

TONY HARGREAVES & PARTNERS LAWYERS

31 March 2010

Our Ref: TH:WH:90037

Mr Greg Elms
Victorian Government Solicitor's Office
BY EMAIL: [REDACTED]

Dear Mr Elms,

Re: Paul Dale

As a result of what occurred at Court on 30 March 2010, I enclose a further Witness Summons, which you will note is returnable on Tuesday, 6 April 2010. That is a notional return date. The actual return date can be the subject of submissions when the matter is listed in Court tomorrow before His Honour Mr Reardon.

The documents requested in the enclosed Witness Summons are obviously not intended to include any documents that are covered by our earlier Witness Summons. The documents that we consider that remain outstanding in relation to that Witness Summons are the following:-

1. Those parts of the notes of the Police Officers Davey, Solomon, O'Connell and Smith which are the subject of a public interest immunity claim by the Police;
2. Those parts of the notes of the information reports that were provided as part of the 16 volumes we were given pursuant to the "Collins Subpoena" over which the Chief Commissioner of Police has claimed public interest immunity;
3. The four and a half hour tape-recorded conversation between Ms Gobbo and Mr O'Connell which is the subject of a claim for public interest immunity; and
4. The additional documents that were located by Mr O'Connell as a result of my conversation with Mr Gipp on 10 March 2010. On that occasion I asked Mr Gipp for the Informer Management File of Ms Gobbo to be viewed. Mr Gipp returned my call later that day and advised that without admitting that an Informer Management File existed, further documents had been identified. Mr

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Tony Hargreaves
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Tony Hargreaves & Partners ABN 70 102 996 740

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Gipp stated that Mr O'Connell had indicated that it would take approximately five days to obtain copies of the documents, at which time a claim for public interest immunity would be considered. We have heard nothing further about those documents since that time.

We confirm that we have specifically excluded from the enclosed Witness Summons, and from the list of documents we suggest are outstanding pursuant to the first Witness Summons, all documents relevant in any way to Nicola Gobbo.

I confirm that in due course a further Witness Summons will be issued in relation to Ms Gobbo, however as she has been excused from giving evidence for at least three months, there is an abundance of time to issue a Witness Summons in the future without delaying the recommencement of the Committal Hearing on 12 April 2010.

I would be grateful to receive your written response to our request for further documents.

Please confirm you are prepared to accept service of the Witness Summons by facsimile.

Yours faithfully,
TONY HARGREAVES & PARTNERS


per: A. HARGREAVES
email: [REDACTED]

CC: Mr Ron Gipp
Barrister-at-Law
BY EMAIL: [REDACTED]

**FORM 13
WITNESS SUMMONS**

Rule 24

Court Ref Y00423897

**IN THE MAGISTRATES' COURT
OF VICTORIA AT MELBOURNE**

**TO: The Chief Commissioner of Police
Victoria Police
C/- Subpoena Management Unit
Victoria Police Centre
637 Flinders Street
MELBOURNE VIC 3000**

DETAILS OF THE CASE

NAME OF PERSON CHARGED: PAUL NOEL DALE
SUMMARY OF THE CHARGES: MURDER
WHO FILED THE CHARGES?: LEADING SENIOR CONSTABLE DAVEY

**TONY HARGREAVES & PARTNERS
LAWYERS
LEVEL 11
533 LT. LONSDALE STREET
MELBOURNE VIC 3000**

TELEPHONE: XXXXXXXXXX

What you have to do.

You must bring this Summons with you and

- come to Court to give evidence in the proceeding.
- come to Court to give evidence and also produce at the hearing the following documents or things that are in your possession or control:
- produce at the hearing the following documents or things that are in your possession or control:

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SCHEDULE**Definitions Section**

Meaning of "document" or "documentation"

Where a request is made in this schedule for the production of a "document" and/or "documentation" that request is to be read as requiring production of the item in whatever form it might take and this includes but is not restricted to:

