

Sensitive: Legal

Summary of Petra files received 15/06/12

Files hand delivered to Steve Gleeson in foyer of 121 Exhibition Street at 1417 hrs (see diary for further)

2 x Folders provided, each contained in a sealed white plastic (tamper evident) bag.

Folder one is a light blue large four post binder full of documents contained in plastic pocket sleeves.

Folder one is labelled on spine:

Highly Protected
Folder 1
Operation Petra

Folder one is labelled on front:

Highly Protected
Deputy Commissioner Overland
Folder 1
Operation Petra

The content of folder one consists of plastic pocket sleeves, each numbered and each holding documents. Upon opening the file the top sleeve visible is number 156 and the last sleeve in the folder is numbered 8.

Sequentially, from the last sleeve to the most recent, the numbered sleeves appear in the following order:

8	16	19	20	23	27	28	33	34	36	40	44	45	48	49	52	55
57	58	60	63	64	67	68	71	72	75	76	79	82	83	86	87	90
91	93	96	99	100	104	107	108	111	112	113	115	117	119*	121	123	125
127	129	131	133	134	136	138	139	141	142	143	145	146	147	149	150	151
152	153	154	155	156												

- Sleeve 119 is empty – yellow post it note affixed to same indicating "Luke has Copy"

Folder two is a darker blue large four post binder about one third full of documents contained in numbered plastic pocket sleeves.

Folder two is labelled on spine and front:

Highly Protected
Folder 2
Operation Petra

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A covering memo sits inside the plastic jacket on the front of the folder. This memo, dated 15/6/12, is from A/A/C Doug Fryer to A/C Jeff Pope indicating that these files had recently been located at the office of the A/C Crime and that the files may best sit with Legal Services.

Sitting atop this folio of plastic sleeves was a bound booklet titled

Highly Protected Register
Deputy Commissioner Overland
Deputy Commissioner's Office
Building D Floor 7.

This bound booklet contains typed documents in two different formats;

- The first simply provides for handwritten entries in two columns headed folio number and subject/file detail.
- The second provides for handwritten entries in 8 columns as follows: - Number, Date in, Subject, From, Entered by, Date out, Transmission to, Receiver name and Signature.

The content of folder two consists of plastic pocket sleeves, each numbered and with most, but not all, holding documents. Upon opening the file the top sleeve visible is number 179 and the last sleeve in the folder is numbered 157.

Sequentially, from the last sleeve to the most recent, the numbered sleeves appear in the following order:

157	158	159	160	161	162	163	164	165	166	167	168	169	170*
171*	172*	173*	174*	175*	176*	177*	178	179					

- * Denotes empty sleeve (sleeves 170 – 177)

Contents of Folders:

The actual name of 3838 is mentioned throughout these files and the pseudonym "Witness F" is also used – to maintain consistency with work done to date the term 3838 will be utilised as a reference in the following table:

Folder & Sleeve number	Item of interest / comments
1/8	Petra establishment terms of reference approved by then CCP Nixon – Minutes to be kept of all management meetings which are to be held weekly. Insp Gavan Ryan to be in charge of day to day ops.
1/16	Petra weekly update of 24/4/07 – Task Force developments – Proposed briefing of a "Legal Team" (presumably to advise on things including legality of tactics proposed)
1/19	Petra weekly update of 1/5/07 – General developments including

