

Royal Commission

into the Management of Police Informants

ADDITIONAL STATEMENT OF FINDLAY GERARD MCRAE

1. My full name is Findlay Gerard McRae. I currently hold the role of Executive Director of Legal Services with Victoria Police.
2. The original statement in this matter refers to the process for Victorian Police members to obtain legal advice at paragraphs 2.17 to 2.21.
3. As a result of reviewing the polices for the preparation of my original statement, I requested an analysis of the policy history be undertaken.
4. The analysis concluded, there are three current Victorian Police Manuals (VPM) which relate to obtaining legal advice.
 - 4.1. **VPM Policy Rules – *Obtaining Legal Services & Advice*** (mandatory provisions)
 - 4.1.1. Commenced - 28/02/2011.¹
 - 4.1.2. Amended - 7/01/2013 and is the current policy.² The relevant amendments are at paragraphs 1.4, 1.5 and 1.6 which include instructions regarding second/alternate legal opinion process and client legal privilege and disclosure.
 - 4.2. **VPM Procedures & Guidelines – *Obtaining Legal Services & Advice*** (not mandatory – support Policy Rules)
 - 4.2.1. Commenced 28/02/2011 and is the current policy.³
 - 4.2.2. No amendments have been made to this policy.
 - 4.3. **VPM Procedures & Guidelines – *Brief Preparation & Management*** (not mandatory – support Policy Rules)
 - 4.3.1. Commenced – 22/02/2010.⁴
 - 4.3.2. Amendment⁵ – 06/12/2010.⁶ The relevant amendments are at paragraph 4.8, with include offences against the *Major Crime (Investigative Powers) Act 2004* requiring special authorisation by the Principal Legal Officer, OCE.

¹ VPL.0005.0211.0001

² VPL.0005.0211.0039

³ VPL.0005.0211.0042


⁴ VPL.0005.0211.0044

⁵ Several amendments have been made to this VPM, only those relevant to obtaining legal advice have been included

⁶ VPL.0005.0211.0055

- 4.3.3. Amendment – 28/02/2011.⁷ The relevant amendments include reference to new instructions, VPMP and VPMG Obtaining legal services and advice.
- 4.3.4. Amendment – 07/01/2013.⁸ The relevant amendments include amendment at paragraphs 4.4 and 4.5 to include Crime Specialist Lawyers, and at paragraph 4.6 to include legal privilege information.
- 4.3.5. Amendment – 29/09/2014.⁹ The relevant amendments include amendments at paragraph 4.4 to update process for requesting legal advice.
- 4.3.6. This is the current policy.¹⁰
- 4.4. **Prior** to the commencement of the 'VPM Policy Rules/Procedures & Guidelines', VP policy was contained in 'VPM Instructions'. Two instructions refer to obtaining legal advice -
- 4.4.1. VPM Instruction – Legal Matters (203-3).
- 4.4.2. Issued – 11/07/2003.¹¹
- 4.4.3. Amendment – 7/03/2015.¹² The relevant amendments include amendment at paragraph 4.1 to update names of VP units
- 4.5. **VPM Instruction – Briefs of Evidence (116-1)**
- 4.5.1. Issued – 11/07/2003¹³
- 4.5.2. Amendment – 4/06/2007¹⁴ The relevant amendment is at paragraph 6.2 to add reference to VPM Instruction – Legal Matters (203-3) for legal advice.
- 4.5.3. Last Update – 6/10/2008.¹⁵

Signed



 Findlay Gerard McRae
 13/11/19

⁷ VPL.0005.0211.0066

⁸ VPL.0005.0211.0077

⁹ VPL.0005.0211.0092

¹⁰ VPL.0005.0211.0107

¹¹ VPL.0005.0211.0003

¹² VPL.0005.0211.0005

¹³ VPL.0005.0211.0007

¹⁴ VPL.0005.0211.0017

¹⁵ VPL.0005.0211.0028