

Royal Commission into the Management of Police Informants:

Annual Progress Report
2021-22

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1. Attorney-General's foreword

Two years on from the release of the final report of the Royal Commission into the Management of Police Informants, I am very pleased to provide my second progress report to Parliament.

Under the *Police Informants Royal Commission Implementation Monitor Act 2021* (Implementation Monitor Act), I am required to provide my report to Parliament by 30 November each year. As a result of the recent election, I am providing my report for the 2021-22 period later this year.

Since the Commission delivered its final report on 30 November 2020, the Victorian Government has been working hard to achieve its commitment to deliver each of the recommendations directed to it, and to support the delivery of all the Commission's 111 recommendations.

As of September 2022, government has delivered in full 23 of the 55 recommendations directed to it, including all of its recommendations with three-, six-, and 12-month timeframes. In addition, 29 recommendations are well underway, including 25 recommendations relating to the development of human source management legislation. The Human Source Management Bill 2022 was introduced into Parliament in August 2022 but did not achieve passage through both Houses of Parliament prior to Parliament adjourning ahead of the election. Government has also conducted a systemic review of police oversight. It is important that we take the time to get police oversight reforms right to ensure the system is robust and effective and better supports complainants and victims of police misconduct.

Work is also well progressed to deliver recommendations to introduce mandatory reporting requirements for lawyers to report suspected misconduct, as well as progressing amendments to the *Inquiries Act 2014* (Inquiries Act) to ensure documents subject to public interest immunity claims can be produced to royal commissions.

Overall, 63 of the 111 recommendations have been delivered by responsible agencies, and significant progress has been made on remaining recommendations.

This second progress report covers the period from 1 July 2021 to 30 June 2022. Recommendations with indicative implementation timeframes of 12 or 18 months fall within this reporting period. For recommendations with longer delivery timeframes, I have reported on implementation progress up to September 2022.

Significant achievements of the past year include establishing the Office of the Special Investigator and an independent Implementation Monitor, as well as delivering reforms to enhance and strengthen disclosure practices.

As I outlined in my previous report, government's approach to implementing the Commission's recommendations has been informed by engagement with the community on issues of public importance. This has included significant public and community consultation in relation to the systemic review of police oversight and legislative recommendations.

The cross-agency Implementation Taskforce has also continued to play a central role in coordinating the delivery of recommendations, and has increasingly turned its attention to ensuring that reforms delivered in response to the Commission's recommendations are effectively operationalised and have an enduring impact.

Significant delivery of recommendations has been achieved in the reporting period and an impressive program of work is well underway to finalise delivery of the Commission's remaining recommendations. I thank all those involved in this important work.



Jaclyn Symes MP
Attorney-General

Glossary and abbreviations

Term	Definition
Commission	Royal Commission into the Management of Police Informants.
Continuing Professional Development (CPD)	Continuing Professional Development obligations are intended to ensure that lawyers are continually updating and improving their skills and knowledge to maintain the quality of the service expected by, and delivered to, their clients and the community.
Disclosure	A process in court proceedings where each party is required to give any information that is, or may be considered, relevant to the case. In criminal proceedings the prosecution (including the police) has a duty to disclose all evidence that is relevant to the case against an accused person, even if that evidence might undermine the prosecution's case or help the accused person's case. This duty is subject to some exceptions, including information protected by public interest immunity.
Criminal Procedure Amendment (Disclosure Certificates) Regulations 2022 (Disclosure Certificates Regulations)	Regulations prescribing the form of the disclosure certificate introduced by the Criminal Procedure Disclosure Act.
Human source	Under the Human Source Management Bill, a human source is a person Victoria Police has registered to confidentially provide information or assistance to police to assist with a criminal investigation. A human source is also referred to as a police 'informer' or 'informant'.
Human Source Management Bill 2022	The Bill introduced into the Victorian Parliament on 16 August 2022 that delivers 25 Commission recommendations (recommendations 8-18, 44-56 and 58) for the Victorian Government to implement legislation for registration, use, management and external oversight of Victoria Police's human sources.
<i>Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022</i> (Criminal Procedure Disclosure Act)	The Criminal Procedure Disclosure Act amended the <i>Criminal Procedure Act 2009</i> to deliver recommendations 62, 63 and 66 of the Commission's final report and the outcomes of the review undertaken to deliver recommendation 67.

Term	Definition
Implementation Monitor	The Implementation Monitor monitors progress and adequacy of implementation of the Commission’s recommendations by responsible agencies. The Implementation Monitor reports annually to the Attorney-General on progress and adequacy of implementation and provides advice to the Attorney-General regarding what further measures may be taken to ensure that recommendations are implemented in full.
Implementation Taskforce	The administrative taskforce chaired by the Secretary of the Department of Justice and Community Safety and constituted by senior representatives of each Victorian agency responsible for implementation of the Commission’s recommendations.
<i>Inquiries Act 2014</i> (Inquiries Act)	The legislation that governs the establishment and conduct of inquiries, including royal commissions, in Victoria.
Legal Profession Uniform Law (Uniform Law)	The common regulatory framework, governing legal professional practice in Victoria, New South Wales, and Western Australia, outlined in schedule 1 of the <i>Legal Profession Uniform Law Application Act 2014</i> .
Law Council of Australia (LCA)	An association of law societies and bar associations from the states and territories of Australia, and the peak body representing the legal profession in Australia.
Law Institute of Victoria (LIV)	The peak representative body for the legal profession in Victoria and provides key services such as legal CPD, a legal bookshop and library, and legal costing services.
Legal Services Council (LSC)	The LSC and Commissioner for Uniform Legal Services Regulation oversee the implementation of the Legal Profession Uniform Law scheme.
<i>Police Informants Royal Commission Implementation Monitor Act 2021</i> (Implementation Monitor Act)	Establishes the Implementation Monitor and provides the functions, powers and duties of the Implementation Monitor.
Potentially affected person	A person, convicted of a criminal offence, whose case the Commission assessed and determined may have been affected by Victoria Police’s use of Ms Gobbo as a human source.
Public interest immunity (PII)	A rule of evidence in court proceedings and inquiries. The rule states relevant evidence is not to be disclosed where disclosure would damage the public interest and the need to avoid damage outweighs a person’s right to have all the relevant evidence made available to them.

Term	Definition
Responsible or lead agency	An entity responsible for implementing the Commission's recommendation.
<i>Special Investigator Act 2021</i> (Special Investigator Act)	Legislation that established the Office of the Special Investigator to investigate potential criminal conduct and breaches of discipline arising from the use by Victoria Police of Ms Nicola Gobbo as a human source.
Victorian Bar Council (Victorian Bar)	Manages the activities of the Bar supported by a group of committees for specific interest groups and areas of the Bar's administration.
Victorian Government Solicitor's Office (VGSO)	An administrative office that provides legal services for the State and in the State's interests, acting for the Executive Government of the State, and with the Victorian Government Solicitor being the lawyer on the record in court proceedings.
Victorian Legal Services Board and Commissioner (VLSB+C)	Independent statutory authorities responsible for the regulation of the legal profession in Victoria.

2. Effective and transparent implementation

The Victorian Government is committed to supporting the effective and transparent implementation of the Commission's recommendations through independent monitoring and reporting on progress and outcomes of implementation.

A cornerstone of this oversight and reporting framework is the appointment of Sir David Carruthers to the statutory role of Implementation Monitor, to assess the adequacy of implementation of the Commission's recommendations and report to the Attorney-General on further action required for full delivery.

In his role as Implementation Monitor, Sir David has continued to work closely with government and other responsible agencies across the reporting period to provide ongoing advice on the implementation of recommendations, ensuring the Commission's intended outcomes are achieved.

The Implementation Monitor Act came into force on 15 September 2021. Under the Act, the Implementation Monitor is required to report annually to the Attorney-General on the progress of responsible agencies in implementing the

Commission's recommendations. The Implementation Monitor's report includes the Implementation Monitor's assessment of the adequacy of action taken and provides advice to the Attorney-General on further measures that may be required to ensure that recommendations are fully implemented.

The Attorney-General is, in turn, required to prepare an annual progress report on the implementation of recommendations, to be provided to Parliament by 30 November each year. The [first progress report](#) was tabled on 30 November 2021 covering the period from 30 November 2020, when the Commission delivered its final report, to 30 June 2021.

This second annual progress report is provided to Parliament pursuant to that requirement.

The progress reports build on the Victorian Government's detailed [response](#) to the Commission's final report, released in May 2021, which outlined the government's approach to implementation.

2.1 Implementation Monitor's 2021-22 report

The Implementation Monitor provided his second Implementation Report to the Attorney-General in September 2022.

The Implementation Monitor's second Implementation Report covers the period from 1 July 2021 to 30 June 2022, focusing on the Implementation Monitor's assessment of progress towards implementing recommendations that were given indicative implementation timeframes by the Commission of 12- or 18- months from the delivery of the Commission's final report (i.e. 30 November 2021 or 31 May 2022).

The Implementation Monitor advised the Attorney-General that, on his assessment, almost all of the 48 recommendations with 12- or 18- month timeframes had been fully delivered. Only seven such recommendations had not, in the Implementation Monitor's view, been delivered to their full intention.

Overall, the Implementation Monitor indicated that this reporting period had seen the delivery of significant reform, including:

- the establishment of the Office of the Special Investigator
- commencement of disclosure legislation and implementation work to prepare for commencement of the disclosure certificate, and
- improvements to Victoria Police's human source management policy, risk assessment processes and associated training.

The Implementation Monitor acknowledged with gratitude the work of responsible agencies and their willingness to engage with him constructively.

Of the seven recommendations the Implementation Monitor considered had not been delivered to their full intention, the Implementation Monitor noted the following:

- That following delay on progressing work to harmonise the national rules and commentary for barristers and solicitors on the duty of confidentiality (recommendations 78 and 79), the Implementation Monitor is working with local bodies to deliver the intent of the recommendation for Victorian legal practitioners. This includes work with the VLSB+C on developing supportive resources.
- That the LCA is updating the commentary to the Solicitors' Conduct Rules with guidance on maintaining appropriate professional boundaries, however implementation of recommendation 82 has been delayed. In the meantime, the Implementation Monitor will work with VLSB+C to develop guidance for Victorian legal practitioners.
- That as recommendation 85 was not delivered within 12 months of the Commission's final report, implementation responsibility has moved to the Victorian Government, with an additional 12-months to deliver the recommendation. The Implementation Monitor noted the government is now working with other Uniform Law jurisdictions on options for uniform implementation.
- That work is ongoing to gain national consensus, through the Uniform Law amendment process, on the introduction of a mandatory reporting regime for lawyers and accompanying guidance (recommendations 86 and 87).