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	engagement with OPI
1/20	Brief minutes for 1/5/07
1/23	11 page statement of Carl Williams (unsigned and undated)
1/27	Petra weekly update of 14/5/07- Suggests legal team (Brian Dennis) to be briefed. Petra investigation plan attached as is a 2 page risk assessment which is a generic document equally applicable to any investigation – no specific risks identified applicable to Petra focus – No moral / legal / ethical risks mentioned / contemplated or identified.
1/28	Brief minutes for 15/5/07 – legal team – LC (= Luke Cornelius?) to inquire re Brian Dennis NOTE – <i>This is the last reference to a legal team and there is no clear indication if this was followed through. Need to inquire as to if a legal team was ever involve, if so then when did they commence, and what assessments re 3838 were ever made. Perhaps speak to Gerard Maguire.</i>
1/33	Petra weekly update of 21/5/07 (3 copies)
1/34	Brief minutes for 21/5/07
1/36	OPI letter 27/2/07 to D/C Overland providing authority to disclose certain information (contained within OPI transcripts)
1/40	Petra weekly update 28/5/07 (2 copies)
1/41	Brief minutes for 28/5/07
1/44	Petra weekly update for 4/6/07 (2 copies)
1/45	Brief minutes for 4/6/07
1/48	Petra weekly update of 12/6/07 (2 copies)
1/49	Brief minutes of 12/6/07
1/52	Petra weekly update of 25/6/07 (2 copies) Post it note attached stating: “No minutes – I was delayed in attending and it concluded just prior to my arrival”. (appears to be handwriting of Simon Overland)
1/55	Petra weekly update of 2/7/07
1/57	Petra weekly update of 9/7/07
1/58	Joint Agency Agreement – Vicpol and OPI – Operation OBOE (OPI and operation Petra (Vicpol) Nominated Assistant Director Ashton (OPI) as over-sighter of Petra matters and advised that OPI may conduct OPI hearings to assist Petra investigations.
1/60	Petra weekly update for 16/7/07 and brief minutes (stapled together as one document)
1/63	Petra weekly update of 23/7/07 (2 copies)
1/64	Brief minutes of 23/7/07
1/67	Petra weekly update of 30/7/07
1/68	Brief minutes of 30/7/07
1/71	Petra weekly update of 6/8/07 (2 copies)
1/72	Brief minutes of 6/8/07
1/75	Petra weekly update of 13/8/07 (2 copies)
1/79	Brief minutes of 20/8/07
1/82	Petra weekly update of 27/8/07
1/83	Brief minutes of 27/8/07

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1/86	Petra weekly update of 3/9/07 (2 copies)
1/87	Brief minutes of 3/9/07
1/90	Petra weekly update of 10/9/07 (2 copies)
1/91	Brief minutes of 10/9/07
1/93	Petra weekly update of 17/9/07
1/96	Petra weekly update of 24/9/07
1/99	Petra weekly update of 1/10/07 (2 copies)
1/100	Brief minutes of 1/10/07
1/104	Petra weekly update of 29/10/07 – Call charge records to be obtained for 3838's phone
1/107	Petra weekly update of 12/11/07 (3 copies)
1/108	Brief minutes of 19/11/07 (possible that meet of 12/11/07 occurred on 19/11/07?)
1/111	Petra weekly update of 10/12/07 (2 copies)
1/112	Brief minutes of 12/12/07
1/113	Petra weekly update of 21/1/08
1/115	Petra weekly update of 18/2/08
1/117	Petra weekly update of 3/3/08
1/119	Plastic pocket is empty – Post it note affixed indicating: “Luke has Copy” (need this as the SML for 3838 reflects that on 5/3/08 that 3838 was going to Petra and Petra planned to put pressure on Andrew Hodson and have him go to 3838 for advice, presumably which Petra would then learn of through 3838. No mention of this in Petra material unless it is in the missing weekly updates between 3/3/08 and 14/4/08 and possibly the one/s that Luke has a copy of?).
1/121	Petra weekly update of 14/4/08.
1/123	Petra weekly update of 12/5/08
1/125	Petra weekly update of 26/5/08
1/127	Petra weekly update of 23/6/08
1/129	Petra weekly update originally dated 30/6/08 but crossed out and handwritten date of 7/7/08 is indicated
1/131	Petra weekly update of 21/7/08
1/133	Bulldog clipped papers approx 1cm thick detailing investigative jobs and target profiles
1/134	Petra weekly update 4/8/08
1/136	Petra weekly update 18/8/08
1/138	Petra weekly update 25/8/08 – mention of 3838 having a relationship with Azzem AHMED
1/139	Petra weekly update 1/9/08
1/142	Petra weekly update 15/9/08
1/143	Petra weekly update 24/9/08
1/145	Petra weekly update originally dated 24/9/08 but this is crossed out and hand written date of 29/9/08 is provided - - mention of a particular mobile phone possible being used by 3838 - - proposed actions include to speak

