

FILE NOTE

WITNESS 'F' - 9TH SEPTEMBER 09 Meeting with Legal Advisers – VGSO

Attendees: Inspector Steve Smith
Superintendent Luke Cornelius
Isabel Parsons, VGSO
David Ryan, VGSO

Outcomes

- VGSO to prepare letter to Witness 'F'
- The letter to include reference to the objects of the Act and security
- To include denial of existing [REDACTED]
- Include offer of financial adviser
- Remuneration is to be negotiated and current retainer arrangements continue pending negotiation
- State that there is no [REDACTED] outside the Witness Protection Act.

Note that the witness continues to appear not to be concerned about her own personal safety but rather the evidence protection provided by the Witness Protection legislation.

- The letter should refer to availability of medical assistance [REDACTED]
- The witness should be informed that she must [REDACTED] due to security reasons and [REDACTED] should be by arrangement with Victoria Police who will assist in arrangements to [REDACTED] to an [REDACTED]
- All [REDACTED] are at the discretion of the CCP. She enters into the program.

Next Steps

The response is due by the 14 September, 2009 at the request of the witness. Kieran Walshe is to sign off on the response.

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F - Address CONFIDENTIAL

PRIVATE AND CONFIDENTIAL

The Chief Commissioner
Mr. Simon Overland
Victoria Police
Level 10, 437 Flinders Street
MELBOURNE VIC 3005

copy sent per hnd.
Lyn. Smith, 1600h.
7.9.9.

7 September 2009

Dear Sir,

Re: Witness Protection Program and Conduct by Victoria Police

I refer to the two letters dated 4 June 2009 and 26 August 2009, signed by Deputy Commissioner Kieran Walshe, on behalf of your organisation, Victoria Police (your correspondence).

I am writing to you to formally record my response in relation to your organisation's correspondence and in so doing;

- (a) to document the relevant (and irrefutable) historical matters giving rise to my dealings with your organisation;
- (b) to register and express my serious concerns in relation number of matters arising out of the position I have been placed in as a consequence of assisting your organisation; and
- (c) to address the incorrect, ill-conceived and offensive matters contained in your correspondence regarding my proposed entry into the Witness Protection Program (Witsec).

In preparing this response, I wish to formally record that although I have the assistance of my sister, Catherine who is an experienced commercial barrister, I remain reluctant to retain commercial solicitors and Counsel to act on my behalf due to the significant and highly sensitive information relevant to any consideration of the entirety of my circumstances. You are no doubt well aware of some of the previous matters in which I have assisted Victoria Police which are too sensitive to be explained to independent Counsel and which it is not prudent to refer to in detail in this letter. Save to say, the position that Victoria Police has placed me in means that I am constrained from obtaining the very advice that I would, in the ordinary course, obtain prior to responding to letters such as those sent by your organisation.

Background Matters

1. At the outset I want to record my disappointment and bewilderment with the attitude taken by Victoria Police in its letter dated 26 August 2009, not to mention the factually incorrect assertions contained therein.

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2. As I am lead to understand, you've been made aware that I suffer from a serious chronic medical condition which is aggravated by anxiety and stress. Notwithstanding this, your organisation determined that it was an appropriate and indeed an acceptable course to send your correspondence. The receipt of that correspondence has severely exacerbated my medical condition and has caused me to suffer unnecessary acute pain and additionally, given me cause to reconsider the trust and faith I have previously placed in your members.
3. For present purposes, I will assume however that you may not be entirely aware of all that has occurred over the past nine months, so I digress to some of the background in order to be confident that you are fully aware of what has preceded the current situation (and what I believe you should be fully aware of before any further decisions are made that affect my preparedness to continue to assist Victoria Police and to maintain my commitment to give evidence for the Prosecution).
4. Following numerous meetings during 2008 with Detective Sergeant Sol Solomon (**Solomon**) and Detective Senior Constable Cameron Davey (**Davey**), I was asked to consider making a statement against Paul Dale. Discussions then occurred with both Davey and Detective Senior Sergeant Shane O'Connell (**O'Connell**) in late December 2008 following which, I then agreed to make a statement to investigators and give evidence against Dale. I was informed that absent my evidence, including the covertly recorded conversation (which as you're aware remains inadmissible without my evidence), Victoria Police would be unable to charge Dale, let alone have any prospect of successfully prosecuting him.
5. Prior to agreeing to make a statement to investigators and/or give evidence against Dale, I expressed significant apprehension in becoming a witness for Police given the inevitable consequences that would follow, the substance of which was detailed during my meetings with Davey and O'Connell.
6. Specifically, I indicated to O'Connell that:
 - (a) my future career as a criminal defence barrister was finished;
 - (b) working in my chosen field of expertise would no longer be an option;
 - (c) I would be unable to reside at my home (and probably not in Victoria); and
 - (d) whether Dale was convicted or not, I would be looking over my shoulder for the rest of my life.
7. In response to my concerns, O'Connell, in agreeing they were the likely consequences (of giving evidence) gave me his absolute assurance (given on your behalf and that of your organisation) that at the completion of the proceedings concerning Dale, I would not be any "worse off". In particular, O'Connell assured me, on your behalf (as you were then the Deputy Chief Commissioner (for Crime) as well as being a member of the Steering Committee), I would be compensated on the basis of "like for like" as you and your organisation appreciated and were aware of the significant changes that would occur by reason of me being a witness
8. I was further assured by O'Connell, speaking on your behalf, that:
 - (a) you were very supportive of the investigation;

