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# ISSUE COVER SHEET



VICTORIA POLICE

**Issue:**

Outcome of *Kellam Report Review Panel*.

**Background:**

Consistent with the attached Terms of Reference (appendix A), Commander Rust, Superintendent Woods and Superintendent Lardner constituted the *Kellam Report Review Panel* ('the Panel').

To properly inform itself, each of the Panel members independently read the *Report concerning Victoria Police handling of Human Source code name 3838* ('the Kellam Report'). On approval by IBAC, Superintendent Woods also independently read transcripts of interviews conducted as part of the Kellam Review.

The Panel convened at Professional Standards Command on 20 September 2018. Panel members ensured a shared understanding of the scope of the Terms of Reference. Superintendent Woods then spoke to the relevant information that had been contained within the transcripts. After considered discussion and questioning amongst the Panel members, a consensus was reached as to the appropriate findings.

**Comment**

In coming to a position on whether any 'current serving officers' were 'believed to have committed a breach of discipline' the Panel took into consideration, amongst other things:

- "...some members of SDU believed that if their superiors were engaged in reviewing and disseminating legally privileged or otherwise confidential information obtained from the Source, that such superior officers must have satisfied themselves, possibly by obtaining legal advice, that they were acting with propriety." (Kellam Report, Part C, Para 12)
- It was reasonable for the SDU members and their direct management to believe there was high level organisational endorsement of engagement with the Source and the general operational level activities that occurred in operationalising that endorsement.
- This matter arose during a broader period of organisational transition from very rudimentary traditional source management practices to a more sophisticated contemporary approach. The nature of the Source's profession, the seriousness of the crimes being investigated and the level of risk involved, added further layers of complexity that members had to grapple with.
- Whilst there may have been incidents of technical non-compliance with policy, there was no material to suggest that any member dishonestly or mischievously disregarded same.
- There appears to be a clear intent of the members involved to reduce the significant community harm that was occurring.
- The failings were due, to a significantly greater extent, to the overall system in which the members worked, more than to the behaviour of any members themselves.

The Panel found, within the context of the Terms of Reference, that no current serving member is believed to have committed a breach of discipline.

Given this was an organisational failure and that there are no specific allegations against any particular member, the Panel do not believe it is necessary or appropriate to name individual members in this report.

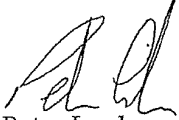
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The Panel are confident that those members exposed in some way to these events, will have made significant learnings in relation to risk from the context of policy compliance, privilege and source safety.

It is apparent that many of the members exposed to the subsequent enquires into these events were significantly emotionally impacted. As these events occurred some ten years ago, it is not believed to be necessary or appropriate to revisit this issue with the members involved, unless required as part of some judicial process.

**Recommendations:**

The Bendigo Steering Committee be informed of the finding of the *Kellam Report Review Panel*.



Peter Lardner

Superintendent

On behalf of the *Kellam Report Review Panel*

20 September 2018

1. Assistant Commissioner Professional Standards Command
2. Bendigo Steering Committee

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Appendix A

*Kellam Report Review Panel***Terms of Reference**

In 2014, the Honourable Murray Kellam QC was engaged by IBAC to conduct enquires into Victoria Police's management of a specific human source. His findings were detailed in a document titled "Report concerning Victoria Police handling of Human Source code name 3838" (the Kellam Report).

The Kellam Report includes findings, inter alia:

- i. "...various activities of the SDU in the management of the Source can be said to have been improper, although ...any impropriety on behalf of individual police officers is substantially mitigated by the lack of guidance and supervision that those officers should have had from their superior officers particularly in the prevailing 'unique circumstances'" (p.80)
- ii. "...behaviour constituting negligence of a high order on the part of those responsible for their supervision, guidance, instruction and management..."
- iii. (p.81)

In correspondence dated 14 May 2018, Mr Alistair Maclean CEO, IBAC, stated "We do not regard any further investigations as required. The Kellam Report was clear with respect to the conduct of the members of the SDU, and the conduct of the officers responsible for their supervision, guidance, instruction and management."

Consistent with the position of IBAC, the Bendigo Steering Committee on 27 July 2018, determined that a 'review on the papers' of the Kellam Report should occur with regards to any potential breaches of section 125 of the Victoria Police Act.

The review is to be undertaken by a Review Panel of three senior members; being a Commander, and two Superintendents. One of Review Panel members is to be from the Professional Standards Command.

The scope of the Review Panel is limited to:

- a. consider the contents of the Kallam Report and its attachments;
- b. report on whether any current serving officers identified within the Kellam Report, who were in, or had direct management of, the Source Development Unit (SDU) from the period of 2005 to 2009, are believed to have committed a breach of discipline (per section 125 of the Victoria Police Act); and;
- c. if a breach of discipline by any such individual is identified, recommend appropriate, if any, intervention.

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Appendix B

## Employees with Provided Transcripts re Kellam Report

Member	Note	Current Work Location
<b>Officer Fox</b>		
Dale Flynn	Previous SDU member	Regional Emergency Management Inspector, SMR
<b>Officer Black</b>		
<b>Officer Peter Smith</b>		
<b>Officer Sandy White</b>		
<b>Officer Green</b>		
<b>Officer Anderson</b>		
Graham Ashton	N/A	Chief Commissioner
Anthony Biggin	N/A	No longer employee
Jack Blayney	N/A	No longer employee
Stephen Gleeson	N/A	Superintendent, Prosecutions Division
Fin McRae	N/A	Director, Legal Services
James O'Brien	N/A	No longer member
Simon Overland	N/A	No longer member