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	to 3838
1/146	Petra weekly update 5/10/08 - -proposed to speak to 3838 next week
1/147	Email from Supt Biggin to Insp Wilkins of 24/9/08 – issues cover sheet re intel leak from State Surveillance unit and how best to address
1/149	Petra weekly update 13/10/08 - comment within reflecting 3838 to be interviewed by investigators concerning this query (mobile phone possession and usage)
1/150	Petra weekly update 20/10/08 comment within 3838 to be interviewed
1/151	Email from D/C Simon Overland to Dept Dir Graham Ashton OPI authorising release of certain LII records from Vic Pol to OPI
1/152	Petra weekly update of 27/10/08 - -comment within 3838 to be interviewed - also contains investigation strategy for operations [REDACTED]
1/153	Petra weekly update of 17/11/08
1/154	Petra weekly update of 24/11/08 – refers to interview of 3838 on 17/11/08 – this is confirmed relationship between Dale and Williams and 3838 setting up meeting between Dale and Williams – 3838 will consider providing statement to Petra investigators
1/155	Petra weekly update of 1/12/08 – Dale admits to relationship with 3838 – 3838 to ring Monday (1/12/08) to make further appointment with Petra
1/156	Issues cover sheet of Insp Wilkins to Petra Steering Group dated 23/8/08 topic is assessment of Vic Pol information release to determine policy issues – comments on ICS reflects copies provided (by Overland?) to Maloney, Biggins and Sheridan
END OF FOLDER 1 - START FOLDER 2	
2/157	Petra weekly update 3/11/08 – appointment to interview 3838 at 0830 on 12/11/08
2/158	Document of 12 pages (undated) headed “Petra Task Force – Op Loras – Timeline Strategy” document consist of 5 columns and appears to be a rudimentary risk assessment exercise – talk of Vic Pol meeting [REDACTED] of [REDACTED] for a particular witness – no indication of any legal advice sought – proposal for 3838 to sign statement, become a Crown witness and move into WITSEC with a [REDACTED] No risk identified about 3838 occupation or prior conduct.
	Five page draft Petra media statement and Q&A provide by Nicole McKechnie.
2/160	Petra weekly update of 5/1/09 – interview of 3838 – statement obtained on 1/1/09 and 2/1/09
2/161	File from Covert Support Division dated 5/1/09 and addressed to D/C Overland from Assistant Commissioner Crime Moloney, File consists of; <ul style="list-style-type: none"> 1. A file covering sheet. 2. An issues cover sheet from Supt Biggin alerting to various “organisational risks” should 3838 become a witness. ICS advises of Biggin offering to brief the Petra Steering Group to

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	<p>elaborate on these. ICS also alerts to an attached briefing paper from Black-O in a SWOT (strengths, weaknesses, opportunities, threats) format.</p> <p>3. Black-O briefing note dated 31/12/08 – includes observations such as:</p> <ul style="list-style-type: none"> • (weakness) Possible OPI / Government Review into legal / ethical implications • (threats) at this stage 3838 does not want to enter the full WITSEC program • (threats) judicial review of police actions in tasking and deploying one of their own. • (threats) Public interest immunity – 3838 well connected in the Victorian legal fraternity. • (threats) OPI review – serving barrister assisting police; Consideration of unsafe verdicts and possible appeals; Prosecutions current (MOKBEL) and future? • OPI investigation implications of HS involvement with [REDACTED]. <p><i>My comments - this briefing note omits a number of critical comments from the version of Black-O that appears on the Informer Contact Report 048 of 5/12/08 maintained by SDU – These include:</i></p> <ul style="list-style-type: none"> • <i>Risk to organisation if long-term source role is exposed = perception of source passing on privileged information and police using same. and</i> • <i>Jeopardise future prosecutions if HS role divulged (mostly MOKBEL and spin offs)</i> • <i>Leave previous convictions open to claims of being unsafe b/c of HS involvement / privilege.</i> • <i>Duty of care to HS mental and physical health for proven assistance over long term – has touched on suicide on several occasions.</i> <p><i>The Petra steering group, based upon briefing paper content, should have identified concerns and further queried such matters as was alluded to by Supt Biggin. Furthermore, the Petra Steering group included A/C Moloney who provided this report to the steering group and assumedly would have been cognisant of its content. Can hardly say that Steering Group was blinded to all of this. Irrespective of this, SDU should not have held back the additional (omitted) material to make absolutely sure that Petra Steering Group would figuratively join the dots.</i></p>
2/162	11 page undated and unsigned statement of 3838 (now referred to as witness "F")
2/163	Petra weekly update of 22/1/09 – Indicates that 3838 statement signed on 7/1/09, WITSEC application prepared and submitted, 3838 preparing a

