

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

This letter is not privileged (LPP) would it be PII? Would a reply be PII?

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, 16006.
7.9.09.

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keep a file
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.

have always encouraged her to seek that advice.

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.

Final versions of letters as sent

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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,

except as above

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.

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(a)
(b)
not prepared to co-operate with an unprecedented regime of publicity

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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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 go [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-DS and Graham Evans-O Lloyd and Graha 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 [redacted] 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.

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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.)

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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).

issue
is safety
of self +
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