

# **Government response to the Inquiry into the command, management and functions of the senior structure of Victoria Police**

March 2012

## Foreword

The Government acknowledges the thorough and detailed work conducted by the Commissioner (Jack Rush QC) and the Inquiry in producing the Report of the *Inquiry into the command, management and functions of the senior structure of Victoria Police* (the Report).

The Government welcomes the Report's acknowledgement of the great strengths associated with the culture of Victoria Police, namely, loyalty, resilience, courage, adaptability and an unwavering commitment to public safety.

The Community expects that Victoria Police protects them and their families to the best of their ability. The Government has demonstrated its commitment to a strong police force, for example, by investing \$602 million in delivering an additional 1700 police and \$212 million for the recruitment and training of 940 Protective Services Officers to be delivered by November 2014.

The Government recognises and respects the operational independence of Victoria Police. It is a core part of our democracy that the police operate independently of the Government of the day.

However, the community and the Government expect Victoria Police to be accountable for the services it delivers and the substantial public funding it receives. Victoria Police's annual budget expenditure of more than \$2 billion means there is a legitimate expectation from Government that these resources are used effectively and efficiently to deliver significant benefits to the community.

The Report was commissioned in a time of turbulence for Victoria Police. Considerable progress has been made since that time. There is a new command at Victoria Police, including a new Chief Commissioner and three new Deputy Commissioners providing stability, leadership and certainty.

In addition, the Government has settled the Victoria Police Enterprise Bargaining Agreement (EBA) with The Police Association. The mutual agreement to the EBA and to the allied reforms to the *Police Regulation Act 1958* is a significant advance from previous attempts to undertake these reforms which have foundered on the lack of consensus and consultation with the workforce. The Police Association is an important stakeholder in delivering these reforms.

These significant reforms deliver productivity improvements through streamlined processes and more flexible arrangements leading to improved services to the community.

Further, legislation has been introduced to create the new Independent Broad-based Anticorruption Commission providing robust oversight of Victoria Police.

The Report has recommended, and the Government has accepted, a range of reforms that will significantly strengthen Victoria Police into the future. These include reforms to better plan Victoria Police's future workforce, modernise the regulatory framework, clarify the accountabilities of police command, and improve the accountability for, and delivery of, information technology projects.

The Government supports the majority of recommendations in the Report and notes that many are well on the way to being implemented. The Government notes that a number of the reforms relate to the operational management of Victoria Police and, as such, are properly matters for the Chief Commissioner. The Government has supported, and will continue to support the Chief Commissioner in performing his role.

# 1. Introduction

## 1.1 Background of the Report of the special inquiry

On 23 May 2011, the Premier directed the State Services Authority under section 52 of the *Public Administration Act 2004* to conduct a special inquiry into the command, management and functions of the senior structure of Victoria Police.

Mr Jack Rush QC was appointed as Commissioner to lead the special inquiry under the following terms of reference:

“To inquire into the following matters relating to the structure, operations and administration of the senior command of Victoria Police:

1. The effectiveness and functions of the senior structure of Victoria Police command.
2. The extent to which the senior command structure of Victoria Police provide the future capabilities to deliver best practice policing.
3. The extent to which Victoria Police has the command management structures to deliver major Information Technology and administrative functions.”

## 1.2 The special inquiry Report

The recommendations and findings of the Report of the Inquiry are comprehensive and fall within a number of themes, namely:

- the future capability of Victoria Police, in particular:
  - workforce foundation; and
  - funding;
- the legislative underpinning;
- corporate governance and the structure of senior command; and
- information technology.

## 1.3 The Government statement

The Government makes this statement under section 55(2) of the *Public Administration Act 2004* outlining the action taken and proposed to be taken in relation to the matters raised in the Report.

## 2. The 2011 Enterprise Bargaining Agreement and Allied Benefits

Through the recently concluded EBA, the Government and Victoria Police negotiated significant improvements with The Police Association, including reforms that will enhance workforce flexibility through a streamlined plain English document, allowing a more efficient ballot process to be used to fill vacancies, allowing for shifts of either 8 or 10 hours, and making operational tactics and safety training mandatory.

In addition, a Memorandum of Understanding (MOU) between the Government, Victoria Police and The Police Association agreed other allied benefits for reforms that will improve operational capability and community safety.

