



VICTORIA POLICE

Task Force Driver

Minutes

Date: **Thursday – 27 October, 2011**

Present: Sup't Doug Fryer; Det Insp Mick Frewen; A/C POPE; Supt Clive RUST; Det S/Sgt Buick, *Adrian*

Apologies: A/C Dunne

These minutes are to be read in conjunction with Management Report tabled at each meeting

1	BUSINESS ARISING/SUMMARY
	MEETING COMMENCED AT 15.44
1.1	Previous Action Items
	Action Item 1 - Carried over to next meeting (T.B.A)
	Action Item 2 -
2	DECISIONS TAKEN
2.1	A/C POPE to stand down from the Driver Steering Committee until further notice.
3	DECISIONS / DIRECTIONS REQUIRED.
3.1	Nil
3.2	
4	ISSUES – NOTIFIED / OTHER
	Nil issues raised, overview of investigations as per weekly Driver Management Report (speak to this agenda)

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	Discussion regarding matter raised by Witness F to Boris Buick, which a transcript of the conversation was completed by Buick. It was asserted in the conversation to Buick that Witness F had previously engaged in a sexual relationship with a current A/C (POPE). This was relayed to FREWEN, who in turn notified FRYER. The current Steering Committee Meeting has been called out of sync to address this particular issue and evaluate any impact or perception it is to have on the individuals concerned as well as the activities of the Driver Task Force as well as the mooted activities of Witness F.
4.1	Assistance Commissioner Pope wanted to open the meeting by making the following statement...(recorded in first person)
4.2	<p>Firstly I would like to categorically deny any sexual affair or relationship with Witness F.</p> <p>I would like to advise the committee on the nature of my relationship with Witness F.</p> <p>I first met Witness F in around 99/00 in a court room whilst I was attached to the Asset Recovery Squad.</p> <p>Over the ensuing period I met Witness F approximately six times as a potential source. Witness F provided information regarding alleged criminal activities of solicitor Solicitor 1. Soon after that much of the information progressed beyond this and related to drug trafficking activities beyond my operational level. Witness F was not registered as a source.</p> <p>At all time I met Witness F it was in a public place, was during work time and with others present.</p> <p>The last meeting I had with witness F was in a meeting with Wayne Strawhorn, where I introduced Witness F to him at the Emerald Hotel. After the introduction I left them together. I had no further contact with either Witness F or Strawhorn.</p> <p>A few months later whilst at the Magistrates Court in Melbourne, I bumped into Witness F outside the Metropolitan Hotel in the city.</p> <p>Witness F asked me if there was any chance that the nature of our relationship could change and become more personal...I informed Witness F no there is no chance the nature could or would change.</p> <p>I have never sought contact with Witness F, nor have I offered any form of reciprocal contact to Witness F.</p> <p>I was aware of the role Witness F played and it would not have put me in a positive professional or personal light if I had such a relationship with Witness F.</p> <p>I have no issues outstanding regarding my relationship with Witness F and have nothing to hide.</p> <p>Professionally speaking regarding my role on the Steering Committee with Petra and the ongoing civil action Witness F took against Vicpol, I declared my interests regarding this matter to Sir Ken Jones, Fin McCrae and Peter Lardner from a transparency and perception point of view.</p> <p>I was advised by all parties that there was no conflict of interest and no problem with my involvement in such activities.</p> <p>Pursuant to this the advice was to Sit as it is.</p> <p>I look forward to either providing evidence either by signed affidavit, evidence on</p>

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oath in order to articulate my side to these allegations. I am keen to do this as in my role as an Assistance Commissioner (as well as other roles), integrity is everything and some may surmise that where there's smoke there's fire.

I am obviously concerned from both a professional and personal perspective about this allegation and the way it has been presented.

I would hope to retain the confidence of the Steering Committee regarding the nature of this allegation as I am sure there is no evidence supporting the allegations made by Witness F.

It appears that Witness F may be attempting to create a position so as to give rise to another writ against Vicpol.

All my activities have been about doing the best by and for the organisation and exercising my duty of care to witnesses pursuant to the department I manage.

I have sought advice from Fin McCrae regarding this matter and the allegations I have made and have concluded that the best thing to do is to remove myself from the Driver Steering Committee effective this meeting until further notice.

It could be open to perception of that I or the Steering Committee has something to hide and I don't want to devalue the committee, whilst this issue remains at foot.

I want to reiterate that I have always acted in an honest, open and transparent manner and to that end; I should remove myself from the Steering Committee.

FRYER – There will be obviously many ongoing court actions regarding Witness F that involve the work of the Driver Task Force as well as potentially other investigational groups.

RUST – I would like to add, that I support the decision of A/C Pope and it is the correct course of action.

POPE – Thanks, this is something I do not want to do, but I am concerned about the perception of others towards the Task Force and its activities.

I would like to make a particular note for the minutes and acknowledge the work of Boris Buick for bringing this matter forward and the way it has been subsequently handled. I am mindful of the ongoing relationship he has to maintain with Witness F and it would be an invidious relationship.

From Fin McCrae this action by Witness F is not overly surprising and is consistent course of conduct of Witness F in order to upscale any claim made against Victoria Police.

ASHTON – I accept A/C POPE'S proposal to stand aside from the Driver Steering Committee until such a time as any investigation into this matter will be put to rest. We have obligations to notify the OPI due to the fact the allegation relates to an Assistant Commissioner rank. This will be reviewed once the investigation process has concluded.

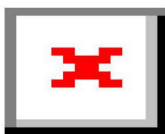
FRYER – Tabled the report relating to the potential use of Witness F completed by BUICK.