- That work has been undertaken to progress amendments to the Inquiries Act to ensure documents subject to PII claims can be produced to royal commissions (while retaining PII of the documents for all other purposes), and that government is continuing its consideration of amendments to the Inquiries Act to ensure the Commission's intent is achieved (recommendation 91).

The Implementation Monitor also provided advice to the Attorney-General regarding his views on ways in which the important work of the Office of the Special Investigator could be further facilitated to ensure the Commission's intended outcomes are achieved in full.

The Implementation Monitor's report also revisited four recommendations that fell within the previous reporting period that had previously been assessed as not fully implemented. The Implementation Monitor advised the Attorney-General that, on his assessment, two of those four recommendations had now been delivered (recommendations 105 and

106). Only two such recommendations had not, in the Implementation Monitor's view, been delivered to their full intention (recommendations 4 and 76).

However, the Implementation Monitor noted that his assessment of what steps are required to fully implement recommendation 4 will likely be given effect through the Human Source Management Bill, and that there have been unavoidable delays in the implementation of recommendation 76, but significant work has been undertaken.

The report also included commentary on the progress of recommendations with an indicative two-year delivery timeline, with the Implementation Monitor noting that these recommendations constitute some of the most important recommendations made by the Commission, including the nation-leading human source management legislation. The Implementation Monitor acknowledged the considerable work being undertaken to deliver these recommendations.

Recommendation/s	Implementation Monitor's assessment of delivery as of 30 June 2022	Commentary from the Implementation Monitor
3-month timeframe		
4	Not yet delivered	Victoria Police conducted a review of its organisational and executive structure, however consistent with commentary from the first report, full implementation is contingent on development of human source management legislation.
105	Delivered	Substantial progress and efforts have been made to ensure disclosure was made. Additionally, there are now processes in place to effect disclosure if potentially affected persons come to the attention of Victoria Police.
6-month timeframe		
76	Not yet delivered	Work continues with development of a communications campaign, noting further unavoidable delays to delivery.
106	Delivered	All reasonable attempts at notification to the potentially affected persons had been completed.
12-month timeframe		
1, 3, 92-99 and 103	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
19-25, 32, 37, 40 and 41	Delivered	Victoria Police updated its internal Human Source Management policy.
30, 33-36	Delivered	Victoria Police developed further guidance and training requirements relevant to human source management risk assessments.
38, 39	Delivered	Victoria Police undertook a review of the broader functionality of Interpose. Additional data capture fields were included, including enhancing Interpose to record the origin of information provided by human sources.

Recommendation/s	Implementation Monitor's assessment of delivery as of 30 June 2022	Commentary from the Implementation Monitor
62, 63 and 66	Delivered	Amendments to the <i>Criminal Procedure Act 2009</i> commenced on 16 February 2022. The Disclosure Certificates Regulations were made on 26 July 2022 and commenced on 1 October 2022.
64 and 70	Delivered	Victoria Police delivered the Chief Commissioner's Instruction (CCI), a summary disclosure practice guide and an indictable disclosure practice guide.
65	Delivered	The Office of Public Prosecutions (OPP) did an extensive review of the existing policy of the Director of Public Prosecutions (DPP) for Victoria and noted that it aligned with the proposed legislative reforms and that no amendment of the policy was required.
68 and 69	Delivered	On 24 January 2022 the OPP, Victoria Police and the VGSO, published a protocol to facilitate effective engagement with, and resolution of, complex issues arising from disclosure obligations and PII claims.
78,79 and 82	Not yet delivered	Progress is delayed; however work is underway to deliver guidance to Victorian legal practitioners through local Victorian bodies.
80, 83	Delivered	The Victorian Bar developed advice and delivered online sessions to members, which were posted on the Bar's CPD catalogue on its website.
85	Additional 12-month timeframe triggered	As agreement at the national level was not able to be reached within 12 months, the second limb of the recommendation with an additional 12-month timeframe was triggered. The government's consultation with the other Uniform Law jurisdictions on the implementation of the reform is ongoing.
86-87	Additional 12-month timeframe triggered	Consultation with the other Uniform Law jurisdictions to consider options for uniform implementation is ongoing. Delivery of recommendation 87 is dependent on the delivery of recommendation 86.

Recommendation/s	Implementation Monitor's assessment of delivery as of 30 June 2022	Commentary from the Implementation Monitor
88	Delivered	On 30 June 2021, VLSB+C revoked the Instrument of Delegation conferred on the Victorian Bar for receiving and handling complaints regarding barristers and resumes that function.
90	Delivered	Victoria Police undertook consultation with stakeholders to enhance policy and training material to comprehensively set out the process for facilitating a person exercising their right to obtain legal advice while in police custody.
18-month timeframe		
91	Not yet delivered	Work has been undertaken to progress implementation of this recommendation, and the government is continuing to pursue amendments to the Inquiries Act to ensure the Commission's intent is achieved.

2.2 Work undertaken to deliver recommendations highlighted in the Implementation Monitor's report

As noted by the Implementation Monitor, significant work has been undertaken to implement the Commission's recommendations with 12-month or 18-month implementation timeframes. As of 30 June 2022, the Implementation Monitor assessed only seven recommendations as not having been implemented in full during this reporting period, along with two recommendations from the previous reporting period.

The following details the steps taken to implement these recommendations and an update as to the status of implementation, as of September 2022.

Recommendation 4 required Victoria Police to take steps to ensure that its organisational and executive structure enables the role of Executive Director, Legal Services, to provide independent legal advice to Executive Command and to consider whether a maximum time limit should be placed on how long a person may spend in this role.

As outlined in last year's progress report, Victoria Police commissioned independent advice from the VGSO which was received in mid-February 2021. An options paper was then prepared for consideration by the Police Chief Commissioner resulting in organisational changes within Victoria Police's executive structure to ensure the independence of the advice provided by the Executive Director, Legal Services.

As acknowledged in the Implementation Monitor's report, the Human Source Management Bill introduced in August 2022 contains additional safeguards requiring legal advice to be sought prior to the registration of certain high risk human sources.

Recommendation 76 requires the VLSB+C, the LIV and the Victorian Bar to work with

stakeholders to prepare and distribute communications aimed at restoring and promoting confidence in the legal profession.

While delivery of the communications campaign has been delayed, campaign materials have been developed and significant consultation has been undertaken to increase engagement and impact once the campaign is launched.

Recommendations 78, 79 and 82 are directed to the LSC, LCA and Australian Bar Association and relate to updates to the Solicitors' Conduct Rules and commentary. The Victorian Government is continuing to work with these bodies to encourage implementation of these recommendations.

Recommendation 85 required LCA, LSC, and Australian Bar Association to work together to harmonise the powers held by local regulatory authorities through the Solicitors' CPD Rules. The recommendation provides that if harmonisation is not achieved within 12 months, the Victorian Government has a further 12-months to provide the Victorian regulatory authority with increased powers.

As agreement at the national level was not able to be reached within the stipulated timeframe, the second part of this recommendation has been triggered, and the government is now working with Uniform Law bodies on options for implementation.

Recommendation 86 requires the Victorian Government to pursue an amendment to the Uniform Law to introduce a mandatory requirement for lawyers to report the suspected misconduct of other lawyers. If the amendment is not introduced into the

Uniform Law within 12 months, the Commission recommended the Victorian Government introduce the requirement in Victoria, within a further 12-months.

Although uniform implementation was not achieved in the initial 12 months, the government is continuing to work with the LSC and Uniform Law jurisdictions to consider options for uniform implementation before taking action to implement the mandatory reporting requirement in Victoria alone.

Recommendation 87 requires VLSB+C, the Victorian Bar and the LIV, to prepare harmonised guidance and CPD activities for the legal profession to accompany and support the introduction of a mandatory reporting requirement. Planning in relation to this guidance has commenced, and

further consultation will occur once recommendation 86 has been finalised.

Recommendation 91 requires the Victorian Government to amend the Inquiries Act to remove the ability of a person to refuse or fail to comply with a notice or requirement from a Royal Commission on the grounds of Public Interest Immunity, within 18 months.

The government has consulted broadly on its proposed approach to implementing this recommendation to ensure that Royal Commissions are able to access relevant information while also placing adequate safeguards on sensitive information. Government will continue to pursue amendments to the Inquiries Act to ensure the Commission's intent is achieved.

3. Implementation progress to date

Since the Commission handed down its final report on 30 November 2020, the Victorian Government has been working hard to achieve its commitment to deliver each of the recommendations directed to it, and to support the delivery of all the Commission's 111 recommendations.

All recommendations directed to government with indicative implementation timeframes of three-, six- and 12-months have been delivered, with significant progress made towards delivering all remaining recommendations.

Delivery of recommendations has involved significant and complex law reform. Three major pieces of legislation were introduced within 12 months of the Commission delivering its final report which deliver important reforms to:

- provide oversight of implementation
- investigate potential criminal and disciplinary offences, and
- clarify disclosure practices.

The Implementation Monitor Act, the Special Investigator Act, and the Criminal Procedure Disclosure Act have now all commenced.

Following the government's review of the adequacy of existing court powers to make non-disclosure orders and the commencement of the Criminal Procedure Disclosure Act in February 2022, government also consulted widely on the development of the Disclosure Certificates Regulations (which have now commenced).

Government has also developed and introduced landmark reforms in August 2022 to provide a framework for the registration, use, management and external oversight of Victoria Police's human sources. This legislation is one of the most significant reforms arising from the Commission's inquiries, and will help to prevent the events that led to the Commission from occurring again. Passage of the Human Source Management Bill was not able to be achieved prior to Parliament adjourning ahead of the election.

Overall, of the 111 recommendations made by the Commission, 63 have been delivered. The government has continued to work closely with agencies responsible for delivery of recommendations through the Implementation Taskforce to coordinate and monitor the effective and enduring delivery of all recommendations.

3.1 12- and 18-month recommendations directed to the Victorian Government

All 14 recommendations directed to the Victorian Government with an indicative 12-month timeframe have been delivered.

As foreshadowed in last year's report, the Special Investigator Act commenced operation on 1 December 2021, establishing the Office of the Special Investigator, and the Honourable Geoffrey Nettle AC QC was formally appointed to the role of Special Investigator (**recommendations 1, 3, 92, 93, 94, 95, 96, 97, 98, 99, and 103**).

Investigations into possible criminal conduct and misconduct relating to the use of Nicola Gobbo as a human source are underway.

In addition, the Criminal Procedure Disclosure Act commenced on 15 February 2022, strengthening and clarifying disclosure obligations in criminal proceedings (**recommendations 62, 63 and 66**).

This Act amended the *Criminal Procedure Act 2009* and delivered on key recommendations by:

- Introducing a statutory obligation of disclosure from an informant to DPP in criminal proceedings.

