

## DECISION

*Victoria Police Act 2013*

**s.146 (1)(h) – Review of decision to make a directed transfer (GDAC)**

<b>Applicant: Constable L. FERGUSON 44684</b>	<b>A140/2020</b>
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Mr C. Enright – Deputy President (Review)

**19 January 2021**

**Hearing date:** 13 January 2020

**Applicant’s representative:** Mr S. Pavlis, The Police Association

**Chief Commissioner’s representative:** Senior Sergeant M. Chapman 30041

### Summary

*Application to review directed TRANSFER — s.146(1)(h) of the Victoria Police Act 2013 — Decision to transfer made under section 35 (“reasonably necessary to do so for the provision of policing services”) following the General Duties Allocation Committee process (GDAC) — public interest in ensuring policing services are provided across the State —GDAC process is fair and transparent — exceptional circumstances test in s.149(2) not established - desirable to apply a fair and consistent approach to assessing grounds of hardship or special circumstances which ensures policing services are provided to all communities – Board concludes transfer was not harsh, unjust or unreasonable and affirms decision to transfer – published decision excludes certain private information (s.154A(2)).*

### Order

The decision to transfer the Applicant is affirmed.

### Reasons for Decision

1. The applicant applied to the Police Registration and Services Board (the Board) for a review under s.146(1)(h) of the Victoria Police Act 2013 (the Act) of a decision to direct his transfer under s.35. The applicant was directed to transfer from the Epping Police Station to the Ararat Police Station as part of the General Duties Allocation Committee (GDAC) process.

#### The Act and the GDAC process

2. This decision resulted from the process to place Constables after their confirmation as police officers through the GDAC Process, which was agreed between Victoria Police and The Police

Association (**TPA**) and set out in the applicable Enterprise Agreement as well as Victoria Police policy documents, being the Victoria Police Manual (VPM) provisions at 306-4 and documents provided to police recruits and Constables upon their confirmation. Those instructions set out the role of the GDAC, which was negotiated and agreed in the current and in previous Enterprise Agreements. Instruction 306-4 provides a means of filling Priority (urgent) and Special Category (difficult to fill) positions through the deployment of newly confirmed Constables.

3. Section 149 of the Act provides for a special fast-track hearing of reviews of directed transfers. The file is to be lodged with the Board within two business days of the application for review being filed, and the matter is to be heard and determined within a further five business days. It is relevant to observe here that no additional document is to be lodged unless leave is given (s.149(2)) because the applicant sought to lodge documents with the Board which had not been produced as part of his application for exemption before the GDAC.
4. Mr Pavlis made a brief and limited submission that the additional documents were an 'elaboration' and a 'continuation' of the information which had previously been provided from a general practitioner to the GDAC relevant to the medical circumstances of the applicant's fiancé, which was central to his case. It was intended that the applicant would make further submissions during the hearing about the relevant medical circumstances, including by referring to how they are worsening over time although it was not submitted that any fact or circumstance had changed since the applicant made his earlier application for exemption or that there had been any remarkable change subsequent to the earlier written medical advice.
5. In summary, it was submitted that in general terms, the medical circumstances of the applicant's fiancé were 'worsening' over time and in that context, the Board should have updated medical information about them.
6. No other submissions were made about any further documents sought to be lodged.
7. The Board considered that the limited grounds submitted in support of the application did not meet the exceptional circumstances test in s.149(2). The Board accepted that the applicant would be making submissions about the medical circumstances during the hearing and did not give leave to admit any documents which had not been considered by the decision maker.
8. The applicant advised the Board at the conclusion of the hearing that he was satisfied about his opportunity to have provided all of the information he considered to be relevant. However, he said that he had not been aware that he should have included all relevant information in his exemption application and that "in hindsight", a significant (or in his words 'the biggest') regret he had, was in not seeking advice from TPA prior to making his application for exemption.
9. In that context, the Board notes that extensive advice was provided to the applicant throughout the GDAC process including in the **Review on Confirmation Handbook** (at page 7) which includes the following:

'I take this time to remind you that if you are selected to transfer to a hard-to-fill country location by way of the ballot process, and should you wish to lodge a review of the decision, information available to the PRSB will only extend to documentation that has been submitted during the course of the Ballot and Confirmation process. Therefore, you will not be able to lodge further documentation or reasons as to why you should not be transferred to a hard-to-fill country location once the ballot has concluded'.

