

15 February 2010

Attention: Tony Hargreaves
Tony Hargreaves & Partners
Lawyers
Level 11, Dominion Building
533 Little Lonsdale Street,
Melbourne, Vic, 3000

By facsimile: [REDACTED]

Dear Sir,

Re: Paul Dale – Subpoena to Chief Commissioner of Police to produce documents in the Magistrates Court

We refer to our previous letter dated 8 February 2010 responding to your client's subpoena to the Chief Commissioner of Police to produce documents.

Please be advised that there exists a further category of documents which may be considered relevant to your client's defence in this proceeding. Whilst these documents do not fall within the description of documents sought in the schedule to the subpoena, we consider it appropriate to deal with these documents in the context of the subpoena.

The documents are file notes, diary entries, memoranda, letters, SMS, emails and other written materials pertaining to discussions and "without prejudice negotiations" between members of the Petra Taskforce and Witness F, and later between the Victorian Government Solicitor's Office and Witness F and the Victorian Government Solicitor's Office and solicitors representing Witness F.

These discussions and "without prejudice negotiations" pertain to Witness F's potential inclusion in the Witness Protection Program and further ongoing assistance to be provided to her by the Victoria Police. It is important to note that these documents do not pertain to assistance, including financial assistance, actually provided to Witness F nor do they include any concluded agreement reached between the parties in relation to inclusion in the Witness Protection Program or the provision of assistance. Details of assistance actually provided to Witness F will be provided to you in response to Item 4(iii) of the

subpoena. The documents in question are documents which record details of discussions and "without prejudice" negotiations between the various parties referred to in the previous paragraph.

The Chief Commissioner of Police claims legal profession privilege over some of these documents and public interest immunity in respect of all of these documents. The public interest sought to be protected here includes issues of police methodology, ~~and~~ witness security and the integrity of the criminal justice system.

If you have any queries or wish to discuss this matter, please contact Mr Elms of this office or Mr Gipp of counsel on [REDACTED]

Yours faithfully,

Victorian Government Solicitor
Legal Advisers' Office