

# Victoria Police Manual – Policy Rules

## Obtaining legal services and advice

### Context

Victoria Police employees have a responsibility to ensure they obtain legal services and advice through the Legal Services Department regardless if that advice is for criminal prosecutions or for other civil legal matters relating to their duties.

The purpose of these Policy Rules is to provide instructions to employees so that they may access legal assistance, advice and representation, as appropriate.

### Application

Policy Rules are mandatory and provide the minimum standards that employees must apply. Non-compliance with or a departure from a Policy Rule may be subject to management or disciplinary action. Employees must use the Professional and Ethical Standards to inform the decisions they make to support compliance with Policy Rules.

These Policy Rules apply to all employees

### Rules and Responsibilities

## 1. Provision of legal advice or services

### 1.1 *Introduction*

All external legal advice, assistance and representation sought by employees in the course of their duties must be sought through the Director, Legal Services Department.

### 1.2 *Criminal prosecution matters*

Employees should refer to the relevant section in the **VPMG Brief preparation and management** guidelines for details of the procedures to obtain legal advice on criminal prosecution matters.

### 1.3 *Civil matters*

- Employees who require legal advice or services on civil matters must submit a report with details of their request through their line management to the Director, Legal Services Department.

- Employees subject to civil proceedings should refer to **VPMG Civil proceedings**.
- The Director, Legal Services Department will assess the request and determine the most appropriate avenue to provide the legal services or advice.
- Where the Director, Legal Services Department determines the legal services or advice must be sought under the Whole of Government legal panel arrangement, the requesting work unit must undertake this engagement through the online web-based procurement system *Legal Panel Gateway*. Refer to **VPMG Obtaining legal services and advice** for details on access, registration and use of this system.
- Employees who wish to comment on legislation or suggest a change to legislation should refer to **VPMP Policy development and advice**.

#### **1.4 Privacy**

Victims or any other third party are not to be referred directly to the advising lawyer or the area providing the legal advice. The identity of the advising lawyer is not to be provided to the victim. This includes requests made to the OPP for advice.

#### **1.5 Legal Privilege**

Legal privilege or Client legal privilege is a rule of law protecting communications between legal practitioners and their clients from disclosure under compulsion of court or statute. For client legal privilege and third party disclosure information have regard to **VPMG Brief preparation and management**.

#### **1.6 Alternate legal opinion**

A second or alternate legal opinion must not be sought without prior approval by Director, Legal Services Department.

### Quick Links

- [VPMG Obtaining legal services and advice](#)
- [VPMP Policy development and advice](#)

## Further Advice and Information

For further advice and assistance regarding these Policy Rules, contact the Legal Services Department.

## Update history

<b>Date of first issue</b>	28/02/2011	
<b>Date updated</b>	<b>Summary of change</b>	<b>Force File number</b>
07/01/13	Additional clarification at section1 for second legal opinion, client legal privilege and disclosure	072655/12