A copy of the Allied Benefits MOU is attached. The benefits agreed in this document include:

1. efficiencies with general duties allocation resulting in reduced time in placing recruits and probationary constables and the ability to direct members to perform specific duties to address critical community service needs in the short term;
2. shift and roster changes and enhanced employment flexibility to ensure that all operational members are fit for operational duties and to maximise the number of police on the streets;
3. a dramatic improvement in the efficiency of the appeals process for promotion and transfer decisions including new processes that will reduce delays;
4. the facilitation of the lateral entry of sworn police members into Victoria Police; and
5. the replacement of the Police Appeals Board with a Police Registration and Services Board.

The productivity gains from these reforms are significant. The reforms will lead to streamlined processes and improved flexibility that will expand operational capacity and deliver greater services to the community.

# 3. Future Capability: Workforce

## Recommendations 2, 5, 6, 7, 8, 9, 10, 11 and 17

A capable and enabled workforce is at the core of any organisation. The Report examines a number of areas that go to the structure and capability of the Victoria Police workforce, including strategic workforce planning, leadership development, lateral entry of sworn police members and appeals processes for transfer and promotion decisions and the discipline regime.

The Report noted that in response to Office of Police Integrity findings, Victoria Police has implemented the Professional Development and Assessment System and recommends that Victoria Police continue embedding that system.

The Report made 9 recommendations that relate to the workforce.

**That Victoria Police undertakes a ten year strategic workforce plan based on a whole of workforce approach and an assessment of future policing needs of the Victorian community. (Recommendation 2)**

### Government response:

The Government supports the development of a strategic workforce plan and has requested the Chief Commissioner to develop the plan taking into account Victoria's assessed future policing needs.

**That Victoria Police undertakes its workforce planning to allow for lateral entry at all ranks and for reappointment at rank, and recruits suitable applicants from outside Victoria Police when appropriate. (Recommendation 5)**

### Government response:

The Government supports this recommendation. Lateral entry of police at rank into Victoria Police is already permitted under the *Police Regulation Act 1958*.

As part of the Allied Benefits MOU, the Government has agreed to establish a Police Registration and Services Board to facilitate the lateral entry into Victoria Police of:

- sworn police from other jurisdictions; and
- the re-entry of sworn police previously engaged by Victoria Police.

The establishment of the Police Registration and Services Board is a first in Australia.

Allowing lateral entry of sworn police will improve productivity, and benefit both Victoria Police and the community by broadening the pool of talent available to Victoria Police.

**That the Government implement the recommendations of the Office of Police Integrity for reform of appeals against transfer and promotion of police, made in its report *Enabling a flexible workforce for Victoria Police (2011)*. (Recommendation 6)**

**Government response:**

The Government supports the direction of the Office of Police Integrity recommendations to reform the transfer and promotion appeals process in accordance with contemporary work practices.

Through the Allied Benefits MOU, the Government has already committed to arrangements to increase the efficiency of the process of appeals against transfer and promotion decisions. These reforms include:

- prohibiting additional documentation being lodged that was not considered as part of the decision under review;
- specifying timelines within which appeals must be lodged;
- requiring members to be available to attend appeal hearings;
- restricting appeal rights to applicants, rather than all potentially eligible members;
- limiting the number of appeals that can be lodged by any one member; and
- expediting the process for determining appeals.

The consequent productivity gains are significant. These reforms will see a reduction in time taken to resolve appeals from 75 days to just over two weeks.

**That Victoria Police formally endorses the planning documents guiding its leadership development strategies. (Recommendation 7)**

**Government response:**

The Government supports this recommendation and notes the progress of the Chief Commissioner in this regard.

Victoria Police has endorsed the People Development Plan 2011-2014, and is implementing a Leadership Excellence Framework which guides the leadership development strategies. This framework includes the Rising Talent Program, the Executive Development Secondment/Exchange Program and specific programs for Superintendents and Inspectors. General leadership development opportunities include: rotations for senior levels, executive coaching for some members and 360 degree feedback. Victoria Police has taken a lead role in the Australia and New Zealand Police Leadership Strategy.

**That Victoria Police undertakes a review of development and training for its public servants with an emphasis on improving opportunities at levels below Grade 5. (Recommendation 8)**

**Government response:**

The Government supports this recommendation and notes the progress of the Chief Commissioner in this regard.

