

FILE NOTE - Meeting with John Champion (DPP), Bruce Gardner and AC Leane

*Meeting held @ 11:30 AM 25/11/14*

## CASE STUDIES RELATING TO WITNESS F

### Background

- Description of Comrie Review and identification of case studies
- Description of the thematic approach of Operation Loricated and the reconstruction of the HS file
- Description of the on-going work on the five case studies identified in the Comrie Review undertaken as part of Operation Bendigo.

### Other matters discussed

- There is no evidence of a deliberate attempt to pervert the course of justice or orchestrate court outcomes
- Some discussion on the difficulties of a defence practitioner being a source over a period of time of 2005 - 2009
- Discussion regarding what constitutes a miscarriage of justice
- It was noted that information provided in affidavits for LDs and TIs would not of itself constitute a miscarriage of justice
- There are many notations in the records that indicate that information that went to defence strategy or what the handlers consider to be legal professionally privileged information was quarantined from the relevant informants
- It appears that Jim O'Brien was privy to some information although there is no record of him passing that information on to informants or prosecutors
- Some discussion in regard to the exception to privileged in regard to furtherance of a crime as articulated in Section 125 of the Uniform Evidence Act.

### Options

- Consult with the Commonwealth OPP on the matter of Karan *M* ←
- Consider whether to engage a retired high court judge
- Victoria Police analysis will cease at this point

### Next Steps

- The DPP to consider this issue.

*Polay McRae*  
A LLB  
Director of Legal Services

26 November 2014