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- (b) there would be an "unprecedented degree of flexibility" in terms of looking after me as a witness and in dealing with the usual strict regime of Witsec; and
 - (c) there were "no budgetary constraints" in terms of providing me with compensation.
9. Against these assurances, and in reliance on the representations made by O'Connell, I made and then signed my statement in January 2009. After the statement was signed, I was again assured that due to the significant contribution I was making (by reason of my statement and evidence), I could and should expect that my future would be fully supported by Victoria Police.
10. At various subsequent meetings with Detective Inspector Steve Smith (**Smith**) the assurances given by Davey and more particularly O'Connell (both on your behalf), were again confirmed.

Discussions regarding Witsec

11. With:
- (a) the previous unprecedented assistance (2005 - 2009) which I have provided to Victoria Police voluntarily and absent any inducement or reward to date, (including but not limited to the successful prosecution of numerous significant organised crime figures) in mind; and
 - (b) in light of the fact of me giving evidence against Dale,
- O'Connell informed me that Victoria Police had formed the view that the risk to my life was "*at the highest level*". In this context, and absent any particular threat, O'Connell raised with me the prospect of me entering Witsec.
12. For the avoidance of any doubt, my position regarding entry into the Witsec program then is exactly the same as it is now. That is, I was and remain prepared to enter the program given its capacity to provide me the greatest protection from the possibility of disclosure during pre-trial applications (and therefore the protection of the Crown case). However, I was not then nor am I now prepared to subject myself to a strict regime that cannot accommodate and was not designed for a person in my circumstances.
13. At the time of raising the possibility of me entering into the Witsec program, O'Connell assured me (again on your behalf) that there would be an unprecedented degree of flexibility with respect to how the Witsec program would accommodate me. I was then introduced to [REDACTED] and [REDACTED] and attended [REDACTED] meetings with them and O'Connell.
14. Much to my surprise, despite having been repeatedly assured that Witsec had been informed they were to be flexible in terms of dealing with me, [REDACTED] and [REDACTED] each made a number of ill-informed and ridiculous suggestions with respect to my future, demonstrated a total lack of understanding about any of my personal circumstances (including but not limited to my continued receipt of medical treatment

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from my current specialists) and told me that "it would be best for my health and safety" if I [REDACTED] joined the program immediately.