Victoria Police is finalising a Development Framework, which is designed to develop public servants between grades VPS2 to VPS4. Victoria Police will work with the State Services Authority to ensure that improved opportunities are provided.

**That the Government fully implement the recommendations of the Office of Police Integrity for reform of the discipline system for police, made in its reports *A fair and effective Victoria Police discipline system (2007)* and *Improving Victorian policing through effective complaint handling (2008)*, with a view:**

- to reducing or eliminating the differences between the disciplinary arrangements for police and public servants;
- reducing the complexity and speeding up the process; and
- streamlining and simplifying review and appeal rights.

**(Recommendation 9)**

**That Victoria Police continues to implement the recommendations of the Office of Police Integrity for reform of the discipline system for police.**

**(Recommendation 10)**

#### **Government response:**

The Government supports the direction of the Office of Police Integrity recommendations to reform the police discipline system. Victoria Police has made progress towards implementing these recommendations through use of the professional development framework to address minor misconduct matters, rather than using the existing charge and inquiry process.

The promotion and transfer appeal reforms already agreed in the Allied Benefits MOU with The Police Association represent a significant step forward in productivity and should be allowed time to embed within Victoria Police.

Full implementation of the changes to the disciplinary system would require legislative change and raise industrial relations implications and policy issues which can only be done in close consultation with the workforce. The Government has requested that Victoria Police and Department of Justice work to progress these reforms with The Police Association as part of the next round of reform.

**That the Government consider enlarging the referral of Victoria's industrial relations powers to the Commonwealth to enable Fair Work Australia to hear unfair dismissal applications by police and to deal with disputes about transfer, promotion and discipline decisions concerning police. This reconsideration should occur in conjunction with the review of the Police Appeals Board recommended by the Office of Police Integrity in its report *Enabling a flexible workforce for policing in Victoria (2011)*.**

**(Recommendation 11)**

#### **Government response:**

The Government does not support this recommendation.

The Government considers that the nature of policing is a unique responsibility for the State which necessitates the retention of legislative power over those parts of the industrial relations process the Victorian Parliament has chosen not to refer to the Commonwealth Parliament.

The Government also considers that the workforce reform already underway under the terms of the new EBA and the Allied Benefits MOU between Victoria Police and The

Police Association achieve significant reforms to improve the efficiency of Victoria Police's transfer and promotion appeals arrangements.

**That the new Police Act implement the legislative changes recommended by the Office of Police Integrity for:**

- reform of appeals against transfer and promotion of police, in its report *Enabling a flexible workforce for Victoria Police (2011)*; and
- reform of the discipline system for police, made in its reports: *A fair and effective Victoria Police discipline system (2007)* and *Improving Victorian policing through effective complaint handling (2008)*.  
(Recommendation 17)

#### **Government response:**

The Government supports reform to the appeals process for promotions and transfer decisions in accordance with the response to recommendation 6. The promotion and transfer appeal reforms already agreed in the Allied Benefits MOU with The Police Association represent a significant step forward in productivity and should be allowed time to embed within Victoria Police.

The Government supports further work on the discipline system as part of the next round of reform in accordance with the response to recommendations 9 and 10.

## **4. Future Capability: Funding for Victoria Police**

### **Recommendations 3 and 4**

The Report examined Victoria Police's budgeting and funding framework and the impact on its workforce planning and flexibility. The Report makes two recommendations relating to funding.

**That the Government cease basing the Victorian Police budget allocation on fixed numbers of sworn police. (Recommendation 3)**

**That the Government request the Department of Treasury and Finance, the Department of Justice and Victoria Police to develop a transparent funding framework for Victoria Police that allows Victoria Police to effectively plan for the mix of sworn police and public servants it requires to deliver policing services. (Recommendation 4)**

### **Government response:**

The Government has provided Victoria Police funding to ensure 1700 additional police are on the streets and is determined to deliver on this significant investment in improved public safety.

The Government acknowledges the rigidity in the current funding framework. Further the Government acknowledges there may be long-term benefit in moving towards a more flexible funding structure that maintains a commitment to a level of policing but provides greater flexibility over the composition of that workforce. The Government supports the Department of Treasury and Finance, Department of Justice and Victoria Police working towards a future funding model that delivers on that objective.

