

10 February 2023

Law Council of Australia and Australian Bar Association extremely concerned over police informants legislation

The Law Council of Australia (**LCA**) and Australian Bar Association (**ABA**) have major concerns over the *Human Source Management Bill 2023* introduced into the Victorian Parliament on 7 February 2023.

The deliberate cultivation of a lawyer as a police informant places lawyers in direct conflict with fundamental duties that have been imposed on lawyers for centuries, both organisations emphasised.

Australian Bar Association President Peter Dunning KC said: “An Australian lawyer should never be registered as a human source in relation to information disclosed to them which is the subject of client confidentiality.”

President of the Law Council of Australia, Luke Murphy also expressed serious concerns about key parts of the new legislation.

“Lawyers being used as human sources and allowing them to covertly inform against their clients is contrary to a lawyer’s role as an officer of the court and would violate multiple ethical duties that are owed by a lawyer to their client,” he said.

The Bill aims to implement several recommendations from the Royal Commission into the Management of Police Informants (**RCMPI**), including introducing a framework for the registration, use and management of human sources by Victoria Police.

While the transparency that the Bill provides for the registration, use and management of human sources is welcomed, both the LCA and ABA state that lawyers should never be used as police informants.

“A lawyer’s duty of strict confidentiality is there to protect the client,” Mr Dunning said.

“It also underpins the institutional integrity of our legal system. The long-established exceptions to confidentiality adequately protect against legitimate concerns.”

[ends]

For further information:

Matt Reddin
T: +61 3 9225 6947
media@austbar.asn.au