



# Force Circular Memo

Force Directives Group  
Research & Development Department

Phone 320 3254  
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No. 84 - 4

Date 27-2-84

84-4-1 CHILDREN, YOUNG PERSON ESCAPEES FROM REMAND CENTRES AND Y.T.C.

Procedures relating to the charging of children or young people who escape from lawful custody have been reviewed. Until further notice, Standing Order 5.9(3) and 9.113(3) are replaced by the following instructions:-

In the case of a person who escapes from a Remand Centre or Youth Training Centre or fails to comply with any conditions of temporary leave granted under Section 200 of the Community Welfare Services Act 1970, refer to Standing Order 9.113.

Where any person lawfully detained in a Remand Centre or Youth Training Centre escapes or is, without lawful authority, absent from such Remand Centre or Youth Training Centre, or from the custody of a member of the Force or other officer in whose custody he may be, the charge may be laid under Section 98 of the Community Welfare Services Act, but where such person is a Ward of the State proceedings should not be commenced without prior consultation with the Community Welfare Services Department.

(C.R.B. File No. 20-1-322)

84-4-2 TRANSPORT OF CHILDREN AND YOUNG PERSON AT THE REQUEST OF THE COMMUNITY WELFARE SERVICES DEPARTMENT

Social workers or officers of the Community Welfare Services Department (C.W.S.D.) occasionally request police assistance with such activities as returning Wards of the State who have been fostered out to private homes, or conveying people in the custody of the Department to destinations other than courts.

*Revised*  
*See FCIM*  
*85-17-20*

*PG*  
*21-11-85*  
*item 17*

*CM 85-13-5*

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Police should only assist in cases where there is a suggestion of violence, in which case the person making the request should be advised to contact the C.W.S.D. which will in turn contact a Staff Officer to the Chief Commissioner or one of the Deputy Commissioners.

After consideration, the Staff Officer will advise the station concerned whether police will assist. These procedures will ensure the consistent application of Force policy.

ICM 85 10/11  
(C.R.B. File No. 20-1-322)

84-4-3 DRUGS SEIZURES - STREET VALUE NOT TO BE DISCLOSED

*Lapse*  
In order to reduce the suggestion of vast financial gains available from drug misuse, members shall not divulge to the media the alleged monetary value of seized drugs. The heavy penalties available for the particular offences should be emphasised.

(C.R.B. File No. 24-21-4173)

84-4-4 ARMED ROBBERIES - AMOUNT STOLEN NOT TO BE DIVULGED

*Lapse*  
Members attending the scene of armed robberies shall not divulge the details of the amounts of cash stolen to the media without authorisation from the Superintendent C.I.B. (Operations).

All replies to D.24 relating to amounts of cash stolen are to be made by telephone and not through police communications.

(C.R.B. File No. 24-38-1754).

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84-4-5 GUIDELINES ON PARTY POLITICAL ACTIVITY BY VICTORIAN GOVERNMENT OFFICERS AND EMPLOYEES.

(This directive handed down by the Ministry is published in total, apart from minor adaptations to suit the police role).

1. Officers and employees of the Victorian Government have the same right as any other citizens to freedom of political association.
2. Political activity outside working hours is the prerogative of any officer or employee, provided it is clearly undertaken in a private capacity.
3. For officers and employees engaged in political activity, such as membership of a party committee, care should be exercised that a conflict of interest does not arise with official duties.
4. Such conflict could arise for a variety of reasons but more so when the area of political involvement corresponds in some measure with the official duties of the officer or employee.
5. Should an actual or potential conflict of interest be perceived, it is the responsibility of officers and employees to inform their Chief Executive who should in turn consult the Minister so that a judgement may be made about the extent of any conflict and any interim arrangements necessary in consequence of it. (In the case of the Police Force this requires the submission of a report, by the individual concerned. If so desired, he or she may forward the report direct to the relevant Assistant Commissioner or the Director of Administration).
6. Section 95(1)(b) of the Constitution Act 1975 imposes a particular obligation upon persons employed in any capacity in the service of the State of Victoria not to use information gained in that capacity for other than the discharge of their official duties. Public Service regulation 97 is also relevant in respect of public servants. (This constraint should not apply to information which has been officially made available to the public).
7. Party political involvement should be confined to other than working hours. Should circumstances occur in which officers or employees wish to undertake political activity during normal working hours, leave of absence or time off under flexitime arrangements, must be sought and approved in the usual way.
8. Sections 49 and 61 of the Constitution Act provide that persons holding office under the Crown or in the public service of Victoria may stand for election to the Victorian Parliament but must resign that office upon election.

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9. It is the practice for public servants seeking election to the Parliament to take leave of absence for the campaign indicating that, if elected, they will resign from their office in the public service. The same practice should be followed by police.

10. Section 54(1)(d) of the Public Service Act permits those employed under its provisions to hold municipal office. The Public Service Board has provided that councillors employed in the public service may be granted up to 3 hours a fortnight leave of absence for municipal activities. Mayors and Shire Presidents may be granted leave of up to 3 hours a week. Suitable arrangements for time off for police who hold such an office, may be made by district commanders, (subject always to the exigencies of the Service.)

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(C.R.B. File No. 4-11-271).

84-4-6 ILLEGAL PARKING OF POLICE VEHICLES  
IN VICINITY OF POLICE HEADQUARTERS

Complaints are continually being received from both members of the public and other police regarding the illegal parking of police vehicles, particularly in the vicinity of Police Headquarters and the Police Association Credit Co-operative, situated at 380 and 326 William Street, Melbourne. Members are directed to comply with parking regulations at all times.

