

F - Address CONFIDENTIAL

PRIVATE AND CONFIDENTIAL

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

URGENT

21 January 2010

Dear Sir,

Witness F

In writing to you, I refer to the following correspondence which I trust your members have provided to you:

- (a) Letter from Deputy Commissioner Kieran Walshe (Walshe) to me dated 4 June 2009;
- (b) Letter from Walshe to me dated 26 August 2009;
- (c) letter from me to you dated 7 September 2009;
- (d) letter from Walshe to me dated 14 September 2009;
- (e) letter from me to you dated 28 September 2009;
- (f) email from my Counsel to Superintendent Rod Wilson (Wilson) dated 10 November 2009;
- (g) letter from Victorian Government Solicitor's Office (VGSO) to Piper Alderman Lawyers dated 14 December 2009;
- (h) letter from VGSO to Piper Alderman Lawyers dated 31 December 2009;
- (i) email from my Counsel to members of the Petra Task Force dated 15 January 2010;
and
- (j) letter from Piper Alderman Lawyers to VGSO dated 18 January 2010.

For your assistance, a further copy of the above correspondence is enclosed.

The purpose of this letter is not to repeat the matters which have been the subject of my earlier correspondence. Rather, the purpose of this letter is to inform you of my current personal circumstances, draw your attention to the immediate issues relating to the prosecution of Paul Noel Dale (Dale), and implore you to reconsider the position adopted by Victoria Police with respect to me.

1. As you are aware, I have made a statement in relation to Dale. Prior to agreeing to make a statement to investigators and/or give evidence against Dale, I expressed significant apprehension in becoming a witness for Victoria Police given the inevitable consequences that would follow. The nature and extent of my concerns and were detailed during meetings I attended with with Detective Senior Constable Cameron Davey (Davey) and Detective Senior Sergeant Shane O'Connell (O'Connell). In the context of me expressing my concerns, your members, in particular O'Connell, made a number of representations and promises to me, which were stated to have been made in your name (on behalf of the organisation) and with your imprimatur. Those representations and promises included the following:
 - (a) Victoria Police would ensure, if I made a statement against Dale, and agreed to give evidence, that I would be "no worse off financially or otherwise" as a consequence of doing so;
 - (b) Victoria Police would ensure that I would have access to the Witness Protection Program with an unprecedented degree of flexibility and that the Witness Protection Program would accommodate my individual needs (including my medical requirements);
 - (c) I could trust and rely upon Victoria Police with my future ongoing safety, security and welfare;
 - (d) there would be "no budgetary constraints" applicable to me in terms of providing me with compensation;
 - (e) I would be "looked after" by Victoria Police if I agreed to make a sworn statement against Dale thereby agreeing to become a witness in any prosecution of Dale;
 - (f) any issues I had in terms of becoming a witness "would be accommodated" by your organisation.
2. I have previously set out the representations and assurances made to me in my letters to you dated 7 September 2009 and 28 September 2009. For your information, I note that prior to sending you each of these letters, I read the content to O'Connell who confirmed its accuracy.
3. Against these assurances, and in reliance on Victoria Police's promises and representations, I made and signed a statement in January 2009. Additionally, after signing the statement, 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. 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.
4. Having relied on the assurances, promises and representations made to me by Victoria Police, and on your behalf, and having placed my trust in and relied upon your members, I now find myself in a position where:
 - (a) I no longer have a viable career as a barrister, and arguably within the law;

