



Victorian Government  
Solicitor's Office

## Memorandum

<b>To:</b>	Findlay McRae Director, Legal Services Victoria Police	<b>Date:</b> 23 April 2014
<b>From:</b>	Shaun Le Grand Assistant Victorian Government Solicitor Police Branch Victorian Government Solicitor's Office	<b>Your ref:</b> Loricated
		<b>Our ref:</b> 1404672
<b>Subject:</b>	Human source: Review of handling logs	

1. On 15 April 2014, you provided 353 pages of extracts from the undated coded logs of various source handlers of Victoria Police recording matters of interest to them arising from apparently hundreds of discussions they had with a human source and lawyer over what seems to have been several years from around the mid 2000's.<sup>1</sup>
2. We were instructed to review this material with a view to advising how Victoria Police may determine whether there may have been information obtained from the source that could have prejudiced a fair trial.
3. Having perused a number of the log entries it is apparent they are generally summaries of the source's own conversations with and opinions about the past and contemporaneous criminal activities and criminal proceedings of a large number of persons.
4. We consider that only a person with a thorough understanding of the persons and information the subject of the log entries and of the criminal proceedings to which those persons were subject could possibly make an adequate assessment of whether the information disclosed to police by the source deserves any specific attention or justifies any specific treatment. For these reasons it is neither possible nor functionally appropriate the VGSO to attempt to perform that task.
5. In the circumstances, an option we suggest is to engage counsel to provide a vetting framework for police members with adequate knowledge of the source's material to identify whether there is information disclosed by the source that had the potential to interfere with justice in a particular case. In particular, whether client legal privilege or confidentiality may have been breached and whether this may have led to evidence being unlawfully, improperly or unfairly obtained and not disclosed before trial or whether an accused's defence or right to silence was improperly impugned in other ways by the source's provision of information to police.
6. We would be pleased to receive your instructions to brief counsel as proposed. Subject to your views we would recommend Brian Dennis for this task.

Shaun Le Grand, Assistant Victorian Government Solicitor 

<sup>1</sup> With your approval, for security purposes all of the material received was destroyed on 17 April 2014.