- (a) any document in writing including handwritten notes;
- (b) any printed document;
- (c) any item that has been created, transmitted or stored electronically;
- (d) emails and attachments;
- (e) any photograph;
- (f) C.D.'s, audio cassettes, disc tape, sound tape or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom as well as any transcripts relating to any such recordings;
- (g) any video tapes, DVD's, any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom as well as any transcripts relating to any such recordings;
- (h) anything whatsoever on which is marked any words figures letters or symbols which are capable of carrying a definite meaning to a person conversant with them and, where applicable, drafts of any such documents.
- (i) microfilm and microfiche;
- (j) any book, maps, plans or drawing;
- (k) any label, marking or other writing which identifies or describes anything of which it forms a part of or to which it is attached by any means whatsoever;
- (l) printed statements and, where applicable, any draft or handwritten copy of any such statement;
- (m) statutory declarations or affidavits and where applicable any draft or handwritten copy of such documentation;
- (n) diary entries, daybook entries or similar documents howsoever described;
- (o) minutes of any meeting; and
- (p) reports, information reports, intelligence reports, briefing papers and debriefing papers, memoranda or similar by whatever name such material might be described and, where applicable, any draft or handwritten copy of any such material.

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ITEMS TO BE PRODUCED

The documents and things you must produce are as follows:-

1. All documents (as defined) comprising the 107 Briefing Notes referred to in the letter of the Victorian Government Solicitor's Office to Tony Hargreaves & Partners dated 26 March 2010.
2. All documents (as defined)s comprising the Informer Management File or any other similarly worded file or set of documents relevant to Carl Williams in accordance with Victoria Police Informer Management Policy;
3. In relation to Carl Williams, all documents (as defined) in relation to any advantage, benefit, or negotiations for such benefit or advantage to Carl Williams, or any person associated with him, in anticipation of or as a result or consequence of him providing information, making a statement or giving evidence in relation to the deaths of Terence Hodson and/or Christine Hodson (including in the prosecution of Paul Noel Dale or Rodney Collins), including but not limited to:-
 - (a) any relaxation of conditions in the prison system;
 - (b) any increased prison benefits, including but not limited to canteen payments, provision of canteen supplies, provision of or access to accessories for personal use, telephone access, increased visitor rights access or amenities, placement within a particular part of the prison or elsewhere, movements or travel outside prison correctional facilities, preferred allocation or non-allocation of co-prisoners into units, cells or facilities of or with access to him, work duties;
 - (c) the claiming of any reward in relation to the death of Terence Hodson and/or Christine Hodson;
 - (d) any sum of money, property, financial advantage or any other asset provided, to be provided, or offered to or sought by Carl Williams or any other person or entity associated with him;
 - (e) the payment of any taxation assessment or liability for Carl Williams or any person or entity associated with him;
 - (f) any concession sought by Carl Williams or to be made by an agency (including Victoria Police or any member thereof or the Director of Public Prosecutions) about the sentence of Carl Williams.
4. Any documents (as defined) resulting from any conversation conducted with Carl Williams by any of the following:-
 - (a) Stephen Smith;
 - (b) Shane O'Connell;

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- (c) Sol Soloman;
- (d) Cameron Davey;
- (e) Graham Evans-O
- (f) Lloyd-DS
- (g) Jim O'Brien;
- (h) Gavin Ryan;
- (i) Rod Wilson

in relation to Paul Noel Dale, or the death of Terence Hodson.

5. All documents (as defined)s in relation to any letter of comfort, indemnity or other form of assistance that has been provided, or will be provided, or has been negotiated to be provided to Carl Williams by Victoria Police.

If you are required to give evidence, you must attend at the hearing.

If you fail to attend the hearing or give evidence in accordance with this document a Warrant for your arrest may be issued.

You may produce this Summons and the documents or things referred to above to the Registrar of the Magistrates' Court at Melbourne by hand or by post, in either case so that the Registrar receives them not later than two (2) days (excluding Saturdays, Sundays or other holidays) before the date on which you are required to attend.

Where will the case be heard?

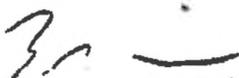
Where you must go: The Magistrates' Court at Melbourne
 Address: 233 William Street, Melbourne
 When: 6 April 2010

Details about this Summons:

31 MAR 2010

Issued at Melbourne **Melbourne**

Issued by:


ERRIGA AUDDINO
 DEPUTY REGISTRAR OF THE
 MELBOURNE MAGISTRATES COURT

Date:

REGISTRAR

Summons filed by Tony Hargreaves & Partners, Solicitors for the Defendant.