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	letter outlining needs and requirements for WISEC participation. Negotiations are ongoing with WITSEC.
2/164	<p>A 6 page "needs and expectations (demands) letter" from 3838 re WITSEC participation. A hand written note on covering page (in Overland handwriting):</p> <ul style="list-style-type: none"> • <i>David Ryan drafting an agreement – from McRae</i> <p>Post it note attached indicating:</p> <p><u>Needs to understand</u></p> <ul style="list-style-type: none"> ○ [redacted] necessary ○ [redacted] ○ <i>Medical treatment to be referred to a doctor</i> [redacted] ○ [redacted] ○ <i>ATC ruled out due to diagnosed stress.</i> ○ [redacted] entry to program needs to be sooner not later. ○ [redacted]
2/165	Petra weekly update of 27/1/09 – 3838 negotiations ongoing with meetings with Witsec.
2/166	Petra weekly update of 2/2/09 – 3838 – more meetings with WITSEC – has declined to enter the program – met with WITSEC 2/2/09 in relation to current "Mutual agreement in relation containing demands of witness drawn up and to be submitted to steering group for ratification.
2/167	Document titled "Witness Proposal" 4 pages long (<i>and presumably drawn up by David Ryan VGSO</i>).
2/168	Petra weekly update of 9/2/09 – 3838 continued WITSEC negotiations – MOU being progressed.
2/169	<p>Petra weekly update of 23/2/09 – Ongoing Witsec discussion with 3838 now represented by a barrister – further negotiation required – efforts to be put in place to have further members introduced to 3838 to alleviate requirements for single member to have dealings with 3838.</p> <p><i>My comments - Seems that little has been learnt from the experience gleaned by SDU in managing 3838 as a source for many years. These learnings needed to be seamlessly introduced across the source / witness [redacted] and not have failings replicated at each stage of the process. Vicpol had already learned that this was a resource heavy engagement so why should this have to be re-identified at each stage potentially endangering those dealing with 3838?</i></p>
2/170	Pocket is empty
2/171	Pocket is empty
2/172	Pocket is empty
2/173	Pocket is empty
2/174	Pocket is empty
2/175	Pocket is empty
2/176	Pocket is empty
2/177	Pocket is empty

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2/178	Contains 5 documents as follows: <ol style="list-style-type: none"> 1. Petra weekly update 1/6/09 - 3838 & WITSEC negotiations continuing 2. A typed half page detailing various death threats that 3838 had received. 3. Briars Task Force update 18/5/09 (nil apparently relevant) 4. Petra weekly update of 18/5/09 – 3838 – significant negotiations still ongoing in relation to witness [REDACTED] and deed of agreement. Members travelled to Bali with witness – witness only flies business class. Significant issues of [REDACTED] for witness. 5. Petra weekly update of 28/3/09 – Mention of Dale bail application and claims by Dale’s representatives that tape recording between Dale and 3838 is inadmissible and cannot be relied upon (client / lawyer privilege). Still hoping to finalise a WITSEC agreement for 3838 prior to 28/3/09 when 3838 heads overseas on a holiday.
2/179	Contains 2 documents: <ol style="list-style-type: none"> 1. Petra weekly update of 7/9/09 “issues concerning Gerard Maguire has arisen with 3838. (need to speak to Gerard and learn what this was) Op Queazy commenced re threats to “F”. Formal letter served on 3838 on 27/8/09 and 3838 has made various comments / threats since service of letter. Handwritten not of Simon Overland “LC (Luke Cornelius to meet with Finn to formulate response to “F” (3838) letter by due date – Consider engagement ?? of consulting Finn 2. Briars taskforce update of 7/9/09 (Nil apparently relevant to 3838)

Files conveyed to Vicpol Office of Director Legal Services at 0715 hours on 18/6/12. Files entered in HP register and provided by hand to Frances Harvey Hall for storing in Legal Services safe.

Steve Gleeson