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By email

Solicitors Assisting the Royal Commission  
Level 6  
555 Bourke Street  
MELBOURNE VIC 3000

Dear Mr Rapke and Ms Tighe

**Royal Commission into the Management Police Informants**

We refer to Notice to Produce 551 (the **Notice**) issued on Monday evening, 20 April 2020, and my telephone call with Ms Tighe of 21 April 2020.

Based on that telephone call we understand that with this Notice the Commission is requesting the following documents:

- (a) any recent communications between Corrections Victoria and Victoria Police (or the OPP) about payments into **Mr Cooper's** (a pseudonym) prison account; and
- (b) any attachments to those communications.

In accordance with that understanding we now produce the material pursuant to the Notice on behalf of our client. **Enclosed** with this letter is:

- a pdf of the chain of email communications between Corrections and VicPol regarding their enquiries about payments into **Mr Cooper's** account; and
- a pdf which our client has confirmed is a copy of the document provided to police as the attachment to the email sent to VicPol on 26 February 2020 at 11.47 am which is in the email chain produced above.

In the time we have not yet been able to process these with a ringtail number but will attend to that tomorrow. We have discussed the highlighting of information in these documents further below.

**Position advised to the Commission by Corrs Chambers Westgarth.**

We understand that Victoria Police's solicitors recently advised the Commission that Corrections Victoria had prevented Victoria Police from producing information about **Mr Cooper's** prison account to the Commission.

It is clear from the material that we now produce to the Commission that is incorrect.

In fact:

- ☐ On 16 August 2019, we and our client met with Counsel Assisting to discuss documents that Corrections hold which might be relevant to the Commission's work. Counsel Assisting raised the issue of documents evidencing payments into **Mr Cooper's** prison account and our client promised to search for that material.



- On 26 August 2019, we emailed you attaching a table outlining the searches our client had undertaken following the 16 August meeting. At item 13(a) in the table we confirmed that our client could produce records of all contributions to **Mr Cooper's** (then known by a different pseudonym) prison account "once a notice is received". No notice to produce for that material was received.
- Separately, on 20 February 2020 Victoria Police sent an email request to a Victoria Police Liaison Officer at the Corrections Victoria Intelligence Unit for "*a report in relation to payments made into **Mr Cooper's** prison account during his last term of imprisonment.*"
- On 25 February 2020, this request was followed up by an email noting that the request was urgent and "*for the purpose of assisting a current operation*".
- On 26 February 2020, the officer at Corrections provided Victoria Police with the requested report. You will be aware that the *Corrections Act 1986* imposes strict confidentiality obligations on Corrections Victoria in relation to personal information. There are exceptions in the Act which allow Corrections to share information and intelligence with Victoria Police to assist Victoria Police's law enforcement duties.
- More than a week after the report had been provided, on 10 March 2020 Victoria Police asked Corrections to advise whether the material that had been provided previously could be used as evidence in the Royal Commission, then clarified ten minutes after that email that the records were also required for use in "civil disclosure" in the Court of Appeal that may arise from Royal Commission.
- On 15 March 2020, Corrections responded to Victoria Police to advise it did not approve Victoria Police itself releasing the document to the Commission or the Court of Appeal for civil disclosure. The email advised that such requests for documents should be addressed to Corrections Victoria directly.

The State has always been willing to produce the records of payments into **Mr Cooper's** prison account and does so now in response to NTP 551. The State did, however, previously ask that a notice to produce be issued to ensure that there is a proper legal basis to produce sensitive and personal information that it holds.

We trust that this assists you and addresses any concerns that the Commission or the Commissioner may have regarding the matters raised by Corrs. We repeat that our client does not seek in any way to delay the relevant material being produced.

### **Redactions for privilege and confidentiality**

As with our client's productions in response to NTP 73 and NTP 336, our client has shaded information over which it asserts a claim of confidentiality. As with prior productions, this includes telephone numbers, fax machine numbers and email addresses of Corrections staff and in the pdf table of payments information the personal and contact details of the third persons who made those payments. We can provide formally redacted copies of this material if that would assist the Commission.



There are also various references to **Mr Cooper** in the material which have also been shaded. Our client is not able to confirm if all names of those persons who assisted Victoria Police as witnesses or human sources have been shaded. We request that before any publication of this material (if such was to be published), your team and Victoria Police review the documents for any further necessary public interest redactions.

Please do not hesitate to contact us if you have any questions regarding the material or the issues raised in this letter.

Yours faithfully

**Gilbert + Tobin**

A handwritten signature in blue ink, appearing to read 'Christiana McCudden', written over a light blue horizontal line.

**Christiana McCudden**  
Partner

[Redacted]  
[Redacted]