- Requiring the informant to complete a disclosure certificate.
- Clarifying that information related to the credibility of a prosecution witness must be disclosed to an accused, subject to certain exceptions.

Following extensive consultation with Victorian and national stakeholders, the Disclosure Certificates Regulations were made on 26 July 2022 and commenced on 1 October 2022. The regulations provide the form of the disclosure certificate police are required to give the accused and DPP when identifying relevant information not included in a brief of evidence.

One recommendation directed to government was given an indicative 18-month implementation timeframe (**recommendation 91**). As outlined above, government is continuing to pursue its approach to implementing reforms to the Inquiries Act to achieve the Commission's intent, recognising the broad range of potential matters that may be the subject of royal commissions and the evolving nature of PII in the common law.

3.2 Longer-term recommendations directed to the Victorian Government

Of the 55 recommendations led by the Victorian Government, 29 recommendations have longer-term indicative timeframes beyond the current reporting period, and six have ongoing or no indicative timeframes.

Substantial progress has been made on delivering all remaining recommendations.

On 16 August 2022, the government introduced the Human Source Management Bill to Parliament (**recommendations 8-18, 44-56 and 58**). This legislation is the first of its kind in Australia, providing a clear framework for police to obtain and use information from human sources, with appropriate protections to manage risks, including by:

- setting out the process for the registration, use and management of Victoria Police's human sources, and
- establishing 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 legislation 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.

Recommendations 43 and **60** require the Victorian Government to ensure that Victoria Police is appropriately funded to implement the Commission's

recommendations and that the Public Interest Monitor (PIM), the Independent Broad-based Anti-corruption Commission (IBAC) and Victoria Police are adequately resourced to undertake new legislative functions under the Human Source Management Bill.

Government has built on its 2021-22 Budget investment of \$87.92m to support implementation with an additional \$8.9 million provided to Victoria Police in the 2022-23 Budget for implementation of the Commission's recommendations relating to disclosure and human source management.

The government has conducted a systemic review of police oversight in Victoria, in line with **recommendation 61**. The review, which involved intensive community and public consultation, considered the institutional and legislative structures that make up the Victorian police oversight system, including:

- the external oversight of police's use of significant powers by independent integrity agencies
- complaints and disclosures about police misconduct and corruption, and
- how these complaints may be responded to (either through informal resolution, formal complaints resolution processes or investigation and/or disciplinary processes).

Government is continuing to consider options for reform following the completion of the review.

As outlined in 2.2 above, government has also undertaken a significant body of work to implement **recommendations 85** and **86**, working with the LSC and participating

Uniform Law jurisdictions on implementation of these reforms.

Recommendation 102 requires the Victorian Government to restrict public access to the Commission's records for 75 years. Acknowledging the sensitive nature of the records gathered during the life of the Commission, the Minister for Government Services declared on 20 December 2021 specified records of a personal or private nature to be 'closed', delivering this recommendation.

Recommendation 104 requires the Department of Premier and Cabinet (DPC) to notify Victoria Police of any court order or request to access the Commission's records, to allow Victoria Police to assert any claims for public interest immunity prior to records being made available for inspection. On 12 November 2021, DPC established a process for notifying Victoria Police of any court order or request to access closed records from the Commission.

Appendix A – Table of Victorian Government deliverables

The Commission’s final report included 111 recommendations. The following table sets out the Commission’s implementation timeframes against each of the 55 recommendations that the Victorian Government is responsible for implementing. **Appendix B** sets out the Commission’s recommendations all other agencies are responsible for implementing.

