

*Received
19/5/14*

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Operation Bendigo



VICTORIA POLICE

MEETING DETAILS

Date:	8/04/14	Time:	2:30pm
Location:	Chief Commissioner's Conference Room 10/1 VPC		
Chair	DC Tim Cartwright (TC)		
Attendees	AC Stephen Fontana (SF), AC Stephen Leanne (SL), AC Tracy Linford (TL), Dir Fin McRae (FMc) Supt Dean Stevenson (DS)		
Apologies	Insp Dennis Watson (DW)		

MINUTES

1.	<p>PREVIOUS MINUTES</p> <p>Nil – This first meeting of Committee</p>
2.	<p>BUSINESS ARISING FROM THE MINUTES</p> <p>Nil – First meeting</p>
2.2	<p>Action Items</p> <p>Nil – First meeting</p>
3.	<p>OVERVIEW and ROLE OF THE COMMITTEE,</p> <p>TC welcomed the group and identified the need for coordinated oversight of ongoing management of Witness X (3838) and of the management of restricted and highly sensitive information.</p>
4.	<p>GOVERNANCE AND TERMS OF REFERENCE (TORs)</p> <p>TC- Distributed handout of proposed TORs and Governance</p> <p>Agreed TOR's as:</p> <ol style="list-style-type: none"> 1. Oversee the protection and management of 3838 2. Assess the performance and implementation against:

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- **Comrie Review**
 - **Loricated (Recommendation 1 of Comrie Review)**
 - **Robinson review**
- 3. Coordination of interaction with other agencies and stakeholder**
- **IBAC**
 - **DPP**
 - **Legal Services Commissioner**
- 4. Oversee and coordinate any legal actions, including:**
- **Suppression**
 - **Civil Litigation**
 - **Other inquiries**
- 5. Manage conflict of interest issues (See later discussion as to inclusion of this TOR).**

Action Item

FMc - has created a chronology which he will table at next meeting and will take everyone through it

4.1 LOGISTICS AND DOCUMENT CONTROL

Discussion on need to establish a process/register to manage transfer and control of documents, reports, minutes etc. Need to distribute copies of all relevant reports etc to Committee members (Comrie Report; Loricated Timeline and breakdown of IR's (SF to provide); Robinson Review)

Agreed: Future secretariat role will be undertaken by DW and he is to establish and manage document control system/register.

Action Item

DW – to establish and manage document control system

DW – To distribute Comrie Review; Robinson Review; Loricated Timeline and breakdown of various IR's to all committee members by COB 9 April.

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<p>5.</p>	<p>CONFLICT OF INTEREST</p> <p>General discussion around the issue of Conflict of Interest. It was agreed that given this was and will continue to be a long an protracted matter any member or existing line managers involved now or in the future could have a conflict of interest. It was further agreed however that would be left up to the individual to "declare" as necessary and would then be considered on case by case basis by the Steering Committee.</p> <p>Agreed management of Conflict of Interest should be added to the TORs for this committee</p> <p><u>Action Item</u></p> <p><u>DS - To add management of conflict of interest to TOR's when completing minutes</u></p>
<p>6.</p>	<p>SAFETY OF 3838</p> <p>SF advised that there was a meeting yesterday (7 April) of the Witness Protection Committee. SF provided printed copy of outcomes provided by chair Superintendent Tess Walsh (TW) – (Copy attached).</p> <p>Discussion re ongoing security of witness 3838 in light of 3838's rejection of offer of witness security and whop held ultimate responsibility for her safety and security.</p> <p>SF agreed Crime owns the responsibility.</p> <p>TL advised point of contact for 3838 would be Insp Brian Clarke for welfare and Insp Ian Campbell for ongoing investigation issues.</p> <p>TL also advised that Crime have established an IMT (chaired by TW – Operation Stellified) and are undergoing "scenario planning" to prepare for possible issues around safety and security.</p> <p>SF advised TW also conducting weekly welfare catch ups with 3838</p> <p>Agreed:</p> <ul style="list-style-type: none"> ○ Crime has primacy for witness 3838's safety and security ○ Regular welfare and safety contact to be made ○ Regular updates to be provided to SF who will update Steering Committee <p>Discussion re 3838's 6 month old child and welfare and safety of same as well as any obligations on us around that safety given 3838's rejection of witness protection.</p> <p>FMc advised he had had preliminary discussion with Shaun Le Grand (SLG) at VGSO around any "mandatory reporting" obligations. Legislation relates to "serious harm", "serious physical injury" and it includes "omission to provide adequate care and protection". Also discussed that Section 28 which relates to "may report to the Secretary DHS.." may be an issue for us. SLG believes that in these circumstances, given that our WitSec Application details a "genuine concern" for the safety and</p>

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	<p>wellbeing of the child it at least requires a conversation with the Secretary?</p> <p>Discussion around safety of child and intent of legislation as well as recognition that unnecessary notification may increase risk to the child (by DHS intervention, separation of parent and child, damage to relationship etc)</p> <p>Agreed: SF to ensure Risk Assessment conducted as part of the IMT and scenario planning and FMc to obtain formal advice from SLG as to obligations and expectation under the legislation and advise Committee accordingly</p> <p><u>Action item(s)</u></p> <p><u>SF – To obtain regular updates from liaison officers and to provide updates to Steering Committee</u></p> <p><u>SF – To ensure IMT (Operation Stellified) include a risk assessment around of safety and welfare of child in IMT scenarios planning</u></p> <p><u>FMc – To obtain formal advice from SLG (VGSO)</u></p>
7.	<p>COURT PROCEEDINGS</p> <p>Discussion on Criminal Matter Before the Courts as to possible impact if identity of 3838 becomes public knowledge on current matters before the courts and concluded matters where conviction recorded. Whether “knowledge of 3838” could result in matters being struck out or appealed. Discussed current matters involving Milad Mokbel and broader discussion around any obligation of VicPol to look back at concluded matters to see if there are others that may be affected.</p> <p>Agreed: Look at the Mokbel matter but no obligation compel us to look at any other matters and they would be dealt with if/when they come up.</p> <p>Discussion on Suppression Order and whether we can apply Public Interest Indemnity (PII) FMc advised still deciding who is to be called, but 3838 is not on the witness list and that we can claim PII on our information.</p> <p>Agreed to wait till further is known on the suppression order application and advise accordingly.</p> <p><u>Action Item</u></p> <p><u>TL – To enquire into status of Mokbel matter and report back</u></p>
8.	<p>CONSULTATION WITH STAKEHOLDERS</p>

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	<p>Agreed DPP will raise issues with us as required and no requirement for us to provide any formal advise at this stage. FMc with liaise with DPP as coutesy. Agreed that CCP to write to IBAC requesting they pick up the investigation into "leaks" of information. FMc advised that IVBAC should also "pick up" final investigations of Loricated Report to do with privilege.</p> <p><u>Action Item</u></p> <p><u>FMc and SL - To draft letter from CCP to IBAC</u></p>
	<p>MEETING CONCLUDED 3:00 PM NEXT MEETING DATE: TBA</p>