Drivers of police vehicles with permits to park in the grounds of the Old Royal Mint building must not park their vehicles in the vicinity of Police Headquarters or the P.A.C.C., irrespective of whether a contravention of parking regulations is involved or not. In particular, laneways adjacent to the above buildings must not be utilised for the parking of police vehicles.

Drivers who disregard these instructions will face disciplinary action in addition to any penalties prescribed under the Road Traffic Regulations.

LARS

(C.R.B. File No. 36-2City West-2)

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83-4-7 FREEDOM OF INFORMATION:  
ACCESS BY MEMBERS

Members of the Force who request access under the Freedom of Information Act, to documents possessed by the Force, should forward their written application direct to the Freedom of Information Officer, 380 William Street, Melbourne.

Under the Act, applicants are entitled to a response within 45 days of a request being received by an Agency. A request is not received by the Force until it is received by the Freedom of Information Officer.

*Lapse*

(C.R.B. File No. 6-1-14)

84-4-8 APPLICATION FOR SPECIAL LEAVE -  
AMENDMENT TO F.C.M. 84-1-2

*Cancelled*

*see Fcm 84-15-4.*

In Force Circular Memo 84-1-2 sub-paragraph (b) is cancelled and shall be replaced by the following sub-paragraph"-

"(b) granting a member whose furniture and effects are required to be moved to a new residence as a result of transfer, one day's special leave to permit the furniture to be packed, and a further one day's special leave to permit the furniture to be unpacked and the premises readied for occupation."

(C.R.B. File No. 5-13-13)

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84-4-9 OFFENCE OF "PERMIT UNLICENSED"  
RE-ENACTMENT OF MOTOR CAR (LEARNER DRIVERS) ACT 1983,  
NO. 9869:-

Section 22C(1)(f) of the Motor Car Act 1958 formerly dealt with the offence of employing, permitting or suffering an unlicensed person to drive a motor car upon a highway. By an oversight this provision was omitted from the amending legislation, the Motor Car (Learner Drivers) Act 1983, so that there is at present no provision to charge persons with committing the offence of "permit unlicensed."

The Government has been requested to amend this deficiency. In the meantime, members should consider the laying of such an information under Section 60 of the Magistrates Court Act 1971, No. 8184 (aid, abet, counsel or procure the commission of a summary offence).

(C.R.B. File No. 4-9-515)

84-4-10 INTERCEPTION OF PASSENGERS AT INTERNATIONAL AIRPORTS  
- "P.A.S.S." SYSTEM

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1. The Australian Federal Police have access to a computerised system (Passenger Automatic Selection System, P.A.S.S.) at International Airports throughout Australia. Upon appropriate advice on a Personal Particulars Form, a wanted person will be recorded and may be intercepted by the Federal Police Airport Squad on arrival or departure from an international terminal.
  2. Personal Particulars Forms have been distributed to all Divisional Detective Chief Inspectors. After hours, copies of the form are available from the Duty Officer, Russell Street C.I.B. The form must be completed in duplicate for each person about whom an interception is required.
  3. Requests for the listing of person in P.A.S.S. must be approved by an Officer in the Crime Department who shall:-

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- (a) check that the "Personal Particulars Form" has been properly completed and in particular that it includes advice as to whether interception is required interstate or only within Victoria;
- (b) fully examine the legal aspects of the action requested of the Federal Police (most orders of State courts exercising state jurisdiction, including the Supreme Court, are not enforceable outside Victoria. Warrants for Interstate offences must comply with the provisions of the Service and Execution of Process Act);
- (c) sign both copies of the form as approving the request;
- (d) ensure that the original of the form is forwarded to the Officer in Charge, Australian Federal Police, Hamilton House, Brunton Avenue, Jolimont, 3002, and the duplicate copy is filed in the Wanted Person's file at the Information Bureau.

#### Emergency Cases

4. In an emergency, the request for interception may be telephoned to: Australian Federal Police, Melbourne, 654 2744, or Melbourne Airport (Tullamarine) 338 4211. Such a request must be followed as soon as possible by the appropriate Personal Particulars Form as required above.

#### Review and Amendment

5. Entries into P.A.S.S. are reviewed every three months. To extend this period, a report must be submitted through the usual channels to the Federal Police requesting that the entries remain in P.A.S.S. after that period. A copy of the report shall be forwarded to the Information Bureau for inclusion in the wanted person's file.

6. Requests for deletion or amendment shall also be forwarded through the usual channels to the Federal Police. A copy of such report shall be forwarded to the Information Bureau for inclusion in the Wanted Person's file.

#### Caution

7. Some difficulties have been experienced in the case of persons included in P.A.S.S. on the request of State police. Persons listed as suspects in criminal matters in a particular state and located in another, have been detained by members of the Airport Squad pending advice from the originating agency. In some cases

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- (a) no record could be found of the request for listing;
- (b) the person was no longer wanted, having been arrested, located or eliminated from the enquiry;
- (c) there was no supporting evidence to involve the person or the person was only wanted for questioning; or
- (d) extradition would not be considered.

8. Any of these circumstances, or a delay in obtaining a reply, could result in an individual being unduly deprived of his liberty, missing a flight or being seriously embarrassed. /It is essential that every request be thoroughly considered, the most complete information supplied and, if the situation changes, the Federal Police notified without delay. /

(C.R.B. File No. 24-1-1261)

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