No.	Recommendation	Theme	Commission’s implementation timeframe
1.	<p>That the Victorian Government, immediately after it has established the Special Investigator proposed in Recommendation 92, refers the conduct of Ms Nicola Gobbo to the Special Investigator to investigate whether there is sufficient evidence to establish the commission of a criminal offence or offences connected with her conduct as a human source for Victoria Police.</p> <p>If the Special Investigator considers that there is sufficient evidence to establish the commission of a criminal offence or offences, they should prepare a brief of evidence for the Victorian Director of Public Prosecutions to determine whether to prosecute.</p>	Special Investigator	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
3.	<p>That the Victorian Government, immediately after it has established the Special Investigator proposed in Recommendation 92, refers the conduct of current and former Victoria Police officers named in this report or the complete and unredacted submissions of Counsel Assisting to the Special Investigator to investigate whether there is sufficient evidence to establish the commission of a criminal and/or disciplinary offence or offences connected with Victoria Police's use of Ms Nicola Gobbo as a human source.</p> <p>If the Special Investigator considers that there is sufficient evidence to establish the commission of a criminal offence or offences, they should prepare a brief of evidence for the Victorian Director of Public Prosecutions to determine whether to prosecute.</p> <p>If the Special Investigator considers that there is sufficient evidence to establish the commission of a disciplinary offence or offences, they should deal with those matters in accordance with Recommendation 99.</p>	Special Investigator	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
6.	<p>That the Victorian Government, within three months, appoints a suitably qualified and independent person to review the 11 Victoria Police human source files subject to a claim of public interest immunity. The appointed person should have full and unfettered access to the human source files and report to the Attorney-General, the Minister for Police and the Chief Commissioner of Victoria Police on whether:</p> <ol style="list-style-type: none"> a. any of the human sources provided information to Victoria Police in possible breach of their legal obligations of confidentiality or privilege b. any confidential or privileged information provided by the human sources was used or disseminated by Victoria Police c. a referral should be made to the Victorian Director of Public Prosecutions and/or Commonwealth Director of Public Prosecutions for further consideration, if there is evidence to suggest a prosecution or conviction was based on information improperly obtained by Victoria Police or may have been affected by the non-disclosure of relevant evidence. 	Oversight	<p>28 February 2021</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
8.	That the Victorian Government, within two years, implements legislation for Victoria Police's registration, use and management of human sources, to provide a clear framework for police to obtain and use information from human sources and to ensure they are used in an ethical and justifiable manner.	Human Source Management	<p>By 30 November 2022</p> <p>The Human Source Management Bill was introduced into Parliament in August 2022, but did not pass both Houses of Parliament prior to Parliament adjourning ahead of the election.</p>
9.	That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, makes it an offence to disclose information relating to a human source without authorisation (including information that a human source provided or was tasked to provide, and information about the identity of a human source and their registration and management).	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
10.	That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, defines 'reportable human sources' as a class of people who are prospective or registered human sources and who are reasonably expected to have access to confidential or privileged information.	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
11.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, establishes clear decision-making arrangements that demonstrate alignment between the seniority of the decision maker and the level of risk posed by the registration of human sources.</p> <p>The legislation should:</p> <ul style="list-style-type: none"> a. empower the Chief Commissioner of Victoria Police to register human sources to assist in gathering criminal intelligence and/or investigating criminal activity b. permit the Chief Commissioner to delegate the power to register reportable human sources to an officer of or above the rank of Assistant Commissioner and non-reportable human sources to an officer of or above the rank of Superintendent c. require that an application for the registration of a prospective human source must be authorised by the Chief Commissioner or their delegate before the person can be used as a human source. 	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
12.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, requires the Chief Commissioner of Victoria Police or their delegate to be satisfied that in registering any human source, the registration is appropriate and justified, including that:</p> <ul style="list-style-type: none"> a. the use of the person as a human source is necessary to achieve a legitimate law enforcement objective and is proportionate to that objective 	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
	<p>b. the risks associated with the person's registration have been identified and can be adequately managed.</p>		
13.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources:</p> <ul style="list-style-type: none"> • empowers the Chief Commissioner of Victoria Police or their delegate to impose conditions in respect of the registration of any human source • requires the Chief Commissioner or their delegate to determine the period that a human source may be registered • requires the Chief Commissioner or their delegate to determine the frequency with which the registration of a human source should be reviewed. 	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
14.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, requires that a prospective human source who is reasonably expected to have access to information that would be confidential or privileged but for an exception to the duty of confidentiality or privilege, should for the purpose of the human source registration process be treated as though they are a reportable human source.</p>	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
15.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, requires that:</p> <ol style="list-style-type: none"> a. the Chief Commissioner of Victoria Police or their delegate must consider formal legal advice before deciding to register a reportable human source b. the Chief Commissioner or their delegate must have regard to any recommendations or submissions on 	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
	<p>the proposed registration that the Public Interest Monitor has made before deciding to register a reportable human source.</p>		
16.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources:</p> <ul style="list-style-type: none"> a. requires that the Chief Commissioner of Victoria Police or their delegate must be satisfied that there are exceptional and compelling circumstances to justify the registration of a human source where Victoria Police intends to obtain or disseminate confidential or privileged information from that person b. provides that 'exceptional and compelling circumstances' be defined as circumstances where there is a serious threat to national security, the community or the life and welfare of a person; and where the information cannot be obtained through any other reasonable means c. requires that the Chief Commissioner or their delegate must consider formal legal advice before deciding to register a human source with the intention to obtain or disseminate confidential or privileged information from that person d. requires that the Chief Commissioner or their delegate must have regard to any recommendations or submissions on the proposed registration that the Public Interest Monitor has made before deciding to register a human source with the intention to obtain or disseminate confidential or privileged information from that person. 	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
17.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, requires that where a reportable or non-reportable human source provides confidential or privileged information to police that was not expected or authorised at the time of their registration as a human source:</p> <ul style="list-style-type: none"> a. Victoria Police must quarantine the confidential or privileged information b. Victoria Police must cancel the registration and commence a new application (if Victoria Police considers it necessary to continue using the person as a human source), in line with Recommendations 11, 15 and 16. 	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
18.	<p>That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources, allows the Chief Commissioner of Victoria Police or their delegate to make an emergency authorisation of a reportable human source.</p> <p>This power should only be used in circumstances where: there is a serious threat to national security, the community, or the life and welfare of a person; the threat is imminent; and the information is not able to be obtained through any other reasonable means.</p>	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
43.	That the Victorian Government ensures Victoria Police is appropriately funded and resourced to implement the Commission's recommendations.	Funding	<p>No specified timeframe</p> <p>In addition to the investment of \$87.92 million allocated in the 2021-22 Budget to support agencies, including Victoria Police, an additional \$8.9 million was provided to Victoria Police in the 2022-23 Budget.</p> <p>Further funding requirements as a result of implementation of the Commission's recommendations will be considered as necessary.</p>
44.	That the Victorian Government, within two years, implements legislation for external oversight of Victoria Police's registration, use and management of all human sources.	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
45.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, adopts a model comprised of the following three tiers:</p> <ul style="list-style-type: none"> a. The Public Interest Monitor should be involved in Victoria Police's decision-making process for registering reportable human sources. b. The Independent Broad-based Anti-corruption Commission should retrospectively monitor Victoria Police's compliance with the human source management framework recommended by the Commission, including the proposed legislation, any regulations, Victoria Police's Human Source Policy and related procedures. c. The Independent Broad-based Anti-corruption Commission should continue to receive, handle and investigate complaints about Victoria Police, including any complaints about Victoria Police's use of human sources. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
46.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, provides the Public Interest Monitor with the following legislative functions in relation to Victoria Police applications to register reportable human sources:</p> <ul style="list-style-type: none"> a. test the sufficiency and adequacy of information relied on by Victoria Police in its application to register a reportable human source b. ask questions of any person giving information about the application c. assess the appropriateness of, and make recommendations or submissions on, the application to the Chief Commissioner of Victoria Police or their delegate d. such other functions as considered necessary or appropriate. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
47.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, provides the Public Interest Monitor with all necessary and reasonable powers required to fulfil its functions under the new legislation, including the power to:</p> <ul style="list-style-type: none"> a. request, access and receive relevant documents, information or other material from Victoria Police b. require the Chief Commissioner of Victoria Police or other relevant Victoria Police personnel to answer questions relevant to an application to register a reportable human source c. make recommendations to the Chief Commissioner or their delegate regarding Victoria Police's decisions relating to human sources d. refer to the Chief Commissioner for reconsideration a delegate's decision not to accept a recommendation of the Public Interest Monitor relating to an application to register a reportable human source. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
48.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, empowers the Public Interest Monitor to make retrospective submissions or recommendations to the Chief Commissioner of Victoria Police or their delegate about the adequacy of any decisions made or actions taken by Victoria Police in relation to an emergency authorisation (made in line with the process proposed in Recommendation 18).</p>	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
49.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, requires the Public Interest Monitor to:</p> <ul style="list-style-type: none"> a. report to the Attorney-General annually on, among other things, the performance of its legislative functions, Victoria Police's acceptance or rejection of its recommendations and its views about the adequacy of actions taken by Victoria Police b. provide special reports to the Attorney-General on other occasions if it deems necessary, or on the Attorney-General's request c. provide copies of these annual and special reports to the Minister for Police and the Chief Commissioner of Victoria Police. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
50.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, requires the Attorney-General to:</p> <ul style="list-style-type: none"> a. table in the Victorian Parliament annual and special reports prepared by the Public Interest Monitor b. cause the reports to be published on a Victorian Government website, subject to any redactions that the Public Interest Monitor considers necessary on safety and security grounds. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
51.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, provides that the Chief Commissioner of Victoria Police has obligations to:</p> <ul style="list-style-type: none"> a. notify the Public Interest Monitor of any application to register a reportable human source b. provide all information relevant to the application, whether supportive or adverse, to the Public Interest Monitor c. ensure that any relevant Victoria Police personnel provide information and answer questions relevant to an application when requested by the Public Interest Monitor d. provide the Public Interest Monitor with all information relevant to an emergency authorisation of a reportable human source and a report explaining why the circumstances were exceptional and compelling and why the threat was imminent e. respond to the Public Interest Monitor within a reasonable time after a recommendation has been made as to whether the recommended action has been or will be taken, or provide reasons as to why the recommendation is not accepted f. ensure that Victoria Police personnel provide all reasonable assistance to support the Public Interest Monitor in the performance of its functions. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
52.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, provides the Independent Broad-based Anti-corruption Commission with legislative functions to:</p> <ul style="list-style-type: none"> a. monitor Victoria Police's compliance with the human source management framework recommended by the Commission b. conduct inspections of Victoria Police human source records at least once every six months c. receive and consider reports from Victoria Police regarding material breaches of compliance with, or material deviations from, the human source management framework d. receive and consider reports from Victoria Police regarding its management of confidential or privileged information obtained from a human source e. make findings and recommendations to the Chief Commissioner of Victoria Police. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
53.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, provides the Independent Broad-based Anti-corruption Commission with all necessary and reasonable powers required to fulfil its legislative functions, including the power to:</p> <ul style="list-style-type: none"> a. enter any Victoria Police premises, after notifying the Chief Commissioner of Victoria Police b. have full and free access to Victoria Police human source records and systems c. make copies of records, in accordance with appropriate security measures d. request Victoria Police personnel to answer questions and provide documents e. request further inspection outside the legislative inspection period to monitor and assess Victoria Police's implementation of any of its recommendations f. do any other thing reasonably necessary to discharge its legislative functions effectively. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
54.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, provides that the Chief Commissioner of Victoria Police has obligations to:</p> <ul style="list-style-type: none"> a. report regularly (every three or six months) to the Independent Broad-based Anti-corruption Commission on any material breach of, or material deviation from, the human source management framework recommended by the Commission, and explain the circumstances of that breach and steps taken or planned to rectify the breach and prevent it recurring b. report regularly (every three or six months) to the Independent Broad-based Anti-corruption Commission on confidential or privileged information that Victoria Police has obtained from any human source and how that information has been or will be dealt with c. respond in writing within a reasonable time of receiving a recommendation of the Independent Broad-based Anti-corruption Commission, either to accept the recommendation or explain why it has not been accepted d. implement a recommendation of the Independent Broad-based Anti-corruption Commission within a reasonable time of receiving and accepting it e. ensure that Victoria Police personnel provide all reasonable assistance to the Independent Broad-based Anti-corruption Commission in the performance of its functions. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
55.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, requires the Independent Broad-based Anti-corruption Commission to:</p> <ul style="list-style-type: none"> a. report to the Attorney-General annually on, among other things, the performance of its legislative functions and Victoria Police's compliance with the human source management framework recommended by the Commission b. provide special reports to the Attorney-General on other occasions if the Independent Broad-based Anti-corruption Commission deems necessary, or on the Attorney-General's request c. provide copies of these annual and special reports to the Minister for Police and the Chief Commissioner of Victoria Police. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
56.	<p>That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, requires the Attorney-General to:</p> <ul style="list-style-type: none"> a. table in the Victorian Parliament annual and special reports prepared by the Independent Broad-based Anti-corruption Commission b. cause the reports to be published on a Victorian Government website, subject to any redactions that the Independent Broad-based Anti-corruption Commission considers necessary on safety and security grounds. 	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
58.	That the Victorian Government, in developing legislation for external oversight of Victoria Police's registration, use and management of human sources, allows the Public Interest Monitor and Independent Broad-based Anti-corruption Commission to securely share information relevant to their respective legislative functions regarding Victoria Police's use and management of human sources.	Human Source Management, Oversight	<p>30 November 2022</p> <p>See note to recommendation 8.</p>
60.	That the Victorian Government, within two years, ensures that the Public Interest Monitor, Independent Broad-based Anti-corruption Commission and Victoria Police are appropriately funded and resourced to undertake the additional legislative functions and fulfil associated obligations that the Commission has recommended for the external oversight of the use of human sources.	Funding	<p>30 November 2022</p> <p>In addition to the investment of \$87.92 million allocated in the 2021-22 Budget to support agencies, including Victoria Police and the PIM, an additional \$8.9 million was provided to Victoria Police in the 2022-23 Budget.</p> <p>Further funding requirements as a result implementation of the Commission's recommendations will be considered as necessary.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
61.	<p>That the Victorian Government, within two years, undertakes a review of institutional and legislative structures for the oversight of Victoria Police's exercise of powers, to ensure that Victoria's police oversight system is consistent and coherent and contributes to improved police accountability, including through outcome-focused monitoring of police decisions and actions.</p>	Oversight	<p>30 November 2022</p> <p>Government has conducted a systemic review of police oversight in Victoria. The review involved intensive stakeholder and public consultation and government is continuing to consider options for reform.</p>
62.	<p>That the Victorian Government, within 12 months, introduces a legislative requirement for the responsible Victoria Police officer to:</p> <ol style="list-style-type: none"> a. provide the Victorian Director of Public Prosecutions with all material obtained during an investigation that may be relevant to either the prosecution or the accused person's case, except for material that is subject to a claim of privilege, public interest immunity, a legislative immunity or publication restriction b. notify the Director of the existence and nature of any material subject to a claim of privilege, public interest immunity, a legislative immunity or publication restriction c. where requested, provide the Director with any material subject to a claim of privilege, public interest immunity, legislative immunity or publication restriction. 	Disclosure	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
63.	<p>That the Victorian Government, within 12 months, introduces a legislative requirement for Victoria Police to complete a disclosure certificate in summary proceedings when a full brief is served and in indictable proceedings when a hand-up brief is served, which describes:</p> <ul style="list-style-type: none"> a. relevant material not contained in the brief of evidence that is subject to a claim of privilege, public interest immunity, a legislative immunity or publication restriction b. the nature of the privilege or immunity claim or publication restriction in relation to each item. c. a copy of the disclosure certificate should be provided to the Victorian Director of Public Prosecutions and served on accused persons. 	Disclosure	<p>30 November 2021</p> <p>Delivered</p>
66.	<p>That the Victorian Government, within 12 months, amends sections 41(e) and 110(e) of the <i>Criminal Procedure Act 2009</i> (Vic) to clarify that any information, document or thing that is relevant to an alleged offence includes any material relevant to the credibility of a prosecution witness.</p>	Disclosure	<p>30 November 2021</p> <p>Delivered</p>
67.	<p>That the Victorian Government, within six months, in consultation with the Victorian Director of Public Prosecutions, Victoria Police, the Victorian courts, Victoria Legal Aid and other relevant stakeholders:</p> <ul style="list-style-type: none"> a. reviews the adequacy of existing court powers to make non-disclosure orders b. considers whether a legislative power should be introduced to empower Victoria Police and/or the Director to initiate applications for a court to determine public interest immunity claims without giving notice to an accused person. 	Disclosure	<p>31 May 2021</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
77.	<p>That the Victorian Government, within six months, considers whether the Victorian Legal Admissions Board requires any additional powers to request and consider documentation from other agencies for the purpose of assessing applications for admission to the legal profession.</p> <p>If such powers are conferred in Victoria, a Council of Attorneys-General working group should consider whether a harmonised approach could be adopted in all Australian jurisdictions.</p>	Legal Profession Regulation	<p>31 May 2021</p> <p>Delivered</p>
85.	<p>That the Legal Services Council, Law Council of Australia and Australian Bar Association work together to, within 12 months, harmonise the powers held by local regulatory authorities through the Solicitors' CPD Rules, so that policies and requirements for CPD can be made for solicitors as they can already for barristers.</p> <p>If this change has not been made within 12 months, the Victorian Government should, within a further 12 months, provide the Victorian Legal Services Board and Commissioner with the power to regulate solicitors' CPD, as it is currently able to do in respect of barristers.</p>	Legal Profession Regulation	<p>30 November 2022</p> <p>As agreement at the national level was not able to be reached within the stipulated timeframe, the second part of this recommendation has been triggered. The government is now working with Uniform Law bodies on options for uniform implementation.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
86.	<p>That the Victorian Government, within 12 months, pursues through the Council of Attorneys-General and the Legal Services Council, an amendment to the Legal Profession Uniform Law introducing a mandatory requirement for lawyers to report the suspected misconduct of other lawyers. The Victorian Government should ensure the Victorian Legal Services Board and Commissioner is appropriately resourced to implement this recommendation.</p> <p>If the amendment incorporating a mandatory reporting obligation has not been agreed within 12 months, the Victorian Government should, within a further 12 months, introduce a mandatory reporting requirement for Victorian lawyers to report the suspected misconduct of other lawyers.</p>	Legal Profession Regulation	<p>30 November 2022</p> <p>The government is working with the LSC and Uniform Law jurisdictions to consider options for uniform implementation.</p>
91.	<p>That the Victorian Government, within 18 months, amends the <i>Inquiries Act 2014</i> (Vic) to:</p> <ol style="list-style-type: none"> a. remove the ability for a person to refuse to comply with a notice to give information to a royal commission on the basis that the information is the subject of public interest immunity b. insert a provision to make clear that it is not a reasonable excuse for a person to refuse or fail to comply with a requirement to give information (including answering a question) or produce a document or other thing to a royal commission on the basis that the information, document or other thing is the subject of public interest immunity c. specify that any such information or document or other thing does not cease to be the subject of public interest immunity only because it is given or produced to a royal 	Royal Commissions	<p>31 May 2022</p> <p>Following broad consultation, government will continue to pursue amendments to the <i>Inquiries Act</i> to ensure that Royal Commissions are able to access relevant information while also placing adequate safeguards on sensitive material.</p>

