

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Commissions and inquiries

Context

Victoria Police and its employees may be required to provide documents, make submissions or appear before a royal commission or inquiry. Employees may also appear before a royal commission or inquiry in a personal capacity.

The *Inquiries Act 2014* (Vic), *Parliamentary Committees Act 2003* (Vic), *Royal Commissions Act 1902* (Cth) and other legislative instruments and government standing orders govern the operations of royal commissions and inquiries. Various government guidelines also set out the requirements for government bodies submitting to, and appearing before, royal commissions, and varying types of inquiries and reviews.

The purpose and scope of each royal commission or inquiry is set out in its terms of reference.

This policy provides Victoria Police employees with information and guidance on their rights and responsibilities as well as a clear governance structure in relation to the management of royal commissions and inquiries.

This policy does not provide guidance on responses to preliminary inquiries and/or investigations of Victoria Police or its employees by statutory agencies e.g., Independent Broad-based Anti-corruption Commission.

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Definitions

Inquiry – established to inquire into issues identified by government, agencies, or statutory bodies. Inquiries are similar to a royal commission, but generally smaller in scope and nature. There are many forms of inquiries that have different levels of coercive powers and independence from government. There are a variety of inquiries Victoria Police may participate or have an interest in. Broadly these may include:

- **board of inquiry** – established on recommendation of the Premier of Victoria to the Governor in Council, by an Order in Council under the *Inquiries Act*, to inquire into and report on the terms of reference specified in the Order
- **parliamentary inquiry** (both Victorian and Commonwealth) – conducted by a parliamentary committee made up of members of one or both Houses of Parliament. Parliamentary committees inquire into particular issues and report to Parliament on their findings and recommendations
- **systemic or own-initiative inquiry** – commenced by an individual agency or statutory body as empowered by their respective legislation, to inquire into issues relevant to, or as required by, their legislative function (e.g., the Commission for Children and Young People)

Formal review – established by the Premier of Victoria by instrument under the *Inquiries Act*, appointing one or more persons to inquire into and report on the terms of reference specified in the instrument.

Liaison officer – the person or area responsible for overall coordination and management of Victoria Police's response to a royal commission or inquiry.

Royal commission – is a major ad hoc body appointed by either the Federal or a State Government in rare and exceptional circumstances to investigate issues of significance. They provide advice and recommendations to government in relation to laws, policies and practices. A royal commission is independent to government and has broad powers to gather information to support its inquiries, including significant coercive powers.

Scope and application

This policy applies to all Victoria Police employees.

Responsibilities and procedures

1. Royal commissions and inquiries

- Royal commissions and inquiries may be of varying relevance, interest or value for Victoria Police.
- For royal commissions, the Chief Commissioner of Police (CCP) will direct the allocation of overall management (including liaison officer) and any resources for a response to a royal commission based on its terms of reference and relevance to Victoria Police.
- For inquiries, Policy and Legislation Division (PLD), Capability Department is responsible for performing the role of liaison officer, unless another area is appointed.

2. Roles and responsibilities

2.1 *Liaison officer*

- The liaison officer is the person or area responsible for overall coordination of the Victoria Police response to a royal commission or inquiry, including:

- establishing and acting as a central point of contact between the royal commission or inquiry and the various Regions, Commands, Departments and employees within Victoria Police
 - managing referrals seeking assistance issued by a royal commission or inquiry to Victoria Police
 - coordination of information requests from a royal commission or inquiry to Victoria Police (for notices to produce, see section 2.2 of this policy)
 - providing advice to Executive Command in respect to issues identified by a royal commission or inquiry that may have significance for Victoria Police
 - ensuring due consideration is given to any relevant submission process
 - coordinating internal consultation and preparing or facilitating preparation of any Victoria Police submissions
 - identifying necessary internal governance processes and ensuring compliance with internal and external approval pathways (including relevant Ministers) for information release (see section 4.2 of this policy for further information)
 - engaging with government departments or agencies including negotiating participation in whole-of-Victorian Government submissions and responses.
- The liaison officer for royal commissions should establish a position-based email account (PBEA) and Intranet page to communicate any critical information with Victoria Police employees.
 - Some functions of the liaison officer may be delegated to other areas as required according to expertise or resourcing requirements.

