



**VICTORIAN GOVERNMENT
SOLICITOR'S OFFICE**

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19 February 2010

All correspondence to:
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Tony Hargreaves & Partners Lawyers
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Attention: Mr Tony Hargreaves

By fax:

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Dear Mr Hargreaves

**Paul Dale – Witness Summons to Chief Commissioner of Police to Produce Documents
in the Magistrates Court**

We refer to your client's subpoena to the Chief Commissioner of Police to produce documents originally returnable on 1 February 2010 and adjourned for mention on 22 February 2010. In our response to this subpoena by letter dated 8 February 2010 we referred to Item 4 (vii) and stated, in part –

An audio recording (no transcript) of a conversation between Witness F and Detective Senior Sergeant O'Connell on 7 January 2009 will be produced on or before 22 February 2010.

Please be advised that our client has instructed us that the content of the conversation has been reviewed. It is now proposed that a transcript of that conversation will be produced and content relevant to the charge against your client will be made available to you as soon as practicable. The recording and further parts of the transcript will not be produced as these parts of the documents will be subject to a claim of public interest immunity. The public interest sought to be protected here includes issues of police methodology and general witness security issues.

We also wish to advise 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.

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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 our office and both Witness F and solicitors representing Witness F.

Details of assistance actually provided to Witness F will be provided to you in response to Item 4(iii) of the subpoena. It is important to note that these documents we now bring to your attention do not concern concluded agreements but are discussions and "without prejudice negotiations" pertain to Witness F's potential inclusion in the Witness Protection Program and potential assistance sought or offered.

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, witness security and the integrity of the criminal justice system.

If you have any queries regarding our further response to your Witness Summons please contact Greg Elms or Shaun Le Grand or [REDACTED]. Alternatively, we advise that we have no concerns with you contacting Mr Ron Gipp of counsel directly on [REDACTED] but request that you advise us of any such contact and the subject matter of discussions.

Yours faithfully
Victorian Government Solicitor's Office

Kirsty McIntyre
Assistant Victorian Government Solicitor