15. Further, [REDACTED] and [REDACTED] were incapable of giving me answers about a wide range of queries such as [REDACTED], dealing with [REDACTED] what to do about my [REDACTED] my [REDACTED] receipt of [REDACTED] from my [REDACTED] and [REDACTED] to name but a few. All of their condescending and ill-judged conversation was based upon a premise that I would:
 - (a) want to be part of the Witsec program as my life was in danger; and
 - (b) agree to [REDACTED] to enter the program.
16. The very strict regime offered was rejected by me for numerous reasons, not the least of which is that it remains my intention to be in a position to look after my mother as her health declines and not to try to [REDACTED] into a [REDACTED] that cannot [REDACTED] prospects.
17. Moreover, as I indicated to O'Connell (who was present at two meetings that were a total waste of my time), leaving aside my desire to maintain [REDACTED] and [REDACTED] absent the militaristic regime that would be [REDACTED] by Police, I simply was not interested in participating in a program run by people who demonstrated a complete lack of ability and professionalism and who proved themselves to be incapable of properly answering a single query, bearing in mind of course that I fall well outside the usual parameters of the "normal" witness joining the program. It appeared that the "unprecedented level of flexibility" promised by your office had not been conveyed to the representatives of Witsec with whom I met. In subsequent meetings that included my sister, the situation can at best be described as deteriorating.
18. Following my meetings with [REDACTED] and [REDACTED], I indicated to O'Connell that whilst I was not the slightest bit interested in living under the regime of WitSec and its rigid program (as had been explained to me), I still wished to be part of the program because of the significant protections the relevant Act affords both a witness and in turn, the prosecution with respect to disclosure. O'Connell again assured me that Witsec understood that my circumstances were unique as they were unlike anything ever encountered previously. Further, I was assured that WitSec were going to be very flexible in terms of dealing with my circumstances.
19. Following this appalling introduction to Witsec, I was subsequently introduced to Superintendent Geoff Allway (**Allway**). In meetings with Allway, he made all sorts of assertions about how flexible Witsec would be and how it was in my interests to join the program. At no stage then or since has he or anyone else from his office been able to actually answer any of my queries about how certain matters would operate in practical terms if I was to join the program (with the one exception being that I would not be able to [REDACTED] under a [REDACTED] with [REDACTED] and the [REDACTED] unless I was giving evidence in a [REDACTED]).
20. Despite my persistent queries in relation to the requirement to [REDACTED] to join Witsec, (with there being no legislative requirement to do so imposed under the

HIGHLIGHTS

Act), the most enlightening response I (and my sister) received on more than one occasion from Allway was that [REDACTED] was mandatory to join the program "to protect the integrity of the processes of the program." Precisely what that means remains a mystery after seven months of asking the same question.

21. Additionally, Allway like [REDACTED] and [REDACTED] demonstrated a complete dearth of experience in dealing with complex [REDACTED], including [REDACTED] and an ongoing business with an eight year lease in place in my name (other than my practice as a barrister), all of which I explained I wished to maintain at least until the outcome of all the proceedings in which I was to give evidence for the Police.
22. I understand the purpose of the Witness Protection Act is to essentially create a gap between [REDACTED] and of course, the categories/types of persons to whom it usually applies are those with a criminal history, not to mention usually a lack of employment options or work history, a bad financial/credit history, no tertiary qualifications and no assets. None of that applies to me. Nor will it ever.
23. It is clear that the Witsec program is not designed for a person with no criminal convictions, four University qualifications, a well-established career with limitless possibilities, a good credit and financial history, a complicated medical history which necessitates ongoing treatment, substantial [REDACTED] and [REDACTED] and [REDACTED] let alone an individual who wants to be able to maintain [REDACTED]. That is of course particularly relevant and important to me as it is integral to me that I be in a position to receive physical, mental and emotional support and encouragement from my family and friends, as it is essential to me being able to manage my chronic medical condition on the advice of my specialist.
24. In an effort to work in a constructive manner with Allway (and your organisation), both my sister and I have made numerous suggestions of alternative propositions over months and months however they appear to have been rejected outright because of the unexplained requirement that I would [REDACTED] to enter the program. This is as opposed to [REDACTED] upon [REDACTED] given the collective view of your office (by reason of its own [REDACTED]) that I would not be safe if I was to [REDACTED] [REDACTED] irrespective of the outcome of the prosecution of Dale.
25. In any event, regardless of the inflexible attitude of Witsec and its inability to accommodate my circumstances, I remained (and continue to remain) prepared to join Witsec, especially as I felt (and still feel) that it is the safest way to protect my previous assistance to Victoria Police from possible disclosure which would have adverse consequences for the Prosecution and for Victoria Police. I do not necessarily share the view that my life is further endangered by reason of me *not* being part of Witsec given that if anyone was determined to find me to kill me, irrespective of me being in Witsec or not, such a person could begin with any member of my family, all of whom are easily located in a phone book. Me being in the program with [REDACTED] is not going to alter my immediate and extended family residing all over Melbourne. Such a person may, if acting on behalf of the Accused Dale, start by hunting me down when I attend upon my specialist at the [REDACTED] Hospital as this information is detailed in the transcript of the covertly recorded conversation between myself and Dale, the details of which you may be

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surprised to hear, appear in the hand-up brief which is floating around Barwon Prison and circulating amongst various barristers and solicitors in Melbourne.

