

**From the Office of the Commissioner**

Our ref: CF/14/1117

15 April 2014

Chief Commissioner Ken D Lay APM  
Victoria Police  
Victoria Police Centre  
637 Flinders Street  
DOCKLANDS VIC 3008

**HIGHLY PROTECTED**

Dear Chief Commissioner

**'Lawyer X'**

I am writing firstly to thank you for meeting on Thursday, 10 April 2014 to discuss the issues relating to so-called 'Lawyer X' and to respond to my letter of 3 April 2014 to then Acting Chief Commissioner Tim Cartwright, in which I requested clarification of an envisaged report into potential issues concerning the relationship between Victoria Police and the lawyer.

In your subsequent letter of 10 April 2014, you request that IBAC 'take primacy' in investigating leaks of information relating to a registered human source, Witness F, and that IBAC review Victoria Police implementation of the recommendations made by former Chief Commissioner Mr Neil Comrie AO APM in his review of the management of Witness F.

I note, in particular, your advice that Operation Loricated, established to address recommendation 1 of Mr Comrie's review (to review all the intelligence holdings sourced from Witness F to determine what operational value they might hold), has entered all relevant information reports and other matters requiring further consideration onto a database. As requested in my letter of 3 April, I would appreciate your advice on when this collated database can be made available to IBAC. (1)

In relation to your first notification and request, I understand that subsequently the relevant Supreme Court injunction was, by consent, made permanent, an important factor that ought significantly reduce any increased risk to the lawyer should any further leaks of confidential information about the person's dealings with police occur. I also note our most recent discussion to the effect that PSC would appear to be in the best position to continue its current investigation into the matter, but that IBAC assistance may enhance the prospects of at least reducing the extent of ongoing leaks.

Accordingly, I consider that we should address the matter in the manner discussed by us, whereby although PSC should be left to continue its investigation, I will consider any specific requests for IBAC assistance (by way of coordinated investigation pursuant to section 72 of the IBAC Act), such as undertaking coercive examinations. I therefore suggest that Assistant Commissioner Leanne continue to liaise with our Mr Sutton (as is occurring in relation to the other background material we are seeking concerning Victoria Police's dealings with the lawyer) in this regard. Hence to the extent necessary for that to occur, the matter is formally referred back to you pursuant to section 73 of the IBAC Act. (2)



In relation to your second notification and request, I would be pleased to consider a post implementation review of the recommendations contained in the Comrie report, once Deputy Commissioner Cartwright has completed his appointment. In the meantime, and as noted above, I would appreciate an earlier submission on the results of Operation Loricated (the interpose database).

Finally and as previously foreshadowed by me in our discussions, I confirm that I have now written to the Minister for Police and Emergency Services and the Attorney-General, as well as the Chair of the IBAC Parliamentary Committee, to inform them in general terms of the steps being taken in relation to this matter, a copy of which correspondence I forwarded to you yesterday.

I look forward to your further advice.

Yours sincerely

A handwritten signature in black ink that reads "Stephen O'Bryan".

**Stephen O'Bryan S.C.**  
Commissioner