

General Duties Allocation Committee (GDAC) Transfers and Reviews

Statement published by the President of the Police Registration and Services Board (PRSB)
Under section 156A of the *Victoria Police Act 2013*

The Police Registration and Services Board (PRSB) hears reviews of decisions to compulsorily transfer police under the GDAC process. The information in this Statement reflects past decisions of the PRSB (see www.prsb.vic.gov.au). PRSB provides this information to guide people taking part in the GDAC process.

Context

The Chief Commissioner must provide policing services to everyone in Victoria. This is why at the time you joined Victoria Police, you were asked to agree that you would accept an initial placement in your first 3 years anywhere in the State, if directed. You were asked to discuss that requirement with your family, partner and others who might be impacted by you moving, to make sure they understood this and were supportive.

You are expected to honour your commitment.

About regional positions


Working in a regional community can be a fantastic experience and provides a strong foundation for your career. You will enjoy a wide variety of policing experiences, which will build your confidence and self-reliance. Country members usually have a wider range of tasks and quickly build an extended skill set. There is great camaraderie, and many people find they love regional life. Many locations will endeavour to provide flexible rostering to help you travel to Melbourne on your rest days if there is capacity. Regional stations will warmly welcome and support you and your family in making this move. There are tax breaks available for some regional placements.

You can find out more about some of the great lifestyles, services, tax breaks and other forms of support available by contacting the OIC of the station under consideration.

After completing your time-in-position at the country location you might find you want to stay on. If not, you get the benefit of a preferred placement or 'free kick' to a location you choose.


Options to stay in the metropolitan area

Victoria Police provides opportunities in the GDAC process to stay in the metropolitan area, or at your present location, if this is important to you, your partner or family.

 <ul style="list-style-type: none"> • STOP • THINK • DISCUSS 	<p>When deciding what positions to apply for, stop and think about whether you need to stay:</p> <ul style="list-style-type: none"> • in your current home? • close to your cultural community, or to religious services? • close to your partner's place of work or study? • close to family, friends, current childcare, schools, sporting or social activities? • close to someone you are dating? <p>It is important that you discuss your options and the possible outcomes of the GDAC process with your partner, family and anyone who relies on you for care or support.</p>
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Don't try and figure out what the rest of the squad is doing. Don't assume you won't get a metropolitan position. Don't listen to rumours or unreliable sources of information.

It will be an ineffective tactic to try and avoid the ballot by applying only for positions you don't think you will get. You might like your current workplace and be tempted to take your chances in the ballot so you can stay. But understand that if you are selected for a country transfer in the ballot, you won't get a second chance. You will be held to your decision and transferred. It is important to make sure it is a decision you can live with.

 <ul style="list-style-type: none"> • STOP • THINK • APPLY 	<p>If you, your partner or family need to stay in the metropolitan area for <u>any</u> reason:</p> <ul style="list-style-type: none"> • Apply for <u>all</u> priority positions within a practicable commuting distance • Apply for regional positions close enough for you to commute to • Apply even if it is not your preferred location or duties • Apply even if it results in inconvenience (such as increased commuting time, or even the need to relocate to be closer to work) <p>Apply for any position if you can 'make it work' even if you think you have a good argument for a ballot exemption.</p> <p>If you ignore this advice, you are unlikely to be exempted from the ballot or have a country transfer overturned by PRSB.</p>
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Exemption from the ballot

If you applied for priority positions and were unsuccessful, you can apply to be exempted from the ballot.

 <ul style="list-style-type: none"> • STOP • THINK • GET ADVICE 	<p>GDAC will look at whether you tried to 'help yourself' by applying for priority positions. You are unlikely to be exempted from the ballot if you didn't seek a priority position that would have been workable in your circumstances.</p> <ul style="list-style-type: none"> • This is an important process that will affect your future. Make time to prepare. Don't leave any arguments out of your application. Put forward your best case. • Don't assume your case for exemption won't succeed. GDAC will assess and decide your application based on your unique personal circumstances. • Include <i>all</i> your reasons for needing to stay in the metropolitan area. It is difficult to raise new arguments in a PRSB review. New documents can only be lodged in 'exceptional circumstances' (s.149(2)). If you don't raise an argument first with GDAC, PRSB might not rely on it in a review. • Give GDAC proper evidence supporting your arguments, such as statutory declarations or medical reports, that prove you can't transfer to the country. This evidence can take time to obtain, so plan ahead. All such information will be treated confidentially. • Providing false or misleading information (or omissions) is serious misconduct and GDAC (and PRSB) will treat it as such. You will be required to give evidence on oath or affirmation in a review. • Seek advice on how to present your arguments, for example from TPAV or Personnel Placement.
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Partner's work or other needs

If you seek a ballot exemption based on your partner's needs and are not married, you will first need to prove you are a genuine de facto relationship. This is where each person has expectations of ongoing mutual care and support, significant financial and social inter-dependencies: see s.4AA of the *Family Law Act 1975*. This typically involves living together on a genuine domestic basis with shared financial or legal commitments, children or other significant inter-dependencies.