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	<p>FREWEN then ran through prosecutorial options as detailed by Krista Brekweg regarding Paul Dale ACC prosecution. These included leaving Witness F out of proceedings, using tape with Dale as an exhibit only etc, and the potential outcome was that there may be between 4-8 charges that could proceed in their own right against Dale without the testimony of Witness F.</p> <p>FRYER suggested Buick approach Witsec again to do another assessment on Witness F and potential viability of <u>Witness F entering the Witsec Programme</u>. Boris Buick to facilitate contact only, ^{A 4th PO} to undertake reengagement (Action Item 1)</p> <p>Boris Buick to write to Witness F informing "F"; that the letter Witness F compiled regarding safety concerns has been progressed and will involve reengagement with Witsec initially for another assessment. (Action Item 2).</p> <p>ASHTON – suggested he will have a conversation with Shane Kearn from the Commonwealth DPP and table the general position from Vicpols perspective. He will detail the associated "risk" issues relating to using Witness F with a view to arriving at a position in conjunction with the Commonwealth DPP that will be a way forward for the ongoing prosecution options for Paul Dale for outstanding ACC charges as well as using Witness F generally. (Action Item 3)</p> <p>ASHTON – Will engage with Supt. Paul Sheridan to be included in the Driver Steering Committee to replace A/C Pope. SHERIDAN is familiar with many of the issues and matters effecting Witness F. (Action Item 4).</p>
4.3	
4.4	
4.5	
4.6	
4.7	
5	ADMINISTRATION
5.1	Staffing:- Nil

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5.2	
	ACTION ITEMS
6.1	Action Item 1 - FRYER suggested Buick approach Witsec again to do another assessment on Witness F and potential viability of Witness F entering the Witsec Programme. Boris Buick to facilitate contact only, ^{A 4th PO} to undertake reengagement (Action Item 1)
6.2	Action Item 2 - Boris Buick to write to Witness F informing "F"; that the letter Witness F compiled regarding safety concerns has been progressed and will involve reengagement with Witsec initially for another assessment. (Action Item 2).
6.3	Action Item 3 – ASHTON – suggested he will have a conversation with Shane Kearn from the Commonwealth DPP and table the general position from Vicpols perspective. He will detail the associated "risk" issues relating to using Witness F with a view to arriving at a position in conjunction with the Commonwealth DPP that will be a way forward for the ongoing prosecution options for Paul Dale for outstanding ACC charges as well as using Witness F generally. (Action Item 3)
6.4	Action Item 4 - ASHTON – Will engage with Supt. Paul Sheridan to be included in the Driver Steering Committee to replace A/C Pope. SHERIDAN is familiar with many of the issues and matters effecting Witness F. (Action Item 4).
	MEETING CONCLUDED AT 16.55



Task Force Driver

Minutes

Date: **Friday – 16 September, 2011 – Board Room Level 10
Deputy Commissioners Office**

Present: Sup't Doug Fryer; Insp Mick Frewen; A/C Graham ASHTON Crime, A/C
Emmett DUNNE ESD, Fin McCrae Legal Services

Apologies:

These minutes are to be read in conjunction with Management Report tabled at each meeting

1	BUSINESS ARISING/SUMMARY
	Meeting Commenced: 11.05 am
1.1	Previous Action Items
	Action Item 1 - Nil
	Action Item 2 -
	Summary of ongoing investigations & Johnson trial provided as per weekly summary. Nil Issues arising.
2	DECISIONS TAKEN
2.1	Nil
3	DECISIONS / DIRECTIONS REQUIRED.
3.1	Nil
3.2	
4	ISSUES – NOTIFIED / OTHER

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	Nil issues raised, overview of investigations as per weekly Driver Management Report (speak to this agenda)
4.1	Raised the issue of the use of witness F in the upcoming ACC Commonwealth prosecution of DALE. Commonwealth were of the opinion the brief was reasonably strong. When submitted for authorisation in Dec 2010, opinion via senior counsel was the brief was very good. This was then authorised by Crime (GUERIN) from Vicpol's end.
4.2	Finn McRae raised original agreement and the merits of that and using witness F and notwithstanding the original agreement it may give rise to "new hurt" in a civil claim for damages.
4.3	Sir Ken Jones sought advice early on and there was no impediment to F being called by the Commonwealth that would breach the agreement.
4.4	Conceded by all that there were significant PII issues that need to be considered that may give rise to risk associated with this and other unrelated witnesses and prosecutions Subpoena has not been received from Hargraves as yet but it is expected to be large & all encompassing.
4.5	The merit of the subpoena will need to be explored and this will dictate the PII Claim.
4.6	MF informed group there was a meeting with Gerard Maguire, VGSO, Comm DPP, Briars, Civil Lit re this and other PII and subpoena matters. Would be best placed to report on this @ next Steering Committee Meeting. (MF)
4.7	MF informed further [REDACTED] approaches to Witness F will occur in the next week or so, contact already been made.
4.8	A decision on ultimate prosecution/use of witness F to be reserved pending further information coming to light from meetings, subpoena process and PII claim success. Discussion about evidence act provisions re admitting witness F's evidence @ committal hearing and the pro's and con's of such a process.
4.9	Discussion re upcoming OPI hearing for Operation Slate. Due to the necessity to seek clarification from the Solicitor General re an administrative function, this will not proceed within the proposed timelines. To that end it may be worth progressing/exploring options in another co coercive hearing environment. Consideration of the OCE to be explored.
5	ADMINISTRATION

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5.1	Staffing:- Nil
5.2	
	ACTION ITEMS
6.1	Action Item 1 - MF to report on meeting re PII/Subpoena issues re Witness F
6.2	Action Item 2 - MF to report back re Op Slate and possible hearing forum.