



VICTORIA POLICE

CONFIDENTIAL**Deputy Commissioners' Office**

Victoria Police Centre
637 Flinders Street
Melbourne 3005
Victoria Australia
Telephone (61 3) [REDACTED]
Facsimile (61 3) [REDACTED]

PO Box 415
Melbourne 3005
Victoria Australia

WITNESS 'F'**Entry into Witness Protection Program**

I refer to your letter to the Chief Commissioner dated 7 September 2009, and to my earlier letters to you dated 4 June 2009 and 26 August 2009.

Your letter contains your account of numerous meetings which have taken place over many months between you, your legal representative and members of Victoria Police. It may be appropriate to reply in detail to each of the statements made in your letter in due course, but I certainly cannot do so in the time you have allowed for a response.

Accordingly, you should not interpret silence in relation to any of the statements in your letter as an acknowledgement of, or acceptance by, Victoria Police of the accuracy of those statements, or the completeness of your account of those matters.

There are however some specific matters to which I should respond.

As noted in our letters, despite lengthy 'without prejudice' discussions and negotiations, no agreement has been reached in relation to the terms on which ongoing protection and assistance are to be provided to you.

I reject your characterisation of those letters as an 'attempt to cover' Victoria Police's legal position. In our letters we repeated advice given to you over many months that to protect your safety and welfare it was necessary for you to be included in the Program, and to undergo a [REDACTED] utilising the provisions of the *Witness Protection Act 1991* (WP Act). We also formally advised you of the current 'extreme' threat assessment in relation to you and members of Victoria Police assigned to protect you, and that urgent acceptance of an offer to participate in the Program was the most appropriate means of controlling this risk of harm.

I am sorry that you believe you have experienced what you consider to be unjustified rigidity in relation to the proposed terms on which protection and assistance is to be provided to you.

The purpose of this letter is to set out the basis upon which Victoria Police proposes that you might be included in the Program, addressing some of the issues you have raised, and to invite you to discuss this further with us.

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

Witness Protection Program

As a preliminary matter I note that the purpose of the WP Act is to facilitate the security of witnesses. It provides a legal framework for steps to be taken to protect the safety and welfare of witnesses, through the establishment and maintenance of the Program. These steps include a secure [REDACTED] pursuant to the WP Act. Participation in the Program, and any [REDACTED] pursuant to the WP Act is voluntary.

Operational aspects of the Program, such as restrictions imposed in relation to [REDACTED] are required to maintain the security of the [REDACTED] of a witness and to maintain the integrity of the witness protection program. These restrictions will reflect the individual circumstances of the witness and the relevant threat assessment. Where a witness does not choose to [REDACTED] additional restrictions may be necessary to protect their security.

Your participation in the Program

You continue to decline to [REDACTED] Your [REDACTED] without a [REDACTED] together with very frequent [REDACTED] poses significant risks.

Any [REDACTED] is of course voluntary, but your continued refusal to [REDACTED] means that the terms of your participation in the Program must address your security in other ways, and in particular [REDACTED] while the current threat assessment applies.

Accepting that you will not be [REDACTED] at this time, Victoria Police proposes the following arrangements for your protection as a participant in the Program for the duration of the relevant proceedings:

1. You may participate in the Program without a [REDACTED] provided that you continue to [REDACTED] for that period.
2. You will [REDACTED] solely for attendances related to the proceedings.
3. Regular [REDACTED] to [REDACTED] in [REDACTED] during this period will need to cease. Victoria Police will pay for [REDACTED] to [REDACTED] you at an [REDACTED] on reasonable frequency. Victoria Police will favourably consider requests for [REDACTED] by you to [REDACTED] where required for [REDACTED] or other compassionate grounds.
4. Regular [REDACTED] to any [REDACTED] such as [REDACTED] for treatment, provide opportunities for threats against you to be acted upon. There is a need to [REDACTED] regular medical treatment to an appropriate facility [REDACTED] the [REDACTED] Victoria Police notes that you wish to continue regular consultation with a particular medical specialist. Victoria Police will pay for your [REDACTED] to [REDACTED] the [REDACTED] for the purposes of this treatment.
5. Victoria Police understands from the limited information you have provided that your financial affairs may be complex, and that management of these would need to be addressed in some way were you to enter the Program. Your continued direct participation in aspects of your financial affairs may raise security issues. Victoria Police is prepared to pay for advice you may require [REDACTED] your business and financial affairs, to the point where any continued [REDACTED] by you or communication with you in relation to those matters does not pose additional threats to security. The appointment of an adviser for this purpose will be at the discretion of Victoria Police, but Victoria Police will favourably consider any adviser you may nominate. The basis upon which these affairs are settled is entirely a matter for you.

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Victoria Police will be concerned only to consider the security implications of any continuing arrangements required.

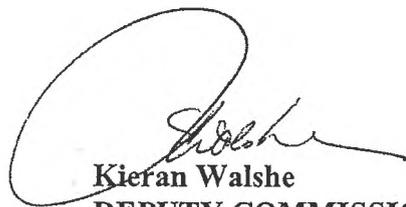
6. Continued financial assistance will be provided as set out in our letter of 26 August 2009.
7. If requested by you, Victoria Police will facilitate a [REDACTED] at the end of the proceedings or upon agreement between the parties that you will be [REDACTED] [REDACTED] whichever first occurs. I note that Victoria Police has been examining the possibility of facilitating [REDACTED] to [REDACTED] and obtaining an [REDACTED] although no [REDACTED] exists to secure this outcome.

As you know, it is a requirement of the WP Act that before you can be included in the Program, you must enter [REDACTED] with the Chief Commissioner dealing with the matters required by the Act. That [REDACTED] will need to include details of protection and assistance to be provided to you.

Victoria Police continues to be highly concerned about your security. I hope you will consider favourably participation in the Program on the basis outlined in this [more flexible] proposal.

If you would prefer to meet in the first instance with Superintendent Geoff Alway to discuss this letter, that can be arranged.

Yours faithfully,



Kieran Walshe
DEPUTY COMMISSIONER

17/09/2009

Hand-delivered

@ [REDACTED]

by Insp. Smith

& Peter on

14/09/09.