No.	Recommendation	Theme	Commission's implementation timeframe
	commission in accordance with a requirement under the Act.		
92.	That the Victorian Government, within 12 months, develops legislation to establish a Special Investigator with the necessary powers and resources to investigate whether there is sufficient evidence to establish the commission of a criminal offence or offences (connected with Victoria Police's use of Ms Nicola Gobbo as a human source) by Ms Gobbo or the current and former police officers named in the Commission's final report or in the complete and unredacted submissions of Counsel Assisting.	Special Investigator	30 November 2021 Delivered
93.	That the Victorian Government, in developing the legislation to establish the Special Investigator, requires that the person appointed as the Special Investigator be an Australian lawyer with at least 10 years' experience in criminal law or a related field.	Special Investigator	30 November 2021 Delivered
94.	That, where the Special Investigator compiles a brief of evidence containing sufficient evidence to establish the commission of a criminal offence or offences by Ms Nicola Gobbo or current or former Victoria Police officers, the Victorian Director of Public Prosecutions should be responsible for determining whether to prosecute and, if so, for the prosecution of the matter under the <i>Public Prosecutions Act 1994</i> (Vic).	Special Investigator	30 November 2021 Delivered
95.	That the Victorian Government, in developing the legislation to establish the Special Investigator, requires the Special Investigator to report regularly to the Implementation Monitor proposed in Recommendation 108 on their progress to establish their operations, and on the outcomes of their investigations.	Special Investigator	30 November 2021 Delivered

No.	Recommendation	Theme	Commission's implementation timeframe
96.	<p>That the Victorian Government, in developing the legislation to establish the Special Investigator, requires the Special Investigator to investigate whether there is sufficient evidence to establish the commission of misconduct or a breach of discipline under the <i>Victoria Police Act 2013</i> (Vic) (connected with Victoria Police's use of Ms Nicola Gobbo as a human source) by current Victoria Police officers named in the Commission's final report or in the complete and unredacted submissions of Counsel Assisting.</p>	Special Investigator	<p>30 November 2021</p> <p>Delivered</p>
97.	<p>That the Victorian Government, in developing the legislation to establish the Special Investigator, empowers the Special Investigator to investigate:</p> <ul style="list-style-type: none"> a. whether there is sufficient evidence to establish the commission of a criminal offence or offences (connected with Victoria Police's use of Ms Nicola Gobbo as a human source) by any current or former Victoria Police officers other than those named in the Commission's final report or in the complete and unredacted submissions of Counsel Assisting b. whether there is sufficient evidence to establish the commission of misconduct or a breach of discipline under the <i>Victoria Police Act 2013</i> (Vic) (connected with Victoria Police's use of Ms Gobbo as a human source) by any current Victoria Police officers other than those named in the Commission's final report or in the complete and unredacted submissions of Counsel Assisting. 	Special Investigator	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
98.	<p>That the Victorian Government, in developing the legislation to establish the Special Investigator, provides the Special Investigator with all necessary and reasonable powers required to fulfil their role in investigating misconduct or breaches of discipline, including but not limited to the power to direct any police officer to give any relevant information, produce any relevant document or answer any relevant question during a disciplinary investigation.</p> <p>Any information, document or answer given in response to such a direction should not be admissible in evidence before any court or person acting judicially, other than in proceedings for perjury or for a breach of discipline.</p> <p>To support the Special Investigator's powers, the failure of an officer to comply with a direction from the Special Investigator should itself constitute a breach of discipline.</p>	Special Investigator	<p>30 November 2021</p> <p>Delivered</p>
99.	<p>That the Victorian Government, in developing the legislation to establish the Special Investigator, empowers the Special Investigator to lay disciplinary charges against relevant police officers if satisfied there is sufficient evidence to do so.</p>	Special Investigator	<p>30 November 2021</p> <p>Delivered</p>
102	<p>That the Victorian Government ensures that under the <i>Public Records Act 1973</i> (Vic), the Commission's records be unavailable for public inspection for 75 years, subject to: any order of the Supreme Court of Victoria; the legislation providing the Special Investigator and the Independent Broad-based Anti-corruption Commission with access to the records; or any decision of the responsible Minister under section 9(2)(b) of the Act to permit all or any of the records to be open for inspection by any specified person or class of persons.</p>	Records Management	<p>No specified timeframe</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
103	<p>That the Victorian Government, in developing the legislation to establish the Special Investigator, ensures that the legislation:</p> <ul style="list-style-type: none"> a. gives the Special Investigator full and free access to the Commission's records b. requires the Special Investigator to establish appropriate security arrangements for access to and the management of such records. <p>The Victorian Government should also ensure that the Independent Broad-based Anti-corruption Commission has a legislative entitlement to obtain full and free access to the Commission's records.</p>	Special Investigator	<p>30 November 2021</p> <p>Delivered</p>
104	<p>That the Department of Premier and Cabinet notifies Victoria Police of any court order or request to access the closed records of the Commission, except in relation to requests made by the Special Investigator or Independent Broad-based Anti-corruption Commission.</p>	Records Management	<p>Ongoing</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
107	<p>That the Victorian Government, within three months, establishes an Implementation Taskforce, chaired by a senior executive of the Department of Justice and Community Safety, with responsibility for coordinating and completing implementation of the Commission's recommendations. The Taskforce should:</p> <ul style="list-style-type: none"> a. consist of members from the Department of Justice and Community Safety, Department of Premier and Cabinet, Victoria Police, the Victorian Office of Public Prosecutions, the Special Investigator and other relevant stakeholders b. engage regularly with, and report formally and informally to, the Implementation Monitor proposed in Recommendation 108 throughout the implementation process. 	Governance	<p>28 February 2021</p> <p>Delivered</p>
108	<p>That the Victorian Government, within three months, appoints an independent Implementation Monitor to monitor the implementation of the Commission's recommendations until implementation is completed.</p>	Governance	<p>28 February 2021</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
109	<p>That the Victorian Government, in establishing the role of the Implementation Monitor, provides the Implementation Monitor with the support of a small secretariat located within the Department of Justice and Community Safety, and all necessary and reasonable legislative powers required to fulfil their role, including the power to:</p> <ul style="list-style-type: none"> a. assess the implementation of the Commission's recommendations throughout the implementation process, not only once responsible agencies have reported on the completion of implementation b. access Implementation Taskforce documents and attend meetings of the Implementation Taskforce c. indicate to responsible agencies the extent to which their implementation of the Commission's recommendations is considered adequate d. request regular reports from Victoria Police on its progress in fulfilling its ongoing disclosure obligations to potentially affected persons identified by the Commission e. request reports from the Special Investigator on progress to establish their operations and the outcomes of their investigations f. request reports from the Chief Commissioner of Victoria Police on the progress and outcomes of any disciplinary proceedings arising from the Special Investigator's disciplinary investigations. 	Governance	<p>No specified timeframe</p> <p>Delivered</p>

No.	Recommendation	Theme	Commission's implementation timeframe
110.	That the Victorian Government, in establishing the role of the Implementation Monitor, requires it to report to the Attorney-General annually, or more frequently as it deems necessary, on the progress of the implementation of the Commission's recommendations, the adequacy of implementation and what further measures may be required to ensure the Commission's recommendations are implemented fully within the specified timeframes.	Reporting	<p>No specified timeframe</p> <p>Delivered</p> <p>The <i>Police Informants Royal Commission Implementation Monitor Act 2021</i> requires the Implementation Monitor to report to the Attorney-General annually.</p>
111.	That the Attorney-General reports annually to the Victorian Parliament on the progress of the implementation of the Commission's recommendations, until implementation is complete.	Reporting	<p>Ongoing until implementation complete</p> <p>This second annual progress report is provided to Parliament pursuant to this recommendation.</p>

Appendix B – Recommendations directed to other responsible agencies

The Commission’s final report included 111 recommendations. The following table sets out the Commission’s implementation timeframes against each recommendation that agencies other than government are responsible for implementing.

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
2.	That the Victorian Bar Council, within three months, considers removing Ms Nicola Gobbo from the Victorian Bar Roll, including by any necessary amendment to the Victorian Bar Constitution.	Victorian Bar	Legal Profession Regulation	28 February 2021 Delivered
4.	That the Chief Commissioner of Victoria Police, within three months: <ul style="list-style-type: none"> a. takes steps to ensure that Victoria Police’s organisational and executive structure enables the role of Executive Director, Legal Services to provide independent legal advice to Victoria Police Executive Command (or creates an alternative senior legal advisory role for this purpose) b. considers whether limits should be placed on the maximum time a person may spend in the position of Executive Director, Legal Services (or any alternative senior role created within Victoria Police for the purpose of providing independent legal advice to Executive Command). 	Victoria Police	Governance	28 February 2021 The Implementation Monitor noted that Victoria Police has undertaken the required review and considerable progress made. In the Implementation Monitor’s view, full implementation is subject to delivery of human source management legislation (see note to recommendation 8).