26. Being in Witsec [redacted] cannot justifiably be said to make any difference whatsoever to the realities of life.

NEVER TO SIT OUTSIDE THE ACT.???

27. Having rejected Witsec (and been rejected by them) I had a series of meetings with O'Connell during which we drafted an agreement in the form of a [redacted] which was [redacted] but was to sit outside the Act. I was advised that the reason for the drafting of [redacted] was to ensure that there could then be no misunderstandings for either myself or the (then) Chief Commissioner as to each parties respective obligations and entitlements moving forward.

28. In essence, [redacted] recorded:

NOTHING WAS AGREED.

(a) the representations made by your organisation (and given by O'Connell) prior to me agreeing to make a statement and give evidence against Dale. To this end, [redacted] the detail of what financial obligations Victoria Police have to me and what will be covered by means of a calculation of appropriate compensation as well as undertakings to pay for any legal representation required as a consequence of being a witness, payment of medical expenses and various other aspects of my livelihood; and

???

NOT CORRECT

(b) my preparedness to undertake to make extreme changes to my life and to notify, and keep fully apprised, members of Victoria Police in relation to my day to day movements, contact with anyone considered to be a possible threat to me or contact from convicted criminals (and/or journalists), as well as numerous other quite invasive matters.

29. That [redacted] progressed to the stage that it was completed by O'Connell and myself. However, I was then informed, had to be put into a legally binding document. In summary, various meetings occurred that for some unknown reason again involved Allway and which included my sister attending the office of the Victorian Government Solicitor (on behalf of myself) on more than one occasion to assist in settling the document. That process continued through to June 2009, but at some point for reasons best known to your office, I was informed that I was to be back to re-negotiate with Witsec who promised once again, a more flexible approach. Needless to say that promise amounted to nothing.

NO AGREEMENT

30. Naturally neither I, nor my sister, were allowed to keep a copy of [redacted] as it was considered "too dangerous" but I invite you to speak to O'Connell who can provide you with a copy of [redacted] together with its earlier versions; not surprisingly, there is nothing in it that has changed from my preparedness to abide by all sorts of conditions and it details what sorts of restrictions I was prepared to accept (and have adopted to date) in my future. Indeed, and as O'Connell will confirm, I have not, to date, failed to comply with a single undertaking to which I agreed [redacted] (which was initially completed and agreed upon by O'Connell (on your behalf) and myself in February 2009.

WITNESS AGREEMENT BECOMING NON OF AGREEMENT

31. As the amending of [redacted] (to put it into the form of a legal document) was progressing, and despite having been informed I would have sufficient time to wind up my practice and sell a business I jointly own as well as dealing with numerous

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other matters before Dale was arrested, for reasons best known to others his arrest was sooner than expected. It was shortly thereafter, I was told to [REDACTED] as I was not to [REDACTED]. My [REDACTED] from [REDACTED] and the subsequent disclosure of my status as a witness, but particularly the fact of me making the covert recording becoming very quickly a matter of public knowledge, undoubtedly increased the level of suspicion toward me by many of whom are regarded as Melbourne's more serious criminals. Simply disappearing and hiding has resulted in criminals and their associates (rightly) assuming the very worst; in this case it means fear as to who (else) I have recorded and what I may or may not be saying or have already said to Police.