## 5. Legislative Foundation

The Police Regulation Act and Victoria Police's relationship to government

### Recommendations 12, 13 and 14

The Report considered the legislation relating to Victoria Police and made several recommendations relating to:

- the relationship between the Government and Victoria Police;
- the respective roles and responsibilities of Victoria Police, the Chief Commissioner and the Government; and
- a process for the accountability of the Chief Commissioner.

The Report made three recommendations in relation to the legislative framework.

**That the *Police Regulation Act 1958* be repealed and replaced with a new *Police Act* that will provide the basis for modern, responsive and accountable police force for Victoria. Key features of a new *Police Act* should include:**

- articulation of the relationship between Victoria Police and Government;
- a statement of the constitution and role of Victoria Police;
- provisions enabling a more flexible workforce for Victoria Police; and
- improved provisions for performance management and discipline.

(Recommendation 12)

#### Government response:

The Government supports the development of a new Police Act that specifies the relationship between police and the Government and strengthens accountability for Victoria Police.

The Government also supports legislation that provides for a more flexible Victoria Police workforce as recently agreed in the Allied Benefits MOU and the EBA for Victoria Police.

**That the new *Police Act* for Victoria articulate the relationship between the Government, through the responsible Minister, and Victoria Police, through the Chief Commissioner, by including:**

- a power for the Minister to direct the Chief Commissioner on matters of policy, qualified so as to safeguard the operational independence of the Chief Commissioner in relation to operational matters and decisions concerning individual employees;
- a requirement for the Minister to obtain and consider the advice of the Chief Commissioner before making a direction;
- a requirement that any directions be in writing and be published;
- an obligation for the Chief Commissioner to give effect to any direction received from the Minister; and
- a power for the Minister to require information from the Chief Commissioner and a corresponding obligation for the Chief Commissioner to provide information when required by the Minister.

(Recommendation 13)

### **Government response:**

The Government supports the development of a new Police Act for Victoria containing a power to direct the Chief Commissioner on matters of policy. The safeguarding of the operational independence of Victoria Police is a fundamental principle. The Government proposes to consider this matter further and consult key stakeholders as to whether the safeguards recommended in this report, or some other safeguards, are the best model for Victoria.

The Government supports a provision enabling the Minister to require information from the Chief Commissioner and acknowledges that some restrictions would need to be placed on such a requirement (e.g. to avoid jeopardising an operation). Appropriate consultation will be undertaken to settle the form of the provision.

### **That the new Police Act contain provisions that clearly outline the status, constitution and functions of Victoria Police by:**

- **recognising the existence of the body known as Victoria Police;**
- **stating that Victoria Police is comprised of persons appointed under the Police Act and persons employed by the Chief Commissioner under the *Public Administration Act 2004*;**
- **stating the functions of Victoria Police, in terms similar to those used in the police legislation in Queensland, South Australia, the Northern Territory and New Zealand and in the mission and objectives of the Victoria Police Code of Conduct; and**
- **describing the role, responsibilities and functions of the Chief Commissioner.**

### **(Recommendation 14)**

### **Government response:**

The Government supports a new Police Act for Victoria that recognises a body known as Victoria Police that is comprised of the sworn police, Protective Services Officers and the public servants employed by it.

Provisions to elaborate the functions of Victoria Police and the role, responsibilities and functions of the Chief Commissioner are also supported and will be developed in consultation with Victoria Police and relevant stakeholders.

## 6. Corporate Governance and the Structure of Senior Command

### Recommendations 1, 15, 16, 18, 19, 20 and 21

The Report examined Victoria Police's Corporate Governance and the structure of its senior command. The Report made seven recommendations in relation to this theme.

#### **That Victoria Police implement the Integrated Planning and Risk Management Model in the year commencing 1 July 2012. (Recommendation 1)**

##### **Government response:**

The Government supports this recommendation and notes that Victoria Police has already implemented the Integrated Planning and Risk Management Model.

#### **That the new Police Act provide that Deputy Commissioners are appointed by the Chief Commissioner rather than the Governor in Council. (Recommendation 15)**

##### **Government response:**

The Government supports the need to clarify the accountability of the Deputy Commissioners to the Chief Commissioner and to formalise the role of the Chief Commissioner in their appointment. However, given the significance of the powers vested in the Deputy Commissioners, the Government does not support a legislative amendment giving the Chief Commissioner the sole power of appointment of Deputy Commissioners. The Government supports a legislative amendment which provides for a Governor in Council appointment of Deputy Commissioners on the advice of the Minister based on the recommendations of the Chief Commissioner. The legislative amendment will also clarify that the Deputy Commissioners accountability is to the Chief Commissioner.