Many committed couples (married, de facto or dating) manage long distance relationships through regular travel. Simply being with someone who might not want to relocate or having started a new relationship since you joined Victoria Police, will not be grounds for an exemption. There needs to be a strong reason why you should be released from the commitment you gave when you joined Victoria Police to be available for transfer.

Caring responsibilities

If you are unable to be transferred because someone else is significantly reliant on you to provide care to them (such as childcare, or physical or household care) that cannot be provided any other way, you will need to provide evidence to the GDAC. This could be a statutory declaration from the person who needs care, and from you and others who can verify the situation and the person's support and care needs. You need to establish those caring responsibilities would prevent you from being relocated to the country location.

If you seek to give information about your own or another person's medical or psychological condition and needs for care and support, you will be required to present evidence from (relevantly) yourself, or from that other person directly, or in the form of a medical or psychologist's report (preferably both). The GDAC and the PRSB will ensure health and other personal information is kept confidential.

If you have shared care of children after a relationship breakdown, you will need to prove that there are care arrangements in place which would prevent you from relocating to the country. If you are arguing you are unable to transfer because of children's educational needs, you will need to show evidence of how this would present a significant disruption to your children's education (for example, mid-VCE), and you will need to show that the facilities in the country location could not meet those educational needs.

If you have responsibilities or needs that would make it hard to relocate to the country, it is essential you apply for all priority positions that you could accept given your circumstances, even if there is added inconvenience to you. If you don't, you are unlikely to be exempted from the ballot or have the transfer overturned by PRSB.

PRSB Reviews

If there is a significant change in your circumstances after the ballot closed, first discuss your situation with TPAV or Personnel Placement.

You can apply to the PRSB to overturn a directed transfer (s.146(1)(h)). It is difficult to raise new arguments in a PRSB review as new documents can only be lodged in 'exceptional circumstances' (s.149(2)).

A special fast track process applies for the PRSB to hear and decide the review. You must apply to PRSB within three business days after the day you were notified of the decision, not counting weekends and public holidays (s.147(2)(a)). The application form can be found at www.prsb.vic.gov.au.

The test for whether the transfer will be set aside is whether it is 'harsh, unjust or unreasonable' (s.153). The PRSB must have regard to your interests and the public interest (s.151). The PRSB has held that the bar for exemption must be high, to make sure there are enough police officers to work in hard-to-fill regional areas.

You will have to prove to the PRSB that there are strong and compelling reasons why you should be released from the commitment you gave to the Chief Commissioner to be available for transfer. It will not be sufficient that you are unhappy or anxious about moving, that it will be inconvenient or expensive, or you think someone else would cope better with the move.

The PRSB always gives significant weight to whether you followed this advice and tried to 'help yourself' in the GDAC process. PRSB looks closely at whether:

- you applied for all metropolitan priority and regional positions within practicable commuting distance, and
- you sought an exemption from the ballot and presented the relevant arguments to the GDAC.

The PRSB considers that it is important that the GDAC process and rules are applied fairly and consistently to everyone involved. After all, if you are exempted, someone else will have to go in your place, so the process needs to be fair to that person too.

If you decide to take your chances and gamble on the ballot outcome, or don't bother to read and apply this advice, don't expect PRSB to overturn your transfer.

Transfers have however been overturned by the PRSB in unusual circumstances, such as:

- Where there were significant new circumstances that arose after the ballot (such as the serious illness of a partner or family member, a genuine family emergency).
- Where another person had needs for significant personal care, which couldn't be met any other way.
- Where the applicant did everything that they could under the process to stay in a metropolitan location, and their partner's circumstances changed so that relocation was not possible or would result in significant and permanent loss, and it was not reasonable to expect the couple to maintain a long-distance relationship.
- Where the person had done everything reasonably possible to stay in the metropolitan area and showed other compelling reasons why the effects of the transfer would be harsh, unjust or unreasonable.

Advice and support

Changing to a new work position and a new home and location can be an unsettling and challenging time. Be encouraged by the fact that thousands of police officers before you have managed the challenges of a country transfer successfully, with advice, support and encouragement. Many police officers figure out ways of making the new living arrangements work for them.

You are encouraged to seek advice from other police who have transferred to country locations, and to seek support and guidance from your current manager, your new Officer in Charge, from Personnel Placement, from TPAV welfare services or from Police Welfare or Psychology.



President, PRSB

8 May 2023