32. So it was in this context, and not as a result of any particular threat, that a compromise was reached with the introduction of Lloyd-DS Lloyd and Graham Evans-O Lloyd and Graham have daily contact with me but have never afforded me actual Police protection in the sense that on the odd occasion when I have seen them [REDACTED] or anytime when I see them in [REDACTED] they have [REDACTED]. The assertion contained in your correspondence dated 26 August 2009 that the security with which I have been provided to date is being withdrawn from me is meaningless in so far as it refers to Lloyd Graham O'Connell or Smith as they have not provided me with any semblance of "security" for at least five months. Perhaps the assertion mistakenly refers to the removal of the brief involvement of the [REDACTED] which ceased upon my admission to hospital in June 2009.
33. As I am sure you have been made aware, I have continued to express a desire to be covered by the provisions contained in the Witness Protection Act in so far as being a witness is concerned, given that I maintain extremely serious concerns about what Victoria Police may be forced to disclose absent me being protected by the Act. That view has not altered but rather has probably been strengthened by reason of the Subpoena that I understand has recently been served on the Petra Taskforce (via your office) by solicitors acting for the Accused Collins. It has also re-inforced my desire (to be afforded the evidentiary protections) contained within the Act) following my recent meeting with Detective Sergeants Solomon and Davey as well as having regard to the provisions that are contained in changes to the Evidence Act that will apply to the prosecution of Dale & Collins (unless Victoria Police commence "the hearing" prior to 1 January 2010.)
34. Indeed, and as you no doubt understand, I would prefer not to be left in a position where Victoria Police is left to claim Public Interest Immunity (PII) with respect to a huge amount of material relating to and involving myself, a claim which only arises if I am not covered by the Witness Protection Act. In criminal law circles, a PII claim is usually accepted as confirmation of a person being an informer, which you also no doubt know. Given the scrutiny that will follow any request for material concerning me, I do not want my life further endangered by some hopeless claim for PII which will just brand me as an informer thereby adding to the possible list of people who would have or do have an interest in harming me (and/or members of my family).
35. Despite maintaining my position, countless further meetings occurred with Allway from June onwards. After it was made clear that my presence was required with solicitors from the Victorian Government Solicitor (VGS) to try to finally resolve the [REDACTED] (outside the program but based upon the standard [REDACTED] relied upon for participants in the program), on 12 June 2009 my sister and I met with the VGS solicitors and had lengthy discussions about a series of issues including, but not

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limited to, calculation of lost income. At the conclusion of that meeting I understood that the solicitors and Allway were going to seek further guidance from your office (in fact we were informed that they were leaving the meeting to attend your office). It is noteworthy that the VGS in fact ceased discussions with respect to recording the manner in which lost income was to be calculated as they expressed serious concerns about the fact that any such documentation would have to be disclosed (to the Defence) absent me being covered by the Act.

36. Indeed, this meeting concluded on the basis that after Allway and the VGS representatives had sought the further instructions they required, they would get back to me or, whilst I was in hospital for sixteen nights, with my sister. At no time since has either my sister or myself been contacted by anyone from VGS.
37. Subsequently, I spoke at length with Superintendent Rod Wilson (**Wilson**) on two occasions and made my position, my concerns and my issues very clear. On the second occasion upon which I spoke to Wilson, in the presence of O'Connell, Wilson again made it clear to me that he was speaking to me directly on your behalf with a view to resolving matters. The discussions we had were fruitful and it was my belief that Wilson was confident that I could be accommodated in the Witsec program on the basis that:
- (a) I agree to [REDACTED] at the conclusion of proceedings in which I am required as a witness;
 - (b) in the meantime your office would endeavour to try to assist with my [REDACTED] and [REDACTED];
 - (c) in the interim, I would continue to [REDACTED] and I would continue to abide by the undertakings I gave O'Connell in late January 2009.
38. Unfortunately, after that very promising meeting with Wilson, I was referred back to Allway for further meetings which were also attended by [REDACTED] of Witsec (who had no understanding of the relevant background).
39. In meetings I attended, with my sister, Allway and [REDACTED] advised me that:
- (a) I [REDACTED] in order to join the program;
 - (b) [REDACTED] was required so as "to protect the integrity of the processes of the program";
 - (c) they had had extensive discussions at "a high end level within the organisation" and the position they were advancing was "beyond their control" as it was a requirement being imposed by "people above";
 - (d) they were being as "flexible as possible"; and
 - (e) their "hands were tied".
40. When I asked for an explanation as to why this was so (given that my discussions with Wilson were on the basis of [REDACTED])

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██████████ when I would ██████████ Allway again responded by stating that I would have to do so "to protect the integrity of the processes of the program." It has never been explained to me or my sister why I have to ██████████ to enter the program. Allway inferred that he could not be flexible about this because of instructions from your office. 11 ??