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
5.	<p>That Victoria Police provides monthly progress reports to the Implementation Taskforce proposed in Recommendation 107, regarding its progress in fulfilling its ongoing disclosure obligations to potentially affected persons identified by the Commission.</p> <p>These reports should also be made available to the Implementation Monitor proposed in Recommendation 108.</p>	Victoria Police	Disclosure	<p>Ongoing</p> <p>Victoria Police tables monthly disclosure reports at each meeting of the Implementation Taskforce. The Implementation Monitor is a member of the Implementation Taskforce.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
7.	<p>That Victoria Police, within three months and consistent with its Capability Plan 2016–2025, establishes clear processes for the review and amendment of human source management policies and procedures, including processes for:</p> <ul style="list-style-type: none"> a. seeking and incorporating operational input from police officers involved in human source management b. disseminating and communicating policy and procedural changes so that all relevant officers receive timely and accurate advice about impending change c. Reviewing and evaluating policies and procedures on an annual basis to ensure its human source management practices are responsive to emerging risks, changes to the operating environment and changes to any relevant legislation; and are consistent with Victoria Police’s human rights obligations under the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic). 	Victoria Police	Human Source Management	<p>28 February 2021</p> <p>Delivered</p>
19.	<p>That Victoria Police, within 12 months, implements changes to its decision-making model and associated requirements in the Human Source Policy, on an interim basis until the legislation proposed in Recommendation 8</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
	<p>comes into force. The Human Source Policy should:</p> <ul style="list-style-type: none"> a. provide that the Assistant Commissioner, Intelligence and Covert Support Command, is responsible for decisions to register Category 1–3 human sources and to disseminate confidential or privileged information obtained from any human source b. provide that the Central Source Registrar is responsible for the registration of human sources other than Category 1–3 human sources c. require the Assistant Commissioner to consider formal legal advice in deciding whether to authorise the registration of a Category 1 human source or to disseminate confidential or privileged information, and to consider other specialist advice as required in deciding whether to register a Category 2 or 3 human source d. replace the requirement for officers to seek approval from the Human Source Ethics Committee to 'approach' a prospective Category 1–3 human source with a requirement for the handling team to consult with the Human Source Management Unit before 			

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
	<p>approaching such a prospective source</p> <p>e. remove Category 4 human sources as a separate category under the Human Source Policy.</p>			
20.	<p>That Victoria Police, within 12 months:</p> <p>a. implements changes to its Human Source Policy to include a statement of the organisation's objectives and guiding principles for the registration, use and management of human sources, including but not limited to principles of integrity, necessity and proportionality, accountability, effectiveness, consistency, and safety and sensitivity</p> <p>b. obtains operational input to inform the development of these objectives, principles and associated guidance.</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>
21.	<p>That Victoria Police, within 12 months, implements changes to its Human Source Policy to provide practical examples of the ways in which human source management can engage and limit the human rights set out in the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic), and guidance for police officers in considering whether the use of a human source is necessary and proportionate.</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
22.	<p>That Victoria Police, within 12 months, implements changes to its Human Source Policy to provide practical guidance to assist police officers to identify potentially confidential or privileged information. This guidance should include advice and examples relating to:</p> <ul style="list-style-type: none"> a. the types of occupations and professional relationships that attract legal obligations of confidentiality or privilege b. the exceptions to legal obligations of confidentiality or privilege and when these may apply c. the implications of using confidential or privileged information, including the potentially adverse consequences for any resulting investigations, prosecutions or convictions d. when and how to seek further advice, including from the Human Source Management Unit. <p>Victoria Police should seek legal advice from its Legal Services Department or the Victorian Government Solicitor's Office in developing this guidance.</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
23.	That Victoria Police, within 12 months, implements changes to its Human Source Policy to provide clear requirements and instructions to police officers on the use and handling of confidential and privileged information, including in relation to the quarantine, retention, dissemination and destruction of such information.	Victoria Police	Human Source Management	30 November 2021 Delivered
24.	<p>That Victoria Police, within 12 months, implements changes to its Human Source Policy to require that:</p> <ul style="list-style-type: none"> a. when dealing with human sources involving legal obligations of confidentiality or privilege, the Acknowledgement of Responsibilities must clearly set out any limitations on the information a human source can provide b. police officers must not actively, without appropriate authority, seek information from a human source that would cause the human source to breach a legal obligation of confidentiality or privilege. 	Victoria Police	Human Source Management	30 November 2021 Delivered
25.	That Victoria Police, within 12 months, implements changes to its Human Source Policy to provide clear instructions and practical guidance on the circumstances in which it may be appropriate to dispense with the requirement for a sterile corridor and the measures that officers should adopt to manage the associated risks.	Victoria Police	Human Source Management	30 November 2021 Delivered

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
26.	<p>That Victoria Police, within two years, establishes an organisational model for the registration, use and management of human sources that provides for:</p> <ul style="list-style-type: none"> a. the management of all human sources by dedicated source teams b. centralised internal oversight of the management of human sources by the Human Source Management Unit, the Central Source Registrar and the Assistant Commissioner, Intelligence and Covert Support Command. 	Victoria Police	Human Source Management	<p>30 November 2022</p> <p>Victoria Police continues to plan for a phased implementation of a centralised model for human source management.</p>
27.	<p>That Victoria Police, within two years, removes the roles of Officer in Charge and Local Source Registrar from its decision-making process and organisational model for the registration, use and management of human sources.</p>	Victoria Police	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 26.</p>
28.	<p>That Victoria Police, within two years, introduces requirements limiting the maximum time that police officers can hold positions within dedicated source teams and the Human Source Management Unit to five years.</p>	Victoria Police	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 26.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
29.	<p>That Victoria Police, within two years:</p> <ul style="list-style-type: none"> a. develops a prevention and detection strategy to mitigate the risk of misconduct and corruption that may arise from the implementation of a centralised and dedicated human source management model, taking into account the Commission’s findings and those of previous inquiries b. ensures that this strategy is regularly reviewed and refined as part of Victoria Police’s strategic management of this high-risk area of policing. 	Victoria Police	Human Source Management	<p>30 November 2022</p> <p>See note to recommendation 26.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
30.	<p>That Victoria Police, within 12 months and as part of its current work to improve its human source risk assessments, develops guidance on how to assess:</p> <ul style="list-style-type: none"> a. the source and nature of information reasonably expected to be provided by a human source, to identify whether that information could be confidential or privileged b. the risks that the use of a human source could pose to the proper administration of justice c. the engagement of any human rights set out in the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic), including how any limitation is reasonable, necessary and proportionate in the circumstances. 	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>
31.	<p>That Victoria Police, within three years, engages an independent expert to evaluate and report on the effectiveness of its new human source management risk assessment tools, to determine whether they support effective identification and management of risks.</p>	Victoria Police	Human Source Management	<p>30 November 2023</p> <p>Victoria Police has commenced planning for an independent review to be conducted in 2023.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
32.	<p>That Victoria Police, within 12 months, implements changes to its Human Source Policy to provide clear instructions and practical guidance about who is responsible for supervision of the handling team, why effective supervision is necessary and how it should be applied in practice.</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>
33.	<p>That Victoria Police, within 12 months, develops guidance in its human source management training to assist police officers to identify confidential and privileged information, focusing on the origin of information and circumstances in which such information could be provided to police, including:</p> <ul style="list-style-type: none"> a. how to identify potential legal obligations of confidentiality or privilege through the risk assessment process b. how to manage any professional conflicts of interest that may arise for a human source with legal obligations of confidentiality or privilege. <p>Victoria Police should seek legal advice from its Legal Services Department or the Victorian Government Solicitor's Office in developing this training material.</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
34.	<p>That Victoria Police, within 12 months, develops guidance in its human source management training on:</p> <ul style="list-style-type: none"> a. the human rights set out in the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic) that are generally engaged by the management of human sources, including the right to life, the right to privacy and the right to a fair hearing b. how to assess whether the use of a human source unreasonably limits the human rights of the source or other people. <p>Victoria Police should seek input from the Victorian Equal Opportunity and Human Rights Commission in developing and delivering this training.</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>
35.	<p>That Victoria Police, within 12 months, develops and implements training for controllers, the Human Source Management Unit, the Central Source Registrar and the Assistant Commissioner, Intelligence and Covert Support Command, focused on effective risk management, supervision, oversight and decision making in respect of the use of human sources.</p> <p>This training should include guidance on identifying confidential and privileged information, and the circumstances in which such information could be provided to police.</p>	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
36.	That Victoria Police, within 12 months, requires all handlers and controllers to successfully complete intermediate human source management training at a minimum.	Victoria Police	Human Source Management	30 November 2021 Delivered
37.	That Victoria Police, within 12 months, introduces requirements for mandatory annual human source management training for all police officers with human source management responsibilities and timely training associated with any significant policy or legislative changes.	Victoria Police	Human Source Management	30 November 2021 Delivered
38.	That Victoria Police, within 12 months, enhances Interpose or develops some other system for recording details of the origin of information provided by human sources and how it was obtained.	Victoria Police	Human Source Management	30 November 2021 Delivered
39.	That Victoria Police, within 12 months, reviews the broader functionality of Interpose to ensure that it will support the effective implementation of the Commission's recommendations.	Victoria Police	Human Source Management	30 November 2021 Delivered

