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regards

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8/11 met with Fern → Graham 1330

- GA called a conference of Doves T.I this morning including Human Source & Jora phone

- Continuing discussions with Shane Keorn

- GA emphasised again that the risk to F is too great
- She however remains a compellable witness
- 6 of 20 charges would remain

- Further advice dated today.

- Subsequent email by S Keorn suggests suppression in order will stand to the end of the committal.

(4)

Driver Meeting 3/11/11
1130 Hrs (notes compiled 1600 from handwritten)

F as witness for Dale Prosecution

Committal for Dale due to start Monday

To proceed without F's evidence subject to final DPP decision Friday 4/11 (necessitating a withdrawal of several charges)

Discussed Maguire's legal advice of 4/11 (received by me 2/11), provided at request of VGSO, Maguire briefed to appear at Committal if required to claim PII

OPP prosecutor has received the advice as well.

Maguire's advice raises the issue of governance of Human Sources when the HS is a legal practitioner.

Action: TC to discuss with JP as to how we can ensure appropriate governance

Noted that comment at para 52 not accurate (that [REDACTED])
 [REDACTED] However after a letter from F to VicPol (Driver?), VicPol Witsec will again approach her to consider inclusion to Vicpol program.

GA concerns around INCA – a pending AFP matter for drug large scale drug importation, after a joint operations

F was the originating Human Source, AFP although aware of the importance of the HS, are not aware that it was F

Some concern that F was acting as legal advisor to one of the accused at the time

Consequently a requirement to disclose, or at the least, make the prosecution aware of F's involvement and the potential that she was a legal adviser.

Action: Fin to consider the requirements

Comments by F around a relationship with JP

Fin to consider legal advice around "reason to believe"

JP to remain recused from Drive Stg Cte until further determination around the need for investigation, or until any investigation is completed.

4/11/11 1304 email (attached)

1615 phone advice ex G. A:

Pur their discussions ① list to be prepared for prosecution broadly describing contact with F - G.A. to review and if any risks to F, DPP will w/d charges ② if no risks DPP will then seek to proceed with F as a witness seeking PII to come off the material, if PII is at risk will w/d
 Asked G.A. to ensure that WitSec have re-engaged prior to Monday.

Cartwright, Tim

From: Ashton, Graham
Sent: Friday, 4 November 2011 1:04 PM
To: Pope, Jeff; Buick, Boris; 'shane.kirne [REDACTED]'; 'Krista.Brekweg [REDACTED]'; 'Vicki.Argitis [REDACTED]'
Cc: Cartwright, Tim
Subject: Prosecution of Paul Dale

Shane,

This email is to formally advise you that it is the position of the Victoria Police that the committal proceedings for Paul Dale due to commence on Monday morning, only proceed on the counts that do not rely on the evidence of the witness I will refer to as Witness F. The reasons for this position is the risk to safety of Witness F, posed by the disclosure obligations.

I have also discussed today, Krista's sensible request for a comprehensive list from the Witness F source file to enable some disclosure to occur. I am advised this afternoon by our Source Handling Unit that such a list would take some days to complete properly. I cannot view this file myself and rely on advice on this issue.

If we only proceed on the non Witness F matters next week, I take it that Krista's request may not be necessary. If it still is necessary regardless then we would need an adjournment to respond appropriately.

I would be grateful for your views on this matter as soon as possible.

Best Regards

Graham Ashton AM
Assistant Commissioner, Crime
Victoria Police

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