



VICTORIA POLICE

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Ms Andrea Lester
Police Registration & Services Board
Level 6, 155 Queen St
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Dear Ms ^{Andrea}Lester

Non-statutory review functions under the *Victoria Police Enterprise Agreement 2015* and the *Victoria Police Commanders Enterprise Agreement 2015*

Section 202(1)(d)(ii) of the *Victoria Police Act 2013* ('the Act') provides that I may refer matters to the Board for the Board to 'inquire into and report on' those matters.

I am writing to request that the Board inquire into and report on any disputes raised before the Board pursuant to clause 11 of the *Victoria Police Enterprise Agreement 2015* and the *Victoria Police Commanders Enterprise Agreement 2015*, both of which are enterprise agreements between myself, police personnel employed at the applicable rank under the Act, and the Police Federation of Australia.

As you are aware, Clause 11 of both agreements continue the previous practice of providing for the Board to undertake certain functions in addition to its statutory review and appeal functions under the Act.

In accordance with s. 202(1)(d)(ii) of the Act, I request (on a standing basis, until further notice) that the Board:

1. Inquire into and report on any dispute lodged by the Chief Commissioner of Victoria Police (or authorised representative) or a person entitled to the benefit of the *Victoria Police Enterprise Agreement 2015*, in relation to the following matters, within the meaning of that Agreement:
 - a) Suitability for transfer pursuant to an expression of interest other than for disciplinary reasons, in accordance with clause 17¹;
 - b) A decision to deny progression on the basis of performance, in accordance with clause 65.16; and
 - c) A decision in relation to salary on re-appointment, in accordance with clause 21.

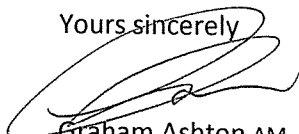
¹ If the 'expression of interest' can be characterised as a request within the meaning of s 34 of the VP Act, then any decision of the Chief Commissioner is reviewable under s 141(1) of the VP Act, and the aggrieved person should be directed to that procedure

2. In conducting the inquiry, the Board is to apply the following process and principles in dealing with such dispute matters:

- a) Upon lodgement of such a dispute matter, the Board will notify the Chief Commissioner of Police (or representative) as soon as practicable.
- b) The Board may specify a form and process by which disputes are to be notified and publish information about the process on its website.
- c) The Board at its discretion will determine the means by which it will inquire into and report on any such dispute matter.
- d) The Board will deal with each such dispute matter with as little formality and technicality, and as much speed as the proper consideration of the subject matter permits.
- e) The Board will apply the rules of natural justice (procedural fairness) in inquiring into and reporting on the dispute matter. Persons affected may be represented by any person other than a legal practitioner.
- f) The Board will provide parties with an opportunity to put forward relevant arguments and information and respond to what is put against them, but may determine at its discretion whether that opportunity is to be provided in writing or in person.
- g) The President or the Deputy President of the Review Division may deal with a dispute matter or may allocate a member of the Review Division to deal with the dispute matter.
- h) The Board Member's report will set out a recommendation to the Chief Commissioner which may include advice that the parties have agreed upon a resolution of the matter, a recommendation of no further action, or the taking of specified actions to resolve the dispute.
- i) Recommendations will be made by the Board Member after considering the merits, equity and good conscience of the dispute matter and after having regard to the terms of the relevant enterprise agreement.
- j) The Board will provide both parties with its written report (including the recommendation) in relation to the matter. The report will not be published on the Board's website.

It is my intention to apply the recommendations of the Board, on the basis that clause 11.4 of each of the *Victoria Police Enterprise Agreement 2015* and of the *Victoria Police Commanders Enterprise Agreement 2015* reflect the intention of the parties to be bound by the findings of the PRSB when exercising the dispute resolution functions conferred on it by the parties to each agreement.

Yours sincerely



Graham Ashton AM
Chief Commissioner

2/11/17