

This is an application to the PRSB to review a disciplinary decision listed in section 146 of the *Victoria Police Act 2013* (“the Act”).

Section 1: Your contact details

1.1 Given Names

Surname

VP Number

1.2 Address for service of documents

OPTION 1 I am represented by The Police Association Victoria who is authorised to act on my behalf in relation to this review and receive all correspondence. Name of contact person/advocate is

OPTION 2 I am self-represented or have another representative. Name (self or representative)

Postal address

Telephone

Email

Note: A party may be represented by any person other than a legal practitioner (section 158).

1.3 Employment Stream

Police Officer Protective Services Officer

1.4 Rank

1.5 Station/Unit

1.6 Region/Command

Section 2: The decision

What is the decision you are seeking to have reviewed?

2.1 Section 146 (1) and (2) of the Act specifies disciplinary decisions which may be reviewed:

Dismissal (m) or (2)(k)

Period of ineligibility for promotion (1)(k) or (2)(i)

Termination of appointment (1)(l) or (2)(j)

Reduction of rank or seniority (1)(e) or (2)(c)

Fine (1)(j) or s.146(2)

Reduction of remuneration (1)(f) or (2)(d)

Transfer (1)(g) or (2)(e)

Person who made the decision

Date you were notified of the decision



Please attach a copy of the Inquiry Officer's statement of reasons to this application

2.2 Was the decision made after discipline charges, an investigation and an inquiry? Yes No
(Under Division 1 of Part 7 of the *Victoria Police Act 2013*)

! If so, please attach a copy of the Discipline Charge Notice, including particulars.

2.3 Was the decision made after a finding that a criminal offence was found proven against you? Yes No
(Under Division 1 of Part 7 of the *Victoria Police Act 2013*)

! If so, please attach the Inquiry Officer's and the judge's or magistrate's decision

2.4 Are you making this application within the time limit set by the Act? Yes No

Applications are required to be made within 14 days after the day on which you were notified of the decision.

Where the 14 day deadline falls on a Saturday, Sunday or public holiday the application must be made by the next day which is not a Saturday, Sunday or a public holiday.

Section 164 of the Act allows the PRSB, if it considers that exceptional circumstances exist, to extend any time limit fixed by the Act for the lodging of an application for a review.

If you answered no, please outline the exceptional circumstances you think the PRSB should take into account in deciding whether to allow an extension of time.

Section 3: Information to assist the PRSB plan for the hearing of your review

3.1 Key dates – complete all that apply

- A. Date(s) (or range of dates) of the alleged incidents specified in the discipline or criminal charges
- B. Date(s) of any suspension from duty with pay
- C. Date(s) of any suspension from duty without pay
- D. Date(s) that relevant criminal charges were laid
- E. Date(s) that those criminal charges were heard and determined
- F. Date(s) that relevant discipline inquiry/ies were held
- G. Date(s) of the Inquiry Officer / Chief Commissioner's delegate decision(s)
- H. Date(s) sanction came into effect

COMPLEXITY OF THE REVIEW

The information below will assist the PRSB to plan for the review (discipline related matters only). It does not limit the arguments that you may make in your written submissions.

3.2 FACTUAL DISPUTES - This refers to the events or incidents which lead to discipline charges.

- The facts about what occurred are substantially agreed
(For example, I pleaded guilty and agree with the Inquiry Officer's description of what happened).
- The facts are mostly agreed
(For example, I mostly agree with how the Inquiry Officer described what happened in the decision, but some details are not correct or are omitted).
- There is significant disagreement about the findings of fact made by the Inquiry Officer.
(For example, there were competing accounts of what happened and I think the inquiry officer was wrong in describing what happened in the decision.)
- Unsure

3.3 LEGAL PROCESS

- I will argue that the decision was made after an unfair process or contains procedural or other legal flaws
- Unsure

3.4 OTHER ISSUES - Select all that apply

- I will argue the sanction was harsh
- I will argue the sanction was not in accordance with sanctions for similar conduct ('parity')
- I will argue other grounds

WITNESSES

3.5 Do you intend to seek that a summons be issued under section 160 of the Act Yes No Unsure

Any party seeking that the PRSB issue a summons must apply in writing and provide reasons why the summons is necessary for the determination of the review. Please note that the PRSB is separately provided with all the documents considered in the inquiry and the decision to be reviewed.

SPECIAL NEEDS FOR THE REVIEW HEARING

3.6 Do you or any other participant/s have any special needs for the conduct of the hearing? Yes No
(For example an interpreter, wheelchair access, visual aids or audio needs).

If yes, please specify below or contact the Secretary to the PRSB.

HEARING DATES The PRSB will usually list your review for a hearing date between 6 to 12 weeks after this application is lodged. Please advise the PRSB of any periods of unavailability.

Please set out below any request to not list your matter on particular dates.

3.7 Please provide short reasons for the request (for example planned surgery, travel overseas).

PUBLICATION

3.8 Do you request that the PRSB

- | | | | |
|--|-----|----|--------|
| - Conduct a closed hearing? | Yes | No | Unsure |
| - Not publish reasons for its decision? | Yes | No | Unsure |
| - Exclude names from its decision? | Yes | No | Unsure |
| - Exclude other information from its decision? | Yes | No | Unsure |

Any party requesting the PRSB to make decisions or orders under sections 154A or 157 of the Act must apply in writing, provide grounds and relevant evidence. See PRSB's decision in the matter of [ABC, A72/2015, 22 January 2016](#). Please attach any additional information that you request the PRSB to consider before it sets the hearing date for your review.

Section 4: Signature

Signature

Date

If you are completing this form electronically it is sufficient to type your name in the signature field.

Once completed, please email your application to review@prsb.vic.gov.au and provide a copy to the Discipline Advisory Unit, Victoria Police at DISCIPLINEADVISORYUNIT-PSC-OIC@police.vic.gov.au

Or via mail to: Secretary
Police Registration and Services Board
Level 6, 155 Queen Street
MELBOURNE VIC 3000

Disclosure of information

The PRSB will provide a copy of this application and any attachments to Victoria Police. The PRSB will not disclose your information to any other parties except as provided for under the *Victoria Police Act 2013*.

NEXT STEPS

You will be advised in writing of the hearing date for your review within 7 days. If your circumstances change before the hearing date, please notify the PRSB Secretary immediately.

You will also be advised of the dates by which you must file and serve your written submission and other materials.

OFFICE USE ONLY

Date received

PRSBReferenceNo