#### **That the new Police Act provide that Deputy Commissioners and Assistant Commissioners are to be appointed by the Chief Commissioner. The maximum term of appointment should continue to be five years. There should be no limit on the maximum number of Deputy Commissioners and Assistant Commissioners. (Recommendation 16)**

##### **Government response:**

The Government supports an amendment removing the legislative limit on the number of Deputy and Assistant Commissioners and provisions in a new Act to provide:

- that the Chief Commissioner continues to appoint Assistant Commissioner;
- the maximum term of the appointments for Deputy and Assistant Commissioners remains at 5 years; and
- for an appropriate process for the appointment of Deputy Commissioners (as outlined in Recommendation 15).

**That the Minister for Police and Emergency Services and the Chief Commissioner establish a Corporate Advisory Group to provide strategic advice to the Chief Commissioner on reform of Victoria Police and oversight of strategic projects and key corporate services. (Recommendation 18)**

**Government response:**

The Government supports the establishment of a Corporate Advisory Group and requests the Chief Commissioner to advise the Minister on the proposal to implement this.

**That the Minister for Police and Emergency Services and the Chief Commissioner jointly appoint to the Corporate Advisory Group:**

- from Victoria Police – the Chief Commissioner, the Deputy Commissioner, Strategy and Development, and the Chief Operating Officer;
- from Government – the Secretaries of the Departments of Premier and Cabinet, Treasury and Finance and Justice;
- from the private sector – four to six people with strong understanding and proven experience in a mix of the areas in which Victoria Police is undertaking reform.

**(Recommendation 19)**

**Government response:**

The Government intends that the composition of the Corporate Advisory Group be settled after advice from and consultation with the Chief Commissioner as to the terms of reference and structure of the group.

**That the role of the Deputy Commissioner, Strategy and Development be more clearly defined, with a narrower focus limited to the following critical capability building areas:**

- strategic planning, building on the recent adoption of Victoria Police's priorities and standards document;
- workforce planning, developing operational and leadership capability;
- developing a comprehensive information management policy and strategy for Victoria Police;
- legislative reform; and
- cultural reform.

**(Recommendation 20)**

**Government response:**

The Government notes that it is a matter for decision by the Chief Commissioner.

**That the Chief Commissioner consolidates the three existing Executive Director positions in Business Services, People and Infrastructure and IT into a single Chief Operating Officer, such that there is a single direct report to the Chief Commissioner on all corporate matters. (Recommendation 21)**

**Government response:**

The Government notes that it is a matter for decision by the Chief Commissioner.

## 7. Information Technology

### Recommendations 22, 23, 24 and 25

The Report considered Victoria Police's capacity in relation to the delivery of information technology projects and, in particular, the issues arising out of the LINK project (to replace the current LEAP database). The Report made three recommendations in relation to this theme.

**That Victoria Police provide a report to the Minister for Police and Emergency Services by the end of 2011 with a full breakdown and acquittal of expenditure on the LEAP replacement project to date, including any identifiable, continuing benefits to Victoria Police from such expenditure. (Recommendation 22)**

**That the Deputy Commissioner, Strategy and Development:**

- **by July 2013 develop an overarching strategy for Victoria Police information management to 2030; and**
- **by July 2013 produce a business case for an IT project that incorporates replacement of the LEAP system. (Recommendation 23)**

#### Government response:

The Government has requested that Victoria Police provide an acquittal for its expenditure on the LINK project and provide a Project Plan for replacing LEAP, lessons learned from the LINK project, governance arrangements, and options to sustain LEAP until that program is replaced.

The Government has asked Victoria Police to develop a Project Plan on how to progress the development of a business case for the business processes and information technology to support a modern police force for consideration in 2013-14.

**That Victoria Police undertake the recruitment of a senior executive with the expertise required to deliver major IT projects, as a matter of urgency. (Recommendation 24)**

#### Government response:

The Government supports this recommendation and notes that it is a matter for the Chief Commissioner to implement.