2.2 Legal Services Department

Where Victoria Police is involved in a royal commission or inquiry, Legal Services Department (LSD) is responsible for:

- managing subpoenas and notices to produce
- managing employee witnesses and providing witness support
- providing legal representation at appearances or interviews for Victoria Police and/or individual employee witnesses where appropriate
- coordination of drafting, reviewing or facilitating the review of witness statements
- advising employees appearing on behalf of Victoria Police of the legal powers of the royal commission or inquiry, their rights and any other relevant information.
- ensuring compliance with internal and external notifications and approval pathways for notices to produce and appearances (see section 4.2 of this policy for further information)

2.3 Policy owner

Policy owners of relevant areas of policy or practice under **VPM Policy development and advice**, or their representative, must provide information or advice to the liaison officer and LSD upon request.

3. Information and record management

- When a royal commission or board of inquiry is announced, Victoria Police must ensure that adequate steps are taken to secure and retain any relevant records that may potentially be required.

- Where documents and records would otherwise be eligible for destruction, the requirements of a royal commission or an inquiry may override the provisions of the *Public Records Act 1973* including the *Retention and Disposal Authority for Records of Victoria Police*.
- The *Crimes Act 1958* provides for offences and penalties for the destruction of records required by a royal commission or board of inquiry, even where that destruction would otherwise be permitted. Refer to s.254, *Crimes Act* for further information.
- Royal commissions, boards of inquiry and parliamentary inquiries have the power to compel the production of documents and other things through a notice to produce, as well as attendance at hearings.
 - Failure to comply with a notice to produce or attend without reasonable excuse for a Victorian royal commission or board of inquiry may constitute an offence under s. 46, 47, 86 and 87, *Inquiries Act*
 - Failure to comply with a notice to produce or attend without reasonable excuse for a Victorian parliamentary inquiry may result in contempt of parliament proceedings under s. 28(1), *Parliamentary Committees Act*, which is punishable at the discretion of the relevant House standing orders or joint standing orders of the Parliament of Victoria
 - Failure to comply with a notice to produce or attend without reasonable excuse for a Commonwealth royal commission may constitute an offence under s. 60 *Royal Commissions Act*
 - Failure to comply with a notice to produce or attend without reasonable excuse for a Commonwealth parliamentary inquiry may result in contempt of parliament proceedings under the *Parliamentary Privileges Act 1987* (Cth).

4. Submissions and consultation

4.1 *Appearances on behalf of Victoria Police*

- Where employees appear at a royal commission on behalf of Victoria Police, legal representation will be provided.
- Where employees appear at an inquiry on behalf of Victoria Police, legal representation will be subject to Deputy Commissioner or CCP approval. LSD will advise employees if they need to seek their own representation.
- LSD will advise employees appearing on behalf of Victoria Police at a royal commission or inquiry, of their rights and any other relevant information.
- If an employee is notified or summoned to appear at a royal commission or inquiry, they must advise their Region, Command or Department Head and LSD.
- In the event that an employee is required to appear before a royal commission or inquiry, it is the responsibility of the Region/Command/Department to which the employee is attached to facilitate the following:
 - airfares, accommodation and ancillary costs in relation to the employee's attendance at the royal commission or inquiry where online/virtual participation is not appropriate
 - the provision of, or referral to, welfare services for the employee, if it is considered appropriate.