10. In addition, a **Statement of Principles – GDAC Directed Transfers** is provided within the Review on Confirmation Handbook (at page 13) which includes that:

'It will be very difficult to raise additional reasoning and supporting evidence to the PRSB once your submission has been submitted, as new documentation can only be submitted in exceptional circumstances. It is extremely unlikely the PRSB will accept additional evidence, therefore ensure that you provide all supporting documentation with your initial exemption from the ballot. You will not get a "second bite at the cherry."

And at page 14.

**Seek Advice from the Right People**

'Do not trust gossip. Ask the GDAC support team or contact The Police Association'.

11. It would be difficult to conceive how this information could be interpreted by an interested reader in any other way than that which is intended. At all relevant times, the applicant knew that he was actively involved in the ballot process and for reasons which will become clear later in this decision, had a vested personal interest in carefully considering the information he was being provided with. It was unfortunate that his 'biggest' regret was that he had not sought advice in the timely way that the materials specifically recommended that he seek.
12. Mr Pavlis made it clear on behalf of the applicant that there were no technical or process issues relevant to the timeline of events and attachments presented by Victoria Police (the file relating to the decision) to be raised during the review. In those circumstances, it was not necessary for Victoria Police to further demonstrate or reinforce the timeline of events because they were not in dispute.
13. The Board's powers on review are set out in s.153 of the Act. The Board must affirm the decision to transfer unless satisfied it is "harsh, unjust or unreasonable". The Board must have regard to the public interest and the interests of the applicant (s.151).

Publication of the decision and exclusion of information

14. The Board must publish a statement of reasons for its decision on a review unless it is satisfied that publication would not be in the public interest (s.154A). The Board may exclude information from a published statement of reasons if it considers the exclusion to be in the public interest.
15. I am satisfied that it would be in the public interest to publish the reasons for my decision, including the identity of the applicant while excluding certain highly personal information relied

upon by the applicant to ground his application. This is because the reasons for my decision in this matter are able to be adequately explained without specific reference to the detail of some of the highly personal information which I am satisfied has the potential to negatively impact upon the privacy of the applicant and his family.

16. Accordingly, the Board will publish this decision on the Board's website while excluding certain private information.

The review hearing

17. The Board was constituted by me as the Deputy President (Review) under s.148(2)(b). The Chief Commissioner was represented at the hearing by Senior Sergeant M. Chapman while the applicant was represented by Mr Stratos Pavlis of TPA. I conducted the review in the Board's hearing room within a COVID-19 safe environment.

18. Given there were no challenges to the technical or process issues relevant to the timeline of events and attachments presented by Victoria Police (the file relating to the decision) raised during the review, it is convenient here to set out some of the GDAC particulars and timeline of events in this matter.

- The applicant is a member of Squad 13 & 14 of 2018-19. He resides in the North West Metro Division 5 policing area and is currently a member of Epping Uniform (North West Metro Division 5);
- Squad 13 & 14 of 2018-19 consisted of 54 members, commenced the Ballot and Confirmation Process on 5 October 2020 and were confirmed on 20 December 2020;
- A Confirmation Handbook, outlining the Ballot and Confirmation Process and highlighting relevant dates, was distributed to all members of Squad 13 & 14 of 2018-19, inclusive of Constable Ferguson in October 2020;
- On 5 October 2020, Squad 13 & 14 of 2018-19 was allocated six Special Category positions available for ballot, including Ararat uniform;
- On 26 October 2020, Squad 13 & 14 of 2018-19 was allocated fourteen (14) metropolitan Priority Positions open to expression of interest to remove any successful member from the ballot, all of which were filled.
- Constable Ferguson unsuccessfully applied for all but one of the available Priority Positions (**Note:** Victoria Police advised that even had he applied for the remaining position, he would not have been successful);
- On 9 November 2020, notification was forwarded to members of Squad 13 & 14 of 2018-19, who were either unsuccessful in gaining or who did not apply for a metropolitan Priority Position, inviting them to submit a ballot exemption outlining any exceptional circumstances which would prevent them from relocation to a country location;

- On 17 November 2020, Constable Ferguson submitted a ballot exemption application for review however on 17 December 2020, he was advised that the circumstances he provided were 'not deemed exceptional enough to be exempt from the ballot';
- Of the six Special Category positions allocated to Squad 13 & 14 of 2018-19, three positions, including Ararat remained unfilled and were therefore included in the ballot;
- Of the 54 members in Squad 13 & 14 of 2018-19, 14 members had obtained positions at country locations, 14 were successful in gaining a metropolitan Priority Position, 2 members had their confirmation extended and a further 2 were exempted from the ballot, resulting in 22 members being eligible for the ballot.