**That Victoria Police secure external assistance for any future major IT project, including by:**

- **appointing to the project steering committee at least one person from the Department of Treasury and Finance, one person from the Department of Justice and one person from outside Government, each with experience in IT procurement and implementation; and**
- **appointing a project auditor to assist the steering committee in its oversight of the project, and ensuring that the project auditor has unrestricted access to information about the project and to the project team. (Recommendation 25)**

#### Government response:

The Government supports this recommendation and notes Victoria Police's progress in this regard.

## Attachment:



### MEMORANDUM OF UNDERSTANDING

The Police Federation of Australia (Victoria - the TPA) has given its commitment to support a range of legislative reforms proposed by the Government and Victoria Police in furtherance of the productivity and service gains recently agreed as part of the 2011 Enterprise Agreement (EBA) negotiations.

The EBA negotiations have been conducted by Victoria Police and the TPA in good faith and in accordance with the Government's wages policy. The negotiations have resulted in an Agreement which delivers a range of process reforms, productivity improvements and service efficiencies which, over time, will deliver benefits to Victoria Police, police members and enhanced community safety outcomes for Victorians.

To complement the reforms agreed in the EBA, and to further progress productivity improvements, the TPA has given its commitment to work collaboratively with the Government and Victoria Police on reforms to the *Police Regulation Act 1958* (PRA).

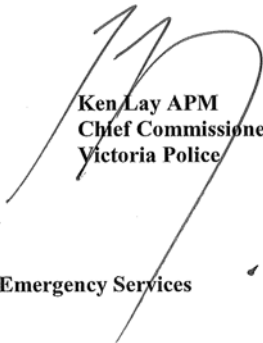
The TPA has given its commitment to support the proposed reforms to the PRA, to enhance further:

- The recruitment and retention of sworn members and protective services officers;
- The professionalism of policing in both training, professional standards and conduct;
- Productivity reforms in the placement, transfer and promotion of members, seeking to create more efficient processes under the PRA, thereby improving certainty of outcomes for members and ensuring the safety of local communities; and
- The resolution of issues surrounding the absence of members from service for periods of leave when not engaged in law enforcement.

In committing to support these reforms, the Government, Victoria Police and the TPA acknowledge the responsibility of each to act cooperatively in the achievement of these goals. It is acknowledged that the interest of the parties is in the furtherance of service improvements, greater certainty for members and enhanced community safety outcomes for the Victorian community.

The Government, Victoria Police and the TPA also acknowledge the significance of the changes proposed and agree that each will promote the changes to the community and membership, respectively.

  
**Greg Davies**  
Secretary  
The Police Association (Victoria)

  
**Ken Lay APM**  
Chief Commissioner  
Victoria Police

  
**The Hon Peter Ryan MP**  
Deputy Premier, Minister for Police and Emergency Services

## POLICE REGULATION ACT 1958– PROPOSED AMENDMENTS

### Background

- The Police Federation of Australia has long been advocating the need for policing to be considered a profession in the same way as nursing/teaching are considered professions by the general community.
- To achieve this end, the Federation has on many occasions advocated the establishment of a national registration board for policing, mirroring many aspects of the professional registration bodies already established across the teaching, medical and like professions.
- The dual aims of such a Board would be to both enhance the professionalism of policing by providing advice on professional development standards and curriculum training needs for the policing profession.

### New Police Registration and Appellate Board

#### (a) *Registration Functions*

- The establishment of a Police Registration and Services Board (PR&SB) to replace the existing Police Appeals Board.
- The Board would be a statutory body corporate divided into Divisions, whose roles would include:
  - Police Profession Registration Division;
  - Review Division; and
  - Professional Standards Division (this element could be progressed over time by Victorian alone or, preferably, in conjunction with other jurisdictions).
- The Police Profession Registration Division function will enable former serving members of Victoria Police and members from other police forces to register and establish their probity and qualifications.
- Such function will enable members who resign their office (ie employment) to maintain registration in the event they wish to return to Victoria Police. This will ensure that short/medium term “career breaks”, taken for a variety of family, health or other personal reasons will not necessarily mean that the skills, experience and expertise of such members are lost to the Victoria Police.
- Similarly, where a member takes a significant break, by means of leave without pay, to work for a non law enforcement organisation. In such situations, the former serving members may then have their “constable powers” suspended and not be subject to the supervision of the Chief Commissioner but be required to maintain their registration, and therefore adhere to the probity standards required to re-enter policing at some stage.
- The Registration Division of the PS&RB would therefore:
  - specify the good character / probity requirements required to be adhered to by “registered” members;
  - determine the qualifications criteria that may be required to be met by former serving Victoria Police members seeking to re-enter Victoria Police at their former rank; and

- inquire into the probity and qualifications of former or interstate police members seeking to join Victoria Police and make recommendations to the CCP with respect to both probity, training and suitability.
- This amendment will facilitate appropriate and measured lateral movement between jurisdictions at all rank levels.