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
40.	<p>That Victoria Police, within 12 months, implements changes to its Human Source Policy and associated processes to:</p> <ul style="list-style-type: none"> a. provide for six-monthly compliance audits of human source files at all risk levels by the Compliance and Risk Management Unit within the Intelligence and Covert Support Command b. clearly set out the compliance monitoring functions of both the Compliance and Risk Management Unit and the Human Source Management Unit. 	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>
41.	<p>That Victoria Police, within 12 months, implements changes to its Human Source Policy and associated processes to require that:</p> <ul style="list-style-type: none"> a. the results of human source management audits be reported to the Assistant Commissioner, Intelligence and Covert Support Command b. any system-wide risks or major failings that are identified through human source management audits be reported to the Victoria Police Audit and Risk Committee. 	Victoria Police	Human Source Management	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
42.	<p>That Victoria Police, within three months, establishes a strategic governance committee to:</p> <ul style="list-style-type: none"> a. contribute to the development, and oversee Victoria Police's implementation of, the human source management reforms recommended by the Commission b. identify, address and monitor emerging risks, issues and opportunities in Victoria Police's human source management program and provide strategic advice to the Assistant Commissioner, Intelligence and Covert Support Command and Deputy Commissioner, Specialist Operations c. be responsible for strategic planning for Victoria Police's human source management program. 	Victoria Police	Human Source Management	<p>28 February 2021</p> <p>Delivered</p>
57.	<p>That Victoria Police, within three months, implements changes to its Human Source Policy to require that all human sources are informed upon registration that they are able to make complaints to the Independent Broad-based Anti-corruption Commission, which may be confidential if they wish.</p>	Victoria Police	Human Source Management	<p>28 February 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
59.	<p>That the Public Interest Monitor and the Independent Broad-based Anti-corruption Commission, within two years and prior to the commencement of the proposed new legislation for external oversight of Victoria Police's registration, use and management of human sources, implement appropriate security protocols and infrastructure to securely receive, share, store and dispose of sensitive human source information.</p>	Public Interest Monitor (PIM), IBAC	Oversight	<p>30 November 2022</p> <p>This recommendation is contingent on delivery of a human source management legislative framework (see note to recommendation 8).</p>
64.	<p>That Victoria Police, within 12 months, amends its internal policies and procedures to align with the legislative changes proposed in Recommendations 62 and 63. These amendments should include guidance for the responsible Victoria Police officer on disclosure obligations and how to describe withheld materials in the proposed disclosure certificate.</p> <p>Victoria Police should consult with the Victorian Director of Public Prosecutions in developing these amendments.</p>	Victoria Police	Disclosure	<p>30 November 2021</p> <p>Delivered</p>
65.	<p>That the Victorian Director of Public Prosecutions, within 12 months, amends the Policy of the Director of Public Prosecutions for Victoria to align it with the legislative changes proposed in Recommendations 62 and 63.</p>	DPP	Disclosure	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
68.	<p>That the Victorian Director of Public Prosecutions, Victoria Police, the Victorian Government Solicitor’s Office and any other relevant stakeholders work together to establish clear protocols and procedures, within 12 months, to facilitate effective engagement with, and resolution of, complex issues arising from disclosure obligations and public interest immunity claims.</p> <p>These protocols and procedures should:</p> <ul style="list-style-type: none"> a. ensure Victoria Police has adequate and early support, including legal advice, when making complex decisions about relevant and disclosable information that may be subject to public interest immunity b. tailor the level of support provided to Victoria Police, to enable greater support in cases involving complex public interest immunity and disclosure issues c. ensure the Director’s independence is maintained and potential conflicts of interest are avoided. 	DPP, Victoria Police, VGSO	Disclosure	<p>30 November 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
69.	That the Victorian Director of Public Prosecutions, within 12 months, amends the Policy of the Director of Public Prosecutions for Victoria to provide appropriate guidance on when and how the Director can be consulted by Victoria Police in relation to complex issues arising from disclosure obligations and public interest immunity claims. These amendments should reflect the protocols and procedures proposed in Recommendation 68.	DPP	Disclosure	30 November 2021 Delivered
70.	That Victoria Police, within 12 months, amends its internal policies and procedures to provide appropriate guidance on when and how Victoria Police can consult the Victorian Director of Public Prosecutions in relation to complex issues arising from disclosure obligations and public interest immunity claims. These amendments should reflect the protocols and procedures proposed in Recommendation 68 and the need for police officers to obtain early legal advice when potentially complex disclosure and public interest immunity issues arise; and provide a clear framework for seeking that advice.	Victoria Police	Disclosure	30 November 2021 Delivered
71.	That Victoria Police, within six months, implements the measures it has proposed to improve training and support for police officers regarding their disclosure obligations, across all levels of the organisation.	Victoria Police	Disclosure	31 May 2021 Delivered

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
72.	<p>That Victoria Police commissions two independent reviews of the measures implemented in Recommendation 71, to ensure that they adequately reflect any applicable changes to law and policy and are effective in improving police officers' understanding of their disclosure obligations. The reviews should be undertaken as follows:</p> <ul style="list-style-type: none"> a. an initial independent external review within two years of implementation b. an additional independent external review within five years of the initial review. 	Victoria Police	Disclosure	<p>First review within two years of implementation of Recommendation 71 and additional review within five years of first review.</p> <p>Victoria Police has commenced planning for an initial independent review to be conducted in 2023.</p>
73.	<p>That Victoria Police commissions two independent reviews of the implementation of its dedicated disclosure officer initiative, to ensure that it is effective in improving disclosure processes and practices. The reviews should be undertaken as follows:</p> <ul style="list-style-type: none"> a. an initial independent external review within two years of implementation b. an additional independent external review within five years of the initial review. 	Victoria Police	Disclosure	<p>First review within two years of implementation of disclosure officer initiative and additional review within five years of first review.</p> <p>Victoria Police has commenced an initial independent review to be finalised in November 2022.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
74.	<p>That Victoria Police, within six months, reviews the information management systems it relies on to fulfill its disclosure obligations, to assess with specificity:</p> <ul style="list-style-type: none"> a. the extent to which the implementation of recent system reforms will enable Victoria Police to fulfil its disclosure obligations adequately b. remaining system gaps and issues c. system functionality needed to address any identified gaps and issues d. investment requirements to develop and implement any additional system functionality needed. 	Victoria Police	Disclosure	<p>31 May 2021</p> <p>Delivered</p>
75.	<p>That Victoria Police, within three months, establishes a disclosure governance committee that has responsibility for identifying and monitoring systemic disclosure issues and overseeing the development and implementation of reforms to improve disclosure processes and practices.</p> <p>The committee’s membership should consist of stakeholders with expertise in policing, disclosure, public interest immunity and the conduct of criminal prosecutions, including the Victorian Office of Public Prosecutions, the Victorian Government Solicitor’s Office, the Department of Justice and Community Safety, Victoria Legal</p>	Victoria Police	Disclosure	<p>28 February 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
	Aid and any other relevant legal profession representatives.			
76.	<p>That the Victorian Legal Services Board and Commissioner, the Law Institute of Victoria and the Victorian Bar work with community legal services and Victoria Legal Aid to, within six months, prepare and distribute communications aimed at restoring and promoting public and client confidence in the legal profession.</p> <p>These communications should:</p> <ol style="list-style-type: none"> a. educate clients and the public on lawyers' ethical duties and obligations, particularly in relation to confidentiality, conflicts of interest and legal professional privilege b. inform clients and the public about where they can seek help or advice regarding concerns they may have about their lawyer. 	VLSBC, LIV and Victorian Bar	Legal Profession Regulation	<p>31 May 2021</p> <p>The Implementation Monitor noted in his report further unavoidable delays to delivery and that work continues to develop a campaign.</p>
78.	That the Legal Services Council, Law Council of Australia and Australian Bar Association work together to, within 12 months, clarify and harmonise the duty of confidentiality and its exceptions, as contained in the Solicitors' Conduct Rules and the Barristers' Conduct Rules.	Legal Services Council, Law Council of Australia, Australian Bar Association	Legal Profession Regulation	<p>30 November 2021</p> <p>The Law Council of Australia and Australian Bar Association have indicated more time is required due to the administrative process required to amend rules.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
79.	<p>That the Law Council of Australia, within 12 months, updates the commentary to the Solicitors' Conduct Rules in relation to the duty of confidentiality and its exceptions, to include guidance on:</p> <ul style="list-style-type: none"> a. the factors to be considered when assessing whether a disclosure of confidential information is justified b. where and how a solicitor can obtain advice on ethics when considering making a disclosure c. steps to be taken to document the actions taken by a solicitor regarding the information received and the disclosure made d. any further actions that a solicitor should take when considering making a disclosure. 	Law Council of Australia	Legal Profession Regulation	<p>30 November 2021</p> <p>The Law Council of Australia is in the process of updating the commentary to be released with amended rules.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
80	<p>That the Victorian Bar, within 12 months, prepares guidance in relation to the duty of confidentiality and its exceptions, including:</p> <ul style="list-style-type: none"> a. the factors to be considered when assessing whether a disclosure of confidential information is justified b. where and how a barrister can obtain advice on ethics when considering making a disclosure c. steps to be taken to document the actions taken by a barrister regarding the information received and the disclosure made d. any further actions that a barrister should take when considering making a disclosure. 	Victorian Bar	Legal Profession Regulation	<p>30 November 2021</p> <p>Delivered</p>
81.	<p>That the Victorian Bar, within six months, develops ethics guidance on specific conflict of interest issues and scenarios that can arise for criminal defence barristers.</p> <p>The Victorian Bar should prepare this guidance in consultation with the Criminal Bar Association, Victoria Legal Aid and other relevant stakeholders.</p>	Victorian Bar	Legal Profession Regulation	<p>31 May 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
82.	That the Law Council of Australia, within 12 months, includes specific guidance on maintaining appropriate professional boundaries in the commentary to the Solicitors' Conduct Rules.	Law Council of Australia	Legal Profession Regulation	<p>30 November 2021</p> <p>The Law Council of Australia is in the process of updating the commentary to be released with new rules.</p>
83.	That the Victorian Bar, within 12 months, develops specific guidance for barristers on maintaining appropriate professional boundaries.	Victorian Bar	Legal Profession Regulation	<p>30 November 2021</p> <p>Delivered</p>
84.	That the Victorian Legal Services Board and Commissioner, within six months, issues clear guidance about how legal ethics education should be embedded in the four compulsory fields of continuing professional development, including through the use of practical, scenario-based learning.	VLSB+C	Legal Profession Regulation	<p>30 May 2021</p> <p>Delivered</p>
87.	That the Victorian Legal Services Board and Commissioner, the Victorian Bar and the Law Institute of Victoria, in consultation with other relevant stakeholders and prior to the commencement of the mandatory reporting obligation proposed in Recommendation 86, prepare harmonised guidance and continuing professional development activities for the legal profession to accompany and support the introduction of a mandatory reporting requirement.	VLSBC, Victorian Bar, LIV	Legal Profession Regulation	<p>Prior to implementation of Recommendation 86</p> <p>Implementation of this recommendation is contingent on development of the reporting requirement scheme (recommendation 86).</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
88.	<p>That the Victorian Legal Services Commissioner, within 12 months, revokes the Instrument of Delegation conferred on the Victorian Bar for receiving and handling complaints regarding barristers and resumes that function.</p>	VLSBC	Legal Profession Regulation	<p>30 November 2021</p> <p>Delivered</p>
89.	<p>That the Victorian Bar and the Law Institute of Victoria, within six months, assess the awareness level, use and views of the ethical, health and wellbeing support services and resources offered to their members.</p> <p>If the awareness levels and usage are found to be low, the Victorian Bar and the Law Institute of Victoria should review the quality of the services and resources and improve marketing and communications to ensure members are aware of the useful supports available.</p> <p>The Victorian Bar and the Law Institute of Victoria should regularly review the effectiveness of these services and resources (at least every two years) and update them as required to meet the needs of members.</p>	Victorian Bar and LIV	Legal Profession Regulation	<p>31 May 2021</p> <p>Delivered</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
90.	<p>That Victoria Police, within 12 months, amends the Victoria Police Manual and relevant training materials to comprehensively set out obligations under section 464C of the <i>Crimes Act 1958</i> (Vic) and the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic) related to the right of a person in police custody to communicate with a lawyer.</p> <p>Victoria Police should undertake this work in consultation with relevant stakeholders including Victoria Legal Aid, the Department of Justice and Community Safety, Law Institute of Victoria, Victorian Bar, Federation of Community Legal Centres and Victorian Aboriginal Legal Service.</p>	Victoria Police	Legal Profession Regulation	<p>30 November 2021</p> <p>Delivered</p>
100	<p>That the Chief Commissioner of Victoria Police ensures that a suitably qualified, independent authorised person, who is not a police officer, determines any disciplinary charges laid by the Special Investigator.</p>	Victoria Police	Special Investigator	<p>Following completion of investigations by the Special Investigator</p> <p>Victoria Police is working collaboratively with the Office of the Special Investigator which will support future progress of any discipline proceedings.</p>

