

Application for Review of an Incapacity Decision

Division 2 of Part 8 of the Victoria Police Act 2013

This is an application to the PRSB to review an incapacity decision listed in section 146(1) or 146(2) of the Victoria Police Act 2013 (“the Act”)

Section 1: Your 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 Sections 146 (1) and (2) of the Act specify incapacity-related decisions which may be reviewed.

Reduction of rank or seniority under s.70(2)(b)

Transfer under s.70(2)(a)

Dismissal under s.70(2)(d)

2.2 Person who made the decision

2.3 Date you were notified of the decision



Please attach a copy of the written notice to this Application

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 14th day falls on a Saturday, Sunday or a public holiday the application must be made by the following day which is not a Saturday, Sunday or 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

COMPLEXITY OF THE REVIEW

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

3.1 DETERMINATION OF INCAPACITY UNDER S.70 OF THE ACT

The factual matters on which the determination of incapacity was made are substantially agreed.
(For example, I agree with the grounds provided in the Chief Commissioner's determination of incapacity).

There is significant disagreement about the factual matters upon which the determination of incapacity was made. *(For example, there were competing accounts of the determination of incapacity.)*

3.2 LEGAL PROCESS

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

3.3 Other issues (Please specify)

WITNESSES

3.4 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 the file of documents relevant to the making of the decision to be reviewed.

SPECIAL NEEDS FOR THE HEARING

3.5 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 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 period of unavailability.

3.6 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 Victoria Police at WRD-GENERAL-MGR@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

Within 7 days of PRSB receiving your application you will be advised in writing of the hearing date for your review. 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

PRSB Reference No