

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.



VICTORIAN GOVERNMENT  
SOLICITOR'S OFFICE

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LEGAL SERVICES DEPARTMENT

Your reference:

Our reference: 1120096

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6 October 2011

Mr Findlay McRae  
Director, Legal Services  
Victoria Police Centre  
Level 8, Tower 1, 637 Flinders Street  
DOCKLANDS VIC 3008

All correspondence to:  
GPO Box 913  
Melbourne Vic 3001  
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cc: D/S/S Boris Buick, Crime, and Supt. Peter Lardner, LSD

Dear Mr McRae

**Coverage of the Witness Protection Act - Driver Taskforce**

**Purpose**

1. We have been requested by D/S/S Boris Buick from Driver Taskforce to provide advice on whether the provisions of the *Witness Protection Act 1991* (**WP Act**) can be invoked to protect a witness (**J Doe**) in a pending criminal trial against "the accused" (**Accused**).
2. Specifically, D/S/S Buick has asked whether the WP Act can be invoked to protect J Doe, in so far as J Doe:
  - 2.1 Agrees to give evidence and is therefore a "witness" under s 3 of the WP Act.
  - 2.2 Expressly declines the standard physical protections referred to in s 3A of the WP Act.
  - 2.3 Is afforded the protections of s 10 of the WP Act, so as to protect J Doe and Victoria Police from answering questions about how J Doe came to be engaged by Victoria Police as a witness against the Accused, unless in the form of a confidential affidavit to the presiding court.
  - 2.4 Enters into a [REDACTED] with Victoria Police under s 5 of the WP Act to the effect of 2.1-2.3 above.

Director Legal  
Services 11 19692