19. Senior Sergeant Chapman advised that seventeen (17) applications for exemption from the ballot were made by members of Squad 13 & 14 of 2018-19 (which was noted by Victoria Police as being an exceptionally high number of applications). Of those, 2 were successful which meant that they were removed from the ballot.

#### The ballot

20. On 22 December 2020, the ballot for Squad 13 & 14 of 2018-19 took place and as a result, Constable Ferguson was randomly selected for a directed transfer to the Special Category position at Ararat uniform. I now turn to the relevant circumstances to be considered as part of this application.

#### Background to the applicant's relationship

21. The applicant is 29 years of age, has been in a relationship with his fiancé (who I will refer to in this decision as "OM") since 2017 and they have been co-habiting since about October 2018. OM is now 32 years of age and has two brothers, one of whom is 17 years older and the other is 20 years older than her. Unfortunately OM experienced an early childhood tragedy at aged 5 when her father died. Subsequently, OM grew up residing alone with her mother as the age differences meant that her siblings moved away from the family home while OM was very young.
22. The particularly strong and loving bond which developed between OM and her mother in the years following the death of OM's father was explained in significant detail during the hearing and accepted by the Board. Medical evidence had been provided to the GDAC from her general practitioner (Dr SC), including that OM has a history of Generalised Anxiety Disorder which first presented itself when her mother was diagnosed with a serious health issue (apparently unrelated to her later death) in about 2011.
23. When she was about 25 years of age in 2014, OM moved out of the family home (albeit reluctantly because of the bond with her mother) and commenced her current employment as a primary school teacher at a catholic primary school in the northern suburbs of Melbourne. In 2017, her relationship with the applicant commenced and as indicated above, they began living together in 2018. It was submitted that when the applicant joined Victoria Police, both he and OM were fully aware of and to some extent happy to be potentially balloted to regional Victoria.

24. However, In March of 2019 further tragedy struck OM's family when her mother suddenly died aged 75 from an unexpected medical condition. The sudden and unexpected death of OM's mother resulted in her experiencing very significant grief, including increased and ongoing anxiety.
25. During the remainder of 2019, OM (and the applicant) relied upon very significant support from her family and support network (comprised of long-standing friends and close work colleagues) to manage her mental health. The applicant submitted that in the context of the extraordinary support received from her family and support network, he noted some improvement in OM's mental health toward the end of 2019.
26. Like many Victorian primary school teachers, OM delivered remote education throughout most of 2020 although the simultaneous and relative physical isolation imposed on Victorians during the COVID-19 pandemic had a particularly negative effect on OM because it amplified and exacerbated her anxiety symptoms. This deterioration led, in August 2020, to OM engaging in a regular telephone consultation service with a psychologist (KS) and in November 2020, she commenced taking mild anti-depressant medication.
27. It was submitted that the balloting of the applicant to Ararat has more recently had the effect of increasing OM's anxiety because of a perceived concern that the relative isolation imposed in Metropolitan Melbourne by COVID-19 restrictions will be replicated by re-location to regional Victoria.

The applicant's case

28. The applicant is a Constable at Epping which is located in the general proximity of OM's primary school and her support network. He submitted that he and OM plan to marry in April 2021 and have in recent months purchased and moved into a house in the northern suburbs of Melbourne.
29. The applicant's case is based on what he described as the 'immense effect on [OM's] mental wellbeing' caused by the sudden and unexpected death of her mother in March 2019, the negative impact that the COVID-19 physical restrictions had on her in 2020 and his perception that re-location to *any* regional area outside of Melbourne would consequently and necessarily result in OM experiencing a similar level of physical isolation from her support networks as was caused by the COVID-19 restrictions.
30. The applicant submitted that in the event OM re-located to regional Victoria, she could not maintain the important level of physical access to her support network that she currently has. In addition, the applicant submitted (albeit in a very broad and unsupported way) that her close friends and family don't have the ability to travel to regional Victoria 'during the week, or even at times on weekends.' Aside from referring to some of her friends having children of their own, there was very little, if any, support provided for this particular submission.
31. In his statutory declaration dated 17 November 2020 to the GDAC, the applicant submitted that;

'With the compounding effect of COVID-19 isolation, OM has been unable to receive vital support from her network. As a result, OM's mental health has deteriorated to the point where she has sought professional assistance to deal with the trauma, grief, and anxiety. OM's poor mental health has had a debilitating effect on OM's ability to function at home and professionally. I am fearful of moving to the country with OM would result in her mental health further deteriorating, a concern shared with two health professionals'.

