

Protected

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 Kellam 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.