41. My suggestion that I ██████████ and as has been sanctioned by O'Connell, Smith, Lloyd and Graham was met with Allway saying that was ██████████ and I could not do so. I suggested that his view was incorrect, that he was ill-informed and that I could do so, particularly in light of the fact that ██████████ I do in fact qualify given my current continuing assistance in relation to at least two substantial Victoria Police investigations. Despite apparently having participated in a number of "high end level discussions", Allway told me that he knew "nothing about that".

42. For reasons best known to Witsec, and despite me informing them that I do "qualify" ██████████ Allway insists that to enter the program I ██████████

43. When:

(a) asked on numerous occasions (and now over a five month period) how this would affect my day to day living, particularly given that the aim of the usual ██████████ (which cannot occur in my case), or

(b) asked about how I would deal with ██████████ and various other matters,

not only was no-one from the Witsec program able to provide answers, it was suggested by Allway that I could ██████████. As a lawyer, I find such a suggestion to be absurd and to unnecessarily complicate matters. I also question its legality.

44. Indeed, in one of my last discussions with Allway, he proposed a ██████████ type arrangement be put in place whereby I would ██████████ when in ██████████ but trade this in ██████████ upon my ██████████ where I ██████████ to ██████████. Allway told me that this was workable, acceptable to Witsec and was legal notwithstanding that by its very nature, I would have to operate at least ██████████ and ██████████ and either ██████████ with ██████████ or ██████████. Absurd does not even begin to describe this concept!

Position moving forward

45. At ALL times I have maintained that:

(a) it is significant to me that the matters in which I have previously provided Victoria Police with assistance as well as my current assistance with respect to an ongoing Purana investigation and another Homicide investigation, not come out or be disclosed in the course of pre-trial proceedings; and

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- (b) the safest manner in which to ensure the protection of such information is to be subject to the provisions of the Witsec Act.

I need not remind you of the difficulties that Victoria Police may encounter if some or any of my past assistance comes out in the prosecution of Dale.

46. Notwithstanding all of the representations made by your organisation (including that Witsec is being very flexible as I am a unique case), I fail to see any of your organisation's promised flexibility when I am told "you either [REDACTED] or you can't join the program." I would contend that no other person has made the significant contribution to the detection and investigation of substantial criminal activity over a number of years than have I, in circumstances where I am not motivated by the need for an indemnity or letter of assistance.
47. My position remains the same as it has been for the past nine months, namely that I am (as was indicated to Wilson) prepared to join the program but I am not prepared to [REDACTED] at this point for many reasons (again that have been repeated on various occasions at numerous meetings). The unexplained and basically unjustified rigidity of the program in so far as the "requirements" (of me) being able to join it is concerned, leave me disappointed and resentful (not to mention considering all my legal options), particularly given the incredible sacrifices I have made for Victoria Police in circumstances in which I asked for nothing other than for the organisation to honour the representations and assurances that have been made to me. !!! making complaint
48. Since early 2009 I have stated I am not prepared to [REDACTED] unless or until the entirety of these proceedings are completed and I am [REDACTED]. Your organisation has advised me that [REDACTED] is the safest option. Discussions have occurred in which the possibility of [REDACTED] has been raised. Clearly a [REDACTED] would enable many of my current [REDACTED] and other matters to be finalised [REDACTED]. However, none of these issues can be progressed in the current circumstances.
49. I remain staggered and deeply concerned that it is now September and nothing has actually been achieved since this saga began.
50. In the circumstances, you can well understand that I am giving thoughtful consideration to simply walking away from all of this, principally because of the effect it's all having upon my health and in turn, on members of my immediate family, and resolving the balance of your organisation's representations (or misrepresentations) in the appropriate court forum. The only reason that I have not done so yet is because I remain hopeful that the situation can be resolved with some commonsense and intervention by you, and because of the commitment I made to O'Connell - lest it ever be said that I have not complied with every single undertaking I gave your organisation. 777
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51. I understand, as was confirmed by Smith when he delivered the letter dated 26 August, that the officers with whom I have continuous contact, principally Lloyd and Graham are no longer to be "responsible for my safety" as meeting with me places them at too much risk. Given this is the advice given to them and given the fact that I am not supposed to [REDACTED] or check [REDACTED] [REDACTED] is it now the situation that they as well as Smith and O'Connell are no

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longer to meet me anywhere and assist in facilitating these arrangements? This would seem to be the position expressed in your correspondence as it suggests that having any physical contact with me places your members at an unacceptable level of risk. If so, what do you suggest I do when I next plan to [REDACTED] That I check [REDACTED] myself, [REDACTED] That I [REDACTED] [REDACTED] Or is it your intention that [REDACTED]