Medical evidence

32. The applicant submitted that support for his submissions can be found in written medical evidence presented to the GDAC. For example, a letter dated 28 October 2020 from her general practitioner (Dr ST) referred to OM's Generalised Anxiety Disorder and the impact of the sudden loss of her mother some 18 months prior, including the following;

'She will need the full support network of both health professionals and her family, friends and Luke in order to maintain and continue to improve her mental health'

33. In addition, OM's treating psychologist (KS), advised that;

'OM uses socialising and a regular routine like work as coping mechanisms for both managing daily stress as well as more acute stressors like the passing of her mother.'

And

'It is my impression that should she be removed from her social circles, work, and familiar routine she is likely to struggle further with anxiety and would be detrimental to mental health'.

34. While none of this evidence was challenged or in dispute, it was clear from the applicant's case that his application did not include or rely on OM's physical access to medical services. OM's consultations with her treating psychologist had all been conducted remotely and the applicant specifically addressed the issue during the hearing when he submitted the following;

'Just to be clear, we are not here today because of her access to services – we are here because of her access to her support network and her family and that's the issue.'

Other relevant matters

35. As part of his exemption application to the GDAC, the applicant did not include any grounds associated with OM's employment although he sought to include those grounds in this application as well as seeking to lodge documents supporting those grounds. While I did not allow any documents to be lodged, I allowed submissions on the issue because it had been included in the medical evidence provided to the GDAC.

36. Submissions were made about the value of support being provided to OM by colleagues and the leadership role she currently enjoys at her current primary school. Recent inquiries have identified that there are no primary school teaching opportunities currently available within a 100 kilometre radius of Ararat. Further submissions were made about the potential financial and

other negative implications of OM changing schools and roles even if positions emerged in the near future.

37. It was submitted that the applicant considers that there are two accommodation options emerging from the directed transfer, each of which in his view, result in negative consequences. Firstly, as has been canvassed above, he considers that if he and OM re-locate to the vicinity of Ararat, there will be a deterioration to OM's mental health. Alternatively, if OM remains in Melbourne and the applicant moves to the vicinity of Ararat, there will be negative impacts both on their (distance) relationship and financial circumstances.
38. A significant contributor to their potential financial circumstances is that in 2020, the applicant and OM acted on financial advice provided in the context of an inheritance received from OM's mother's estate to purchase a property subject to mortgage. In addition, OM is the landlord of a rental property which is also subject to mortgage (while receiving rent) and it is the rental and living costs of an additional property in the vicinity of Ararat which was submitted to carry significant negative consequences.
39. The applicant conceded that when he and OM signed the Contract of Sale for the property on 27 June 2020, he was 'absolutely' aware that he could be the subject of a directed transfer but 'hoped' that he wouldn't be. The significance of that decision, made in the 'hope' that he would not be subject to a directed transfer, was clearly foreseeable.

What has changed since joining Victoria Police

40. In summary, both the applicant and OM knowingly and effectively 'signed up to the potential relocation deal' in around October 2018 and it was conceded that when they did so, both the applicant and OM were fully aware of and to some extent happy about a potential ballot to regional Victoria.
41. The life changing and significant event relevant to this application which occurred subsequent to the applicant and OM signing up to the relocation deal was the sudden and unexpected death of OM's mother in March 2019 resulting in the ongoing anxiety and distress which has been extensively referred to above and which was particularly exacerbated throughout 2020 by the physical restrictions of the COVID-19 pandemic.
42. While a number of the other circumstances relied upon by the applicant, such as the employment circumstances of OM and the likely negative financial implications of relocation were foreseeable, I accept that the tragic and unexpected death of OM's mother added increased complexity to them.

Response by Victoria Police

43. Senior Sergeant Chapman made submissions on behalf of Victoria Police, including by referring to the open and transparent nature of the GDAC system, and that the applicant was provided with a range of communications about the process. Senior Sergeant Chapman acknowledged that the applicant had unsuccessfully applied for all but one of the available Priority Positions



although in any event, had he applied for the remaining position, he would not have been successful. Senior Sergeant Chapman also acknowledged that the applicant made an exemption application which was not accepted by the GDAC.

