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CLEAR LAWS FOR VICTORIA POLICE'S USE OF INFORMANTS

Landmark reforms will strengthen Victoria Police's management of human sources, also known as informants, and establish clear independent oversight of police to restore public confidence in the justice system and protect informants when they are used.

The *Human Source Management Bill 2022*, to be introduced to Parliament today, will deliver on 25 of the recommendations from the Royal Commission into the Management of Police Informants to ensure the events investigated by the Commission never happen again.

The Bill is the first of its kind in Australia and sets out the process for the registration, use and management of Victoria Police's human sources and establishes an external oversight model to ensure that human sources are used in an ethical and justifiable manner.

The Commission emphasised that the use of human sources plays an important role for policing and community safety and should continue, but that considerable risks exist due to the covert nature of human sources.

The Bill provides a clear framework for police to obtain and use information from human sources, with protections put in place to manage risks.

It will require Victoria Police to apply to a senior officer to register a person as a human source. Using a human source might involve gathering criminal intelligence or supporting a criminal investigation.

They will have a reasonable expectation of confidentiality and the senior officer will only approve the registration if it is appropriate and justified.

The Bill ensures significant protections are put in place where the risks are greatest – where a person has access to privileged information, is under the age of 18 or has a serious physical or mental health condition.

The Bill will make it an offence to disclose information that would reveal a person is or was a human source unless the disclosure is for a permitted purpose, with a maximum penalty of two years imprisonment.

It also includes an aggravated offence where a person who discloses the information does so to either endanger the health or safety of any person, or interfere with a criminal investigation or prosecution. The maximum penalty for this offence is 10 years imprisonment.

As recommended by the Commission, the Bill establishes an external oversight model with tiered levels of oversight by the Public Interest Monitor (PIM) and the Independent Broad-based Anti-Corruption Commission (IBAC).

This new oversight model will bring human source management in line with Victoria Police's use of other covert powers. The PIM will oversee all registrations of high-risk human sources and can make recommendations to Victoria Police about applications for registration. IBAC will monitor Victoria Police's compliance with the scheme.

This Bill builds on the steps Victoria Police has already taken to improve its management of human sources, including becoming one of the few law enforcement agencies in Australia to proactively adopt safeguards for the use of human sources involving legal obligations of confidentiality or privilege.

The Bill continues the significant work undertaken so far to deliver the Commission's recommendations, including reforms to Victoria's disclosure regime in criminal proceedings and the establishment of the Office of the Special Investigator. Work is well underway to deliver the remaining recommendations.

Quotes attributable to Attorney-General Jaclyn Symes

“Human sources are extremely valuable for police but we need clear laws in place to appropriately manage the inherent risks that go with it for both the person involved and Victoria Police.”

“These important and nation-leading reforms achieve the appropriate balance between mitigating the risks of using human sources and ensuring Victoria Police can continue to act on information to keep our community safe.”

Quote attributable to Minister for Police Anthony Carbines

“These important changes build on the extensive work Victoria Police has already undertaken towards making their human source management more robust, safe and transparent.”