52. In addition, when Smith handed me the letter on 27 August 2009, he informed me that the current arrangements with respect to the costs of accommodation and a contribution to my living expenses [REDACTED] would continue at your discretion but that beyond that, he was not informed of anything additional. Upon me seeking clarification the following day, I was informed that there is now to be no [REDACTED] unless I join Witsec.
53. That is totally unacceptable to me and represents a fundamental breach of the representations, promises and assurances made to me by your organisation. How?
54. Finally, I query what is being referred to in your letter where reference is made to my "continued association with certain persons". Of course it causes me concern to think that perhaps the decision made to treat me as "just another witness" is based on some incorrect assertion. Members of Victoria Police are aware of exactly who I maintain contact with or meet and the only person who might be considered of concern to Police is [REDACTED]. Contact with him is sanctioned by Victoria Police as it relates to a significant [REDACTED] overseen by Purana in which [REDACTED] is highly regarded (and cannot be achieved absent me.) In any event, lest you be left with the wrong impression as suggested in your correspondence, I associate with my close friends and family, none of whom have any connection with criminals or involvement in criminal activity. Accordingly, it remains a mystery what my "continued association with certain people" actually refers to. Perhaps it's an unintentional oversight and refers to criminals contacting me over five months ago or perhaps the writer was not aware of the current day to day activities when I am [REDACTED] and the fact that either Lloyd or Graham [REDACTED] of those days.

Conclusion

55. It would appear that the crux of your correspondence is to attempt to legally cover your organisation in the event that some harm should befall me. Indeed, that much has been made perfectly clear by Allway who has repeatedly expressed concern as to how Victoria Police "would look" if something were to happen to me. Sending me a letter that effectively says "You must join Witsec on our terms or your safety is your own problem" is demonstrative of a complete misunderstanding of the law, as well as it being contrary to what I was promised prior to agreeing to be a witness for the Police, what was represented to me and has continued to be represented and the assurances given to me by your organisation.
56. I also wish to make it clear that I implore your intervention to resolve the situation and to try to address my concerns. I do not want to be forced to instigate legal proceedings nor to withdraw my assistance as a witness.
57. Despite not having personally met you, I find it simply incomprehensible that you, have been fully appraised of the entirety of my circumstances, have sanctioned Victoria Police's decision to:

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IF NO SAFETY
199189 WITNESS
WOULD NOT
BE APPROVED.

- (a) maintain its utter lack of flexibility in relation to me joining the Witsec program;
- (b) ignore my repeated requests for entry into the Witsec program immediately on a slightly more relaxed regime, my requests not based upon concern for my safety, but rather because in my view, a witness covered by the Act is far better protected in terms of disclosure than a witness outside the Act;
- (c) now reverse its stance in relation to your earlier requirement of a [REDACTED] between myself and Victoria Police [REDACTED] (outside the Witness Protection Act) thereby leaving me in a position wherein I have absolutely no guarantee of being in any way compensated for the loss of my life as I knew it, including but not limited to loss of career and loss of income; and
- (d) act in a manner that is totally at odds with me maintaining any trust in your organisation to treat me appropriately, particularly having regard to my ongoing illness, my ongoing assistance in relation to multiple current investigations and to drafting a second statement in relation to the Dale prosecution which would significantly increase the likelihood of his conviction.
58. I remain optimistic that you will ensure that the undertakings given to me on your behalf by O'Connell in late 2008 and early 2009 will be honoured (as confirmed in the [REDACTED]), thereby avoiding the need for me to retain Counsel and initiate proceedings against Victoria Police.
59. It is also my desire, notwithstanding the position I am left in (due to the conduct of certain members of Victoria Police), to try to ensure the prosecution of Dale is not compromised by virtue of litigation prior to his committal proceedings in March 2010. Were Dale's prosecution to be discontinued (which is inevitable in the absence of the evidence of Witness F), that would mean that I would have made the decision to substantially alter the future of my life forever, for no reason at all.
60. Significantly, on a personal level, I do not want to find that the trust and faith I have placed in certain of your members was misplaced.
61. In the circumstances, I would ask you to consider the matters raised above and contact me to arrange a meeting as a matter of urgency. In the event that I have not received your response by **5.00 pm on Monday, 14 September 2009**, I will:
- (a) take your silence as an acknowledgement of and acceptance by you of each of the matters raised in my letter;
- (b) without further notice to you, commence appropriate legal proceedings to address the situation in which your organisation has placed me; and
- (c) hold Victoria Police liable for any and all legal expenses that I incur in the course of any legal proceedings that follow.