44. Senior Sergeant Chapman made a comprehensive range of submissions relating to the induction and career opportunities for new members at Ararat as well as the positive infrastructure and facilities available within and in the vicinity of the city, including that it:
- Is located about 200 kilometres north west of Melbourne and has major financial, shopping and manufacturing centres, including a modern retail base, fully staffed hospital and other medical facilities, supported by a 24 hour station police station;
  - Provides all levels of educational facilities, including 4 primary schools;
  - enjoys a range of high-profile tourism, recreational sporting facilities and infrastructure;
  - is situated a 2 hours and 20 mins drive from the Melbourne CBD; and
  - is located among a range of other major regional cities, including Ballarat and Horsham.
45. Senior Sergeant Chapman noted that vacancies at the station are difficult to fill which is demonstrable by the fact that no expressions of interest were received for the relevant application in this matter, being one of two positions advertised in 6 different gazettes over August, September and October 2020. It was submitted that the station profile is current operating at 6 other ranks (OR's) below its gazetted strength which 'causes extreme pressure on other staff members providing policing services to the community' and has meant that the fully blended roster endorsed within the Victoria Police Enterprise Agreement cannot currently be provided all station members.
46. The submissions included reference to the flexible rostering arrangements available, supported by the normally part-time station commander, including flexible 10 hour shifts or fixed rosters to facilitate members regularly travelling to Melbourne for family and personal circumstances.
47. While conceding that OM's condition has 'worsened in recent times' Victoria Police submitted that OM's General Anxiety Disorder was known to the couple prior to the applicant joining Victoria Police and the availability of tele-health and local health facilities could be utilised to manage those issues. The availability of tele-health facilities were conceded by the applicant to be available and appropriate in this case.
48. In terms of OM's employment, Victoria Police submitted that she has been teaching at the same primary school since 2014, the issue was not included in the original exemption application and that OM has expressed that she was optimistic about potentially transferring to regional Victoria at the time the applicant joined Victoria Police. In addition, searches for primary school teaching opportunities conducted during or approaching school holidays is highly unlikely to identify any opportunities which are more likely to emerge in the lead up to or during regular school terms.

49. It was emphasised by Victoria Police that there are a range of positive aspects associated with transferring to regional Victoria, including the opportunities to develop and create new support networks and friendships, engaging with new work colleagues, access to the financial benefits of a Remote Area Benefits Program and ultimately the opportunity to transfer to a position of choice after the 2-year time in position requirement. It may take some time for these significant benefits to become readily apparent to members who might otherwise view directed transfers through predominantly negative lenses.
50. Victoria Police rejected the proposition which appeared to be foundational to the applicant's case that *any* re-location to *any* part of regional Victoria outside of Melbourne necessarily involves the acute level of isolation assumed by the applicant, particularly as the physical COVID-19 restrictions previously imposed in metropolitan and regional Victoria are no longer operating.
51. Senior Sergeant Chapman submitted that one option open to the applicant (and potentially OM) would be for them to reside in Ballarat and for the applicant to commute to Ararat. Senior Sergeant Chapman advised that a number of members stationed at Ararat do exactly that and utilise car-pooling arrangements to and from Ararat. In those circumstances, the applicant could be residing within an hours drive both from work and the centre of Melbourne.
52. Senior Sergeant Chapman also submitted that Victoria Police accepts the current levels of anxiety being experienced OM as they have been articulated by the medical evidence provided to the GDAC, is entirely sympathetic to OM's circumstances and sincerely hopes that her condition does not deteriorate. However, he also acknowledged that in the event OM's mental health was to deteriorate over time, support services are available within Victoria Police and policies are in place to consider grounds such as pressing necessity which, if circumstances warranted, could result in further mitigating action.
53. In all the circumstances, Victoria Police continues rely on its submissions and the options available to the applicant, to demonstrate that that the public interest in providing an appropriate policing service to the entire community outweighs the interests of the applicant in this case and that the directed transfer decision was not harsh, unjust and unreasonable.

The Board's considerations

54. The Board has indicated in a range of previous relevant decisions that there is of course a strong public interest in favour of the need to fill vacancies in hard to fill locations, in order to provide an appropriate policing service to the entire community, in all parts of Victoria. The GDAC process is a well thought out and fair process, which balances the community's need for policing services with newly recruited police officers' needs and interests. Recruits enter Victoria Police fully informed of, and agreeing to, an initial period of service at a location determined by this process.
55. The process provides opportunities for some individuals to either apply for or secure the certainty of a metropolitan placement if this is important to them. In this case, the applicant unsuccessfully applied for all but one of the available Priority Positions.