No.	Recommendation	Responsible agency	Theme	Commissions implementation timeframe
101.	That the Chief Commissioner of Victoria Police reports to the Special Investigator and Implementation Monitor proposed in Recommendation 108 on the outcome of any disciplinary proceedings arising from the Special Investigator's investigation of current Victoria Police officers.	Victoria Police	Special Investigator	<p>Following completion of investigations by the Special Investigator</p> <p>Victoria Police is working collaboratively with the Office of the Special Investigator which will support future progress of any discipline proceedings.</p>
105	That Victoria Police and the Victorian Director of Public Prosecutions, within three months, in accordance with their ongoing disclosure obligations, apply the Commissioner's determinations in relation to the public interest immunity claims (or as otherwise determined by a court) over the complete and unredacted submissions of Counsel Assisting, and, where relevant, facilitate disclosure of these revised versions of the submissions to potentially affected persons.	Victoria Police	Disclosure	<p>28 February 2021</p> <p>Delivered</p>
106	That Victoria Police and prosecuting agencies, within six months, make all reasonable attempts to advise the 887 people whose cases may have been affected in the manner identified in <i>R v Szabo</i> that their cases may have been affected by Ms Nicola Gobbo's conduct as a human source, and facilitate ongoing disclosure of relevant information to those persons.	Victoria Police	Disclosure	<p>31 May 2021</p> <p>Delivered</p>

Appendix C – Implementation Monitor’s assessment of status of recommendations

The Commission’s final report included 111 recommendations. The following table sets out the full list of recommendations that have been assessed by the Implementation Monitor as delivered or not yet delivered within the Commission’s indicative implementation timeframes through to 30 May 2022.

Rec.	Implementation Monitor’s assessment of acquittal as of 30 June 2022	Commentary from the Implementation Monitor
3-month timeframe		
2	Delivered	Ms Gobbo has been removed from the Supreme Court roll of practitioners. Amendments have also been made to Victorian Bar Constitution to allow for future removal of practitioners.
4	Not yet delivered	Victoria Police conducted a review of their organisational and executive structure; however consistent with commentary from the Implementation Monitor’s first report, full implementation is contingent on development of human source management legislation.
6	Delivered	Senior counsel has been appointed to conduct the required review of 11 human source files and has since undertaken the review.
7	Delivered	Victoria Police has implemented processes for development and review of human source policies
42	Delivered	Victoria Police has established the required strategic governance committee.
57	Delivered	Victoria Police has updated its human source policy to include a direction for officers to inform human sources of their right to make complaints to the Independent Broad-based Anti-corruption Commission (IBAC).
75	Delivered	Victoria Police has established the required disclosure governance committee.
105	Delivered	Substantial progress and efforts have been made to ensure disclosure was made. Additionally, there are now processes in place to effect disclosure if potentially affected persons come to the attention of Victoria Police.

Rec.	Implementation Monitor's assessment of acquittal as of 30 June 2022	Commentary from the Implementation Monitor
107	Delivered	Government has established the Implementation Taskforce to coordinate implementation of recommendations.
108	Delivered	Sir David Carruthers has been appointed as Implementation Monitor
6-month timeframe		
67	Delivered	The Attorney-General has considered the review of the adequacy of the court's powers with respect to making non-disclosure orders. Recommendations will be incorporated into legislative disclosure reforms to be delivered in 2021.
71	Delivered	Victoria Police has delivered practical guidance and training materials relating to disclosure obligations, and has reported increased awareness.
74	Delivered	Victoria Police has commissioned an external review of relevant IT systems and a report was delivered in May 2021.
76	Not yet delivered	Work continues with development of a campaign, noting further unavoidable delays to delivery.
77	Delivered	Government has considered a review of the Victorian Legal Admissions Board's (VLAB) powers. The review recommended a policy response around improved understanding of VLAB's powers and procedures in assessing applications for admission to the legal profession.
81	Delivered	The Victorian Bar has developed and delivered CPD material on ethical issues for criminal defence barristers.
84	Delivered	The VLSB+C has developed and published guidance on enhancing legal ethics education in CPD and will continue to evaluate effectiveness and make updates as necessary.
89	Delivered	The Victorian Bar and LIV have both undertaken a survey of their memberships on awareness levels, use and views of the ethical, health and wellbeing support services. Implementation of recommendations made in light of survey results is underway.

Rec.	Implementation Monitor's assessment of acquittal as of 30 June 2022	Commentary from the Implementation Monitor
106	Delivered	All reasonable attempts at notification to the potentially affected persons had been completed.
12-month timeframe		
1	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
3	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
19	Delivered	Victoria Police updated its internal human source management policy.
20	Delivered	Victoria Police updated its internal human source management policy.
21	Delivered	Victoria Police updated its internal human source management policy.
22	Delivered	Victoria Police updated its internal human source management policy.
23	Delivered	Victoria Police updated its internal human source management policy.
24	Delivered	Victoria Police updated its internal human source management policy.
25	Delivered	Victoria Police updated its internal human source management policy.
30	Delivered	Victoria Police developed further guidance and training requirements relevant to human source management risk assessments.
32	Delivered	Victoria Police updated its internal human source management policy.
33	Delivered	Victoria Police developed further guidance and training requirements relevant to human source management risk assessments.
34	Delivered	Victoria Police developed further guidance and training requirements relevant to human source management risk assessments.

Rec.	Implementation Monitor's assessment of acquittal as of 30 June 2022	Commentary from the Implementation Monitor
35	Delivered	Victoria Police developed further guidance and training requirements relevant to human source management risk assessments.
36	Delivered	Victoria Police developed further guidance and training requirements relevant to human source management risk assessments.
37	Delivered	Victoria Police updated its internal human source management policy.
38	Delivered	Victoria Police undertook a review of the broader functionality of Interpose. Additional data capture fields were included, including enhancing Interpose to record the origin of information provided by human sources.
39	Delivered	Victoria Police undertook a review of the broader functionality of Interpose. Additional data capture fields were included, including enhancing Interpose to record the origin of information provided by human sources.
40	Delivered	Victoria Police updated its internal human source management policy.
41	Delivered	Victoria Police updated its internal human source management policy.
62	Delivered	Amendments to the <i>Criminal Procedure Act 2009</i> commenced on 16 February 2022. The Disclosure Certificates Regulations were made on 26 July 2022 and commenced on 1 October 2022.
63	Delivered	Amendments to the <i>Criminal Procedure Act 2009</i> commenced on 16 February 2022. The Disclosure Certificates Regulations were made on 26 July 2022 and commenced on 1 October 2022.
64	Delivered	Victoria Police delivered the Chief Commissioner's Instruction, a summary disclosure practice guide and an indictable disclosure practice guide.
65	Delivered	The OPP did an extensive review of the existing Policy of the DPP for Victoria and noted that it aligned with the proposed legislative reforms and that no amendment of the policy was required.

Rec.	Implementation Monitor's assessment of acquittal as of 30 June 2022	Commentary from the Implementation Monitor
66	Delivered	Amendments to the <i>Criminal Procedure Act 2009</i> commenced on 16 February 2022. The Disclosure Certificates Regulations were made on 26 July 2022 and commenced on 1 October 2022.
68	Delivered	On 24 January 2022, the OPP, Victoria Police and the VGSO, published a protocol to facilitate effective engagement with, and resolution of, complex issues arising from disclosure obligations and PII claims.
69	Delivered	On 24 January 2022, the OPP, Victoria Police and the VGSO, published a protocol to facilitate effective engagement with, and resolution of, complex issues arising from disclosure obligations and PII claims.
70	Delivered	Victoria Police delivered the Chief Commissioner's Instruction, a summary disclosure practice guide and an indictable disclosure practice guide.
78	Not yet delivered	Progress is delayed, however work is underway to deliver guidance to Victorian legal practitioners through local Victorian bodies.
79	Not yet delivered	Progress is delayed, however work is underway to deliver guidance to Victorian legal practitioners through local Victorian bodies.
80	Delivered	The Victorian Bar developed advice and delivered online sessions to members, which were posted on the Bar's CPD catalogue on their website.
82	Not yet delivered	Progress is delayed, however work is underway to deliver guidance to Victorian legal practitioners through local Victorian bodies.
83	Delivered	The Victorian Bar developed advice and delivered online sessions to members, which were posted on the Bar's CPD catalogue on their website.
85	Additional 12-month timeframe triggered	As agreement at the national level was not able to be reached the second limb of the recommendation with an additional 12-month timeframe was triggered. The government undertook consultation with the other Uniform Law jurisdictions and the complex work continues to amend the Uniform Law.

Rec.	Implementation Monitor's assessment of acquittal as of 30 June 2022	Commentary from the Implementation Monitor
86	Additional 12-month timeframe triggered	Consultation has occurred Uniform Law jurisdictions to consider options for uniform implementation. Delivery of Recommendation 87 is dependent on the delivery of Recommendation 86.
87	Additional 12-month timeframe triggered	The additional 12-month timeframe was triggered. Consultation has occurred Uniform Law jurisdictions to consider options for uniform implementation. Delivery of Recommendation 87 is dependent on the delivery of Recommendation 86.
88	Delivered	On 30 June 2021, VLSB+C revoked the Instrument of Delegation conferred on the Victorian Bar for receiving and handling complaints regarding barristers and resumes that function.
90	Delivered	Victoria Police undertook consultation with stakeholders to enhance policy and training material to comprehensively set out the process for facilitating a person exercising their right to obtain legal advice while in police custody.
92	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
93	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
94	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
95	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
96	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
97	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.

Rec.	Implementation Monitor's assessment of acquittal as of 30 June 2022	Commentary from the Implementation Monitor
98	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
99	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
103	Delivered	The Special Investigator Act received Royal Assent in December 2021 and the Special Investigator was formally appointed to the statutory office.
18-month timeframe		
91	Not yet delivered	Government has consulted broadly on the proposed approach to implementing this recommendation.
No timeframe specified		
109	Delivered	The Police Informants Royal Commission Implementation Monitor Act received Royal Assent in September 2021, and a secretariat has been established.