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199189
ADVISE.

Yours Sincerely,

F

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

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VICTORIA POLICE

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

26 August 2009

Dear Witness 'F'

Entry into Witness Protection Programme

You would be aware of the extended negotiations between yourself and our staff about entering the Witness Protection Programme. While these negotiations have been continuing, Victoria Police has provided interim protection and assistance to you, including ad hoc security arrangements, as required.

In my letter to you dated 4 June 2009 Victoria Police confirmed advice, already given to you in person by our staff, that it was essential to include you in the Witness Protection Programme as soon as possible, in view of the risks to your safety.

You are subject to extreme risk of harm as it is known in the criminal community that you will be giving evidence in the Dale matter. Further, it may be assumed by persons within the criminal community that you may give evidence in other matters to the detriment of those persons.

You are also aware that you have been the subject of specific death threats by SMS messaging.

In view of your continued association with certain persons, and your unwillingness to comply with the recommendations of Victoria Police in relation to your safety, Victoria Police has become increasingly concerned about your personal security. I have considered a full threat and [REDACTED] about the potential for physical harm to be directed against you. That [REDACTED] has also considered the risk of harm to police officers who have assumed the responsibility for offering protection to you under the existing ad hoc security arrangements. The [REDACTED] concludes that in the view of the extreme risk of harm to yourself, existing ad hoc security arrangements are inadequate to effectively reduce the risk of harm to you and to others.

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Your urgent acceptance of an offer to participate as a protected witness in the Witness Protection Programme is the most appropriate means of reducing and controlling this risk of harm. As explained in our earlier letter, the [REDACTED] of [REDACTED] and [REDACTED] within [REDACTED] and your co-operation with the reasonable requirements of Victoria Police directed towards maintaining your safety, are the most appropriate means of reducing and controlling the risk of harm to you, and to the police officers who may be the subject of threat in providing protection services to you.

In our earlier letter, we suggested further negotiations take place concerning the [REDACTED] to be [REDACTED] between you and the Chief Commissioner in relation to your [REDACTED]

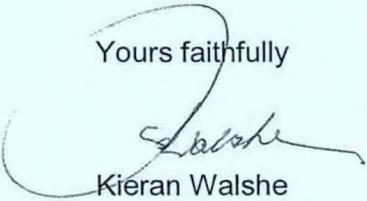
I am advised that although these negotiations have continued over recent weeks with various staff of Victoria Police, including members of the Witness Security Unit, these matters are unresolved, and no agreement has been reached. Continuing the present ad hoc security arrangements represents an unacceptable risk to the health and safety of the police officers who have been protecting you. Accordingly, we advise that the existing ad hoc security arrangements are to be discontinued with effect from Thursday, 3 September 2009. You may however, be afforded protection within the [REDACTED] by [REDACTED] with the Chief Commissioner. The [REDACTED] of the [REDACTED] can be inspected by yourself at a meeting at your request. The meeting should occur no later than Thursday, 3 September 2009.

As participation in the Witness Protection Programme is voluntary the decision to participate is a matter for you. Should you decide not to participate in the Witness Protection Programme then you will be treated in the same manner as any other witness called upon to give evidence in a criminal proceeding. If Victoria Police becomes aware of any imminent threat to you, we will take action. If you believe your personal safety is at imminent risk, you should call 000 for police assistance.

In relation to ongoing financial assistance, current arrangements in relation to your living expenses while you are not in a position to pursue your occupation will continue subject to the absolute discretion of the Chief Commissioner. That financial assistance consists of a contribution of \$1,000.00 per week towards your living expenses, in addition to certain costs related to your accommodation.

If you wish to participate in the witness protection programme in accordance with the [REDACTED] you may contact Geoff Always [Ph: [REDACTED]]. It remains open for you to join the witness protection programme at any time.

Yours faithfully


Kieran Walshe
Deputy Commissioner Victoria Police