4.2 *Victoria Police submissions and approvals*

- The liaison officer is responsible for:
 - obtaining any necessary government/ministerial approvals to make a submission to a royal commission or inquiry, as directed by whole-of-government policies
 - coordinating the submission on behalf of Victoria Police, including organisational consultation and determination of the appropriate subject matter area(s) for drafting purposes.
 - obtaining internal approvals and coordinating any subsequent external government or ministerial approvals, if required, before the information or submission is provided to a royal commission or inquiry.
- LSD is responsible for obtaining internal approvals and any necessary government/ministerial approvals for the release of documents under a notice to produce, and any notifications of appearances before a royal commission or inquiry on behalf of Victoria Police, as required by whole-of-government policy.
- Employees invited to make a submission to a royal commissions or inquiry on behalf of Victoria Police, must forward the request to their Region/Command/Department Head and to the liaison officer (if established) or Executive Director (ED), Capability Department if there is no established liaison officer.
- Internal approvals relating to the release of information, documents or submissions for a royal commission or inquiry should follow the approval structures outlined in the Victoria Police policy owner framework in **VPM Policy development and advice**.
- If the approval structures under any whole-of-government policy direction conflicts with the Victoria Police policy owner framework, the whole-of-government policy direction prevails.

4.3 *Community consultations*

- Community consultations are often conducted by royal commissions and inquiries to provide individual members of the community a forum to provide their personal insights and experiences.
- Employees may be asked to attend community consultations in an official capacity to provide insight into their personal experiences as a Victoria Police employee. Employees asked to attend should be provided additional information and guidance prior to their attendance by the liaison officer and LSD.
- Employees may also wish to attend these consultations on a voluntary basis. Employees who wish to attend on a voluntary basis but intend to provide input that relates to their experiences as a Victoria Police employee, must consult with the liaison officer to obtain advice prior to attending (see section 4.4 of this policy for further information).
- All employees must comply with the relevant sections of **VPM Professional and ethical standards** and the *Code of Conduct for Victorian Public Sector Employees* with regards to making public comment.
- All employees who attend must comply with the following legal restrictions on disclosure of information gained during the course of their employment with Victoria Police:

- police information under the *Victoria Police Act 2013*
 - personal information under the *Privacy and Data Protection Act 2014*
 - health information under the *Health Records Act 2001*.
- Employees must also be mindful of potential public interest immunity claims that could be advanced in relation to police information and any statutory secrecy provisions that may apply and discuss these with LSD or legal representatives engaged for Victoria Police.

4.4 *Personal submissions and appearances*

- Employees may consider making a personal submission or appearing in a personal capacity for a royal commission or inquiry.
- Employees wishing to make a submission based on their experiences at Victoria Police are welcome to offer a contribution to the Victoria Police submission through the liaison officer in the first instance.
- Employees must comply with legal restrictions on disclosure of information gained during the course of employment with Victoria Police, as outlined in section 4.3 of this policy.
- Where an employee makes a personal submission to a royal commission or inquiry, they must:
 - advise the liaison officer, ED, LSD or ED, Capability Department
 - not use or refer in the submission to information gained in the course of official duties unless authorised by ED, LSD or ED, Capability Department
 - not seek to attribute status to their submission by virtue of their official position
 - expressly identify any opinion offered as their own.

5. Recommendations

- Recommendations are to be managed according to **VPM External review and Internal Audit recommendations**.

Related documents

- VPMP Obtaining legal services and advice
- VPM External review and internal audit recommendations
- VPM Policy development and advice
- Guidelines for submissions and responses to inquiries (located at Victorian Government [website](#))
- Guidelines for appearing before and producing documents to Victorian inquiries (located at Victorian Government [website](#))
- Guidelines for appearing before Commonwealth Parliamentary Committees (located at Victorian Government [website](#)).
- Legislative Assembly of Victoria Standing Orders (located at the Parliament of Victoria [website](#))
- Legislative Council of Victoria Standing Orders (located at the Parliament of Victoria [website](#))

- Joint Standing Orders of the Parliament of Victoria (located at the Parliament of Victoria [website](#))

Further advice and information

For further advice and assistance regarding these Policy Rules, contact PLD, Capability Department.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
14/06/22	VPM review project conversion to new format, establishing consistent process for commissions in policy.	FF-214828