

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
JUDICIAL REVIEW AND APPEALS LIST**

BETWEEN:

CHIEF COMMISSIONER OF POLICE

Plaintiff

and

DIRECTOR OF PUBLIC PROSECUTIONS

Defendant

CONFIDENTIAL AFFIDAVIT OF JOHN ROSS CHAMPION SC

EXHIBIT NOTE

This is the document marked "JRC-3" produced and shown to me at the time of swearing this affidavit before me on the 2nd day of August 2016

Before me:

..........
(Signature)

**Bruce Gardner
Non-Executive VPS Grade 7
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JRC-3

**REPORT OF THE DIRECTOR OF PUBLIC PROSECUTIONS
IN RELATION TO RECOMMENDATION 12 OF THE
KELLAM REPORT**

HIGHLY CONFIDENTIAL

Important Note

Consideration of the contents of this report may reasonably be expected to divulge the identity of a police informer. Any release of this report (or any part of it) would be highly likely to endanger the life of the police informer concerned. Accordingly any application for release of the document should be the subject of legal advice at the highest level and should be resisted strongly on the grounds of public immunity.

**THIS REPORT, AND ALL DOCUMENTS AND ADVICES CITED IN IT AND
ATTACHED TO IT - ARE CONFIDENTIAL AND PRIVILEGED**

REPORT OF THE DIRECTOR OF PUBLIC PROSECUTIONS IN RELATION TO RECOMMENDATION 12 OF THE KELLAM REPORT

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SUMMARY OF CONCLUSIONS

1. I provide a summary of the key points arising from my report:

- a) Recommendation 12 of the *Kellam Report* obliged to consider whether as a result of the activities of human source 3838 and Victoria Police, there were, or possibly were, miscarriages of justice that occurred in respect of named individuals.
- b) From my examination of the matters contained in the *Kellam Report*, and from enquiries made of materials held by the Office of Public Prosecutions, I am unable to conclude that miscarriages of justice have occurred in the criminal proceedings relating to the "case-study" individuals discussed in the *Kellam Report*.
- c) The extent of my examination has been necessarily limited as I do not have knowledge of, or access to, all the evidence and information relating to the activities of source 3838. Such materials are likely to be in the possession of Victoria Police.
- d) Having received and considered the matters raised in the *Kellam Report* I am firmly of the opinion that I am obliged to disclose the contents of the *Kellam Report* to those that may be affected by the matters discussed therein. That disclosure should occur expeditiously.
- e) The continued personal safety of source 3838 is a matter of immense and ongoing concern. Disclosure of the contents of my review, the *Kellam Report*, and the materials underpinning that report, will almost certainly result in extreme danger to the source.
- f) Disclosure will require careful management, and will require full co-operation of relevant agencies.



JOHN R CHAMPION S.C.

Director of Public Prosecutions

5 February 2016