



TRANSCRIPT OF PROCEEDINGS  
*Fair Work Act 2009*

**COMMISSIONER WILSON**

**C2023/5109**

**s.739 - Application to deal with a dispute**

**Police Federation of Australia  
and  
Chief Commissioner of Police T/A Victoria Police  
(C2023/5109)**

**Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police  
Recruits) Enterprise Agreement 2019**

**Melbourne**

**10.00 AM, MONDAY, 29 JANUARY 2024**

PN1

THE COMMISSIONER: Good morning, parties. If I can start by taking the appearances, please.

PN2

MR S GOME: Good morning, Commissioner. My name is Gome, initial S. I appear for the Police Federation. With me here is my colleague, Ms Tokun, initial A.

PN3

THE COMMISSIONER: Right, thank you, Mr Gome. For the respondent?

PN4

MS F LEONCIO: May it please the Commission, my name is Leoncio, initial F, and I appear on behalf of the respondent.

PN5

THE COMMISSIONER: Thank you, Ms Leoncio. Ms Leoncio, I think in respect of your appearance that I've previously given permission for appearance so I should just formally note that on the record.

PN6

MS LEONCIO: Yes, thank you, Commissioner.

PN7

THE COMMISSIONER: Thank you. Now, parties, thank you for filing the material that has been filed and apologies for the problem with the hearing book, which we obviously only identified after it had been forwarded to yourselves. I hope that hasn't created too much inconvenience. Now, before we commence with the submissions and evidence, are there any preliminary issues that need to be dealt with from either side? No?

PN8

MR GOME: No, Commissioner.

PN9

THE COMMISSIONER: All right, thank you. And do either of you wish to make an opening statement before we move to the evidence?

PN10

MR GOME: Yes, Commissioner, I would like to make an opening statement.

PN11

THE COMMISSIONER: All right, thank you. Ms Leoncio?

PN12

MS LEONCIO: I do intend to make an opening statement, if I could make that statement at the commencement of the respondent's case.

PN13

THE COMMISSIONER: All right, thank you. Thank you, in that case we'll move to the proceedings, Mr Gome.

PN14

MR GOME: Thank you, Commissioner. So the dispute, as you're aware, Commissioner, involves applications for purchase leave made by five police officers from Eastern Division 4. The applications were made under a clause in the agreement that forms part of the recreation leave part of the agreement, which is part 15, and we say that's significant because purchase leave, like recreation leave, can be planned for in advance and incorporated into annual leave rosters.

PN15

We note that purchase leave has been in the agreements for four or five previous agreements, so it's not a new term and we note that the overall numbers of police officers have increased in that time. There will have been fluctuations in police capacity at various points along those years and indeed, in recent years, the extraordinary demands that were placed on Victoria Police during the pandemic haven't changed the fact that purchase leave is there. It's a planned leave entitlement.

PN16

We say that the fact that it's a planned leave entitlement is important because there are many unknowns in policing. But purchase leave is not one of them and in the usual course of events, the way that purchase leave is assessed, and either approved or rejected, is to look at the work unit roster for that period of time, look at the number of people who are wanting to take leave at that time and if the purchase leave application falls within the acceptable span of people on leave at that time, that's all that there is to it.

PN17

The thing that's led us here today, Commissioner, is a new, I guess, approach to the assessment of applications for purchase leave. What we see here is at a divisional level, taking into account the effect of the total numbers of purchase leave applied for that would impact the division as a whole and we know from the evidence that division ED4 is approximately 327 sworn police officers, that the cumulative impact of all of the purchase leave applications is the measure that's been used to determine all of the applications for purchase leave.

PN18

So it hasn't looked at when the leave is being taken, it hasn't looked at the stations that the leave is being taken from, it hasn't looked at other people on leave at that time. It's just been a higher upstream. It's been an assessment of the cumulative effect. We say that that's an important departure from regular practice, because effectively what that allows a superintendent or above - a superintendent being the divisional commander - to do is to say, 'The cumulative effect if we were to grant all of this purchase leave is such that we cannot approve any purchase leave', and that's essentially opting out of the clause in the agreement. So it's this particular dispute has this significance beyond this particular financial year and these five individual officers. We know as well - and it will probably come out in the evidence when the Victoria Police witnesses are going through their statements - that the approach that was adopted by Eastern Division 4 - ED4 - was in this

financial year also applied to Eastern Division 6 and so we say the potential for this kind of approach to continue.

PN19

I think that's all that I will say for now, Commissioner. We actually think that this could have been and perhaps should have been a much simpler matter than it has turned out to be and we think it's that issue of principle, if you like, of whether or not that divisional commander can assess and determine purchase leave as a cumulative amount rather than individually as the key issue that underlines all of the individual applications in this matter.

PN20

THE COMMISSIONER: Thank you. So in respect to the evidence, it appears there are sequences of witnesses you wish to perform?

PN21

MR GOME: Thank you, Commissioner. We have previously advised that we would like to call Leading Senior Constable Morris and then Senior Constable Jones, Leading Senior Constable Rappell, Leading Senior Constable Allerdice and Leading Senior Constable Tinsley in that order.

PN22

THE COMMISSIONER: All right, just one moment. I just wish to organise myself here. Please proceed.

PN23

MR GOME: Thank you, Commissioner. Perhaps if the other witnesses could leave the room, I'd like to call Leading Senior Constable Morris to give evidence.

PN24

THE COMMISSIONER: All right, thank you.

PN25

THE ASSOCIATE: Can you please state your full name and address.

PN26

MS J MORRIS: Julie Anne Morris, (address supplied).

**<JULIE ANNE MORRIS, SWORN** [10.27 AM]

**EXAMINATION-IN-CHIEF BY MR GOME** [10.27 AM]

PN27

THE COMMISSIONER: Thank you very much. Please be seated.

PN28

MR GOME: Ms Morris, have you prepared a statement for these proceedings?---Yes.

\*\*\* JULIE ANNE MORRIS

XN MR GOME

PN29

Can I take you to page 185 of the first folder in front of you?---Do you mind if just turn this?

PN30

THE COMMISSIONER: Just one moment, please. Thank you, please go ahead.

PN31

MR GOME: Have you found that page?---Yes, sorry, yes.

PN32

Page 185 – can you just have a quick look through that statement of 41 paragraphs, dated 17 November and check that all of the attachments to it are there as well? You'll find them in the middle and they've got a paperclip around them – or at least my version does?---With all the emails? Yes, that looks correct.

PN33

Thank you. Your statement is dated 17 November. Is there anything that's happened in that time that means you need to make any changes to the statement as printed?---Very minor: Daisy is now 13, not 12, my youngest, and since then – I haven't got the date. I initially wanted a week in February of part of my purchase leave and because of this I've applied for long service leave and have had that granted for that week in February.

PN34

So can I take you to paragraph 14 of your statement?---Yes.

PN35

Is that the week that you're referring to?---Yes, yes.

PN36

So that's not part of your ongoing application for purchase leave?---No, no.

PN37

And why not?---Because I applied for long service leave, given that you needed to apply three months in advance and that's been granted.

PN38

And who granted that application?---Senior Sergeant Shane Martin, who's our officer in charge at Wodonga.

PN39

Can I now take you to a document that appears as an attachment to the statement of Superintendent Arbuthnot? Bear with me: it