- (b) my safety and security will always be threatened (and arguably increasingly jeopardised depending on the events which unfold in relation to Dale's pending Committal – see paragraphs 6 to 8 below);
 - (c) my health has irreparably damaged and continues to be significantly compromised;
 - (d) I no longer have any trust in nor relationship with O'Connell, Smith or Wilson following Victoria Police's decision to terminate my witness management and support on 20 November 2009, and Smith and O'Connell's conduct thereafter;
 - (e) I am without any form of witness management or support or any ongoing relationship with any member of the Petra Taskforce other than Davey and Detective Sergeant Sol Solomon; and
 - (f) Victoria Police is refusing to honour the assurances, promises and representations made to me.
5. On numerous occasions, I have registered and expressed my serious concerns in relation to each of the above matters with various members of your organisation. To date, none of my concerns have been appropriately addressed and most, if not all issues I have raised (many in writing) have gone unanswered and/or remain unresolved. Whilst some of these matters are of a more minor nature, some go directly to my future safety and security and others concern the potential damage that is increasingly likely with regard to the prospect of successfully prosecuting Dale.
6. In particular, in relation to witness protection, I have at all times 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 be disclosed (directly, indirectly or by inference) in the course of pre-trial proceedings; and
 - (b) the safest manner in which to ensure the protection of such information is for me to be subject to the provisions of the Witness Protection Act.
7. As a former Deputy Commissioner for Crime, I am sure that I need not remind you of the difficulties that Victoria Police will encounter if some or any of my past assistance is disclosed in the course of the prosecution of Dale. As matters currently stand, such disclosure would appear to be inevitable. Leaving aside the impact such disclosure will have on me personally (including but not limited to my future safety), the difficulties Victoria Police will encounter will extend well beyond the obvious embarrassment and damage that will be done to the Dale prosecution.
8. I have for many months now repeatedly stated that the best way to avoid jeopardising the Dale prosecution is to ensure that evidentiary protections afforded under the Witness Protection Act be granted to me. It alarms me greatly that with Dale's Committal scheduled to commence in less than 7 weeks time, and in circumstances where Dale is anticipated to serve Subpoenas on Monday 25 January 2010, Victoria Police is still to determine the issue of my participation in the Witness Protection Program. I can only hope that this issue is resolved before Dale files and serves his Subpoenas, after which time it will simply be too late.

9. Further, as your members have previously been advised, I suffer from a serious chronic medical condition (trigeminal neuralgia/thalamic pain syndrome) which is aggravated by anxiety, uncertainty and stress. In July 2009, I was hospitalised for 19 days, such was the state of my health. In December 2009, I was again hospitalised, this time for almost six weeks, due to a stress related debilitating and disfiguring illness, from which I am yet to recover. On 7 January 2010, I was diagnosed with a form of cancer and, as I write to you, I am awaiting an appointment with a gynaecological oncologist for advice as to treatment options.
10. In the context of Victoria Police being made aware of my medical needs and diagnosis (save and except for my most recent cancer diagnosis), it is deeply upsetting that your organisation has chosen to conduct itself in a manner which has grossly aggravated and exacerbated my medical condition to the point where I require constant medical attention and am unable to manage to look after myself absent the assistance of home nursing and significant family support. I never agreed to be put in this situation which is undeservedly unjust and unfair.
11. Despite not having personally met you, I find it incomprehensible that you, having been fully appraised of the entirety of my circumstances, have sanctioned Victoria Police's decision to:
- (a) engage in continued prevarication and indecision, which has resulted in my health being adversely compromised;
 - (b) maintain its utter lack of flexibility in relation to me joining the Witness Protection Program;
 - (c) act in a manner that knowingly compromises my future safety; and
 - (d) act in a manner that is totally at odds with me maintaining any trust in your organisation to treat me appropriately.
12. I have repeatedly sought your intervention over the past seven months or so. In that time, I have:
- (a) had to be hospitalised three times (for a total of approximately 55 days);
 - (b) had to endure three rounds of surgery for a disfiguring stress related illness (where further surgery is likely to be required); and
 - (c) I have now been diagnosed with a form of cancer.
13. In one final attempt to avoid what I suspect will otherwise be an irreparable and intractable situation for all parties, I am imploring you to please read the enclosed correspondence, particularly in light of the incredible sacrifices I have made for Victoria Police in circumstances where I have asked for nothing other than for the organisation to honour the representations and assurances that have been made to me. Further, I beseech you to reconsider the stance that has been adopted by Victoria Police to date and do so appealing to your professionalism, decency, humanity and conscience.

Will you meet with me?

Yours sincerely,

F
F