like Boris present at 1300 to assist in the discussions, are you okay with this?

Doug

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Driver - Buick v Dale - Memo 1.doc (56.1KB)

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