56. In a previous Board decision [A90/2019] published on 19 August 2019 at paragraph 13, the President said at paragraph 15:

‘The exemption process is intended to address changed circumstances, which were not reasonably foreseeable when the police officer applied to join Victoria Police and which are not within their personal control, or pre-existing circumstances made known to Victoria Police at the time the person applied to join.’

57. It is conceded that neither OM nor the applicant could have foreseen the sudden and unexpected death of OM’s mother or the particular repercussions which emerged.

Interests which must be taken into account

58. Section 151 of the Act imposes a statutory obligation on the Board to have regard to the public interest and the interests of the applicant.

59. At various stages during the hearing, both Senior Sergeant Chapman and Mr Pavlis referred the Board to a number of its previous decisions, including in the matters of Wilson [A90/2019], LWV [111/2019] and the more recent matter of Griffiths [A138/2020]. Although the Board is entirely familiar with its recent cases, no two cases are ever identical and I again carefully reviewed each of the previous decisions which were referred to me, as well as the particular submissions made with respect to each of them. While there are arguable similarities in the referred matters and I was assisted by reviewing them, each of the referred cases is distinguishable from the circumstances of this application.

60. It is acknowledged that compulsory service in a location away from personal support networks places demands on newly confirmed Constables, particularly if they are required to move a long way from their family and friends. In this case, the applicant believes that a directed transfer to Ararat will disrupt the direct access OM currently has to her important support networks and lead to isolation and a deterioration in her mental health. Alternatively, if OM remains in Melbourne and he relocates to regional Victoria, the applicant believes that the couple’s relationship will suffer and their financial circumstances will become problematic.

61. Having now been made aware of all of the applicant’s circumstances, Senior Sergeant Chapman; pointed out that a number of the grounds referred to by the applicant were foreseeable or known when he joined Victoria Police; rejected the conclusion that re-location outside of Melbourne would necessarily involve an acute level of isolation for OM; and referred to the potential for re-location in regional centres such as Ballarat which is within an hour’s travel time to Melbourne and which could largely mitigate the applicant’s concerns.

**Conclusion**

62. I made it clear to the parties during the hearing that the question to be asked is not whether the Board would have made the same decision as was made in this case but whether the decision which has been made is harsh, unjust or unreasonable. I have very carefully weighed, compared and contrasted the competing submissions of the parties in this case.

63. There was no ambiguity about the deal both the applicant and OM signed up for in 2018 although the tragic passing of OM's mother almost two years ago and the consequent impact on OM were not foreseeable. There is little doubt that OM will need to seek medical and mental health support which will continue to be available through tele-health or alternative local services and continued support from her family and friendship networks. She is not alone in that regard and while change will bring new and challenging demands and opportunities, if OM chooses to relocate with the applicant to a regional area such as Ballarat, in addition to the extensive technologies now widely being used for engagement and communication, she will continue to have opportunities both for her to continue physical access to her support networks and for people in those networks to travel to her location.
64. Whatever decisions are made by the applicant and OM and as I make clear above, the Board fully acknowledges that a directed transfer will place additional demands on them, although I consider there is merit in the view expressed by Victoria Police which challenges the applicant's unequivocal conclusion that re-location to *any* regional area outside of Melbourne necessarily involves an acute level of isolation, particularly now that COVID-19 restrictions have been largely eased.
65. In summary, the Board continues to make the point that disruption to some degree, is an inherent aspect of every directed transfer and that the interests of the applicant must be weighed against the strong public interest in this case, including and in particular that the impact of short staffing at Ararat is currently contributing to what was described as 'extreme pressure on other staff members providing policing services to the community' and that a fully blended EA endorsed roster cannot be provided to all station members.
66. Having very carefully considered all of the relevant facts and circumstances, the Board was not persuaded that disruption to the current levels of OM's physical access to her familial, employment and friendship networks, in the particular circumstances of this case, outweigh the strong public interest considerations referred to earlier in this decision.
67. Victoria Police is charged with the responsibility of delivering essential policing services to every Victorian community, including and relevantly the Ararat community and it is in the public interest that the applicant plays his important role in delivering those essential policing services.
68. Because the Board is not satisfied that the decision to transfer the applicant is 'harsh, unjust or unreasonable, the decision must be affirmed. Pursuant to the provisions of s.154A the Board will publish these reasons on its website.

Mr C. Enright  
Deputy President (Review)  
Police Registration and Services Board

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