**(b) Review/Appellate Functions**

- The Review Division of the PS&RB will have the following appellate functions:
  - where a police member be dismissed or demoted (including where the member may be at the same rank but significantly changed duties and/or salary) on the basis that the decision is harsh unjust and unreasonable; whether the proposed dismissal or demotion arises from a disciplinary investigation or performance related issue; and
  - compulsory transfer decisions that are considered harsh, unjust and unreasonable and promotion/transfer decisions where appellants argue they demonstrate superior efficiency.
- Professional Standards Division will be established over time and it is expected to:
  - promote appropriate education standards to police officers and educational and training programs relating to policing; and
  - advise on standards of policing and police training.
- The Board membership would comprise appropriately qualified member(s); specifically including former and serving police member(s) and legally qualified members. The Professional Standards Division of the Board would comprise members and preferably a representative with a legal academic background as chair of the professional standards division. The Registration Division would be chaired by a serving members and comprise elected members from representative ranks and an academic representative member.

**(c) Transfer and General Duties Allocation changes**

- To support streamlined approaches to the transfer and allocation of general duties members being discussed as part of the EA, it is proposed to amend the Act to:
  - include a specific power in the Act to transfer police members to specific work locations as necessary to provide appropriate policing services;
  - replace the current inquiry power under the Act with a power for the CCP to compulsorily transfer or ill health retire members not able to meet the inherent requirements of the position after review by the PS&RB and remedial actions have been exhausted (with an appeal right to the Review Division of the board if ill health retirement is disputed); and
  - both such transfers to be subject to appeal rights to the PR&SB based on the decision being a harsh, unjust and unreasonable action.

**(d) Flexible Employment changes**

- The Act will be amended to clarify the ability for the CCP to offer flexible employment, in particular providing the CCP with the power to offer fixed and/or part time appointments for specific fixed term roles or taskforce/project work.
- Such employment model could also be utilised at times of natural disaster relief effort, where Victoria Police resources are stretched, and registered former serving member could take on roles for a fixed term to relieve pressure on serving sworn members in support roles.

**(e) Promotion/Transfer process changes**

- Promotion processes to be clarified to enhance the process efficiency, specifically:
  - to clarify that members appealing a promotion/transfer must have lodged an initial application and to detail timelines within which appeals must be lodged, and that a member must be available for any subsequent appeal process otherwise the appeal will be heard in their absence;
  - the promotion/transfer appeal will only examine the members' original submissions for the position with no additional material to be submitted without leave from the Board
  - all members will be limited to four appeals per annum.

**(f) Abandonment of Employment changes**

- Inclusion of an "Abandonment of employment" process within the Act to define a member to have abandoned his or her employment as a police member as a person who has not returned to duty after one calendar month (without authorised/lawful reason).

**PRA AMENDMENT**

**TRANSFER, PROMOTION & DIRECTED TRANSFER**

**Appeals against non selection for transfer/promotion**

- 72 hours from gazetting of selection to lodge notice of appeal
- Selection file lodged with PAB within 48 hours (same week)
- Five business days to hear appeal (following week)
- Appeal heard on the selection file
- No additional documents may be lodged
- Parties have right to be heard but if unable to be present they may elect to have the matter dealt with ex parte or withdraw
- Decision handed down on day/by close of business on the Friday
  
- Members may lodge a maximum of four appeals a year
- Withdrawing an appeal will still be classed as a lodgement and therefore will count as one of the four.
- Each position appealed against will count as one lodgement

**Appeals against directed transfer**

- Three business days from gazetting/advice in writing of decision to transfer to lodge notice of appeal
- File on which decision made lodged with PAB within 2 business days
- Five business days to hear appeal
- Appeal heard on the file
- No additional documents may be lodged
- Parties have right to be heard but if unable to be present they may elect to have the matter dealt with ex parte or withdraw
- Decision handed down on day/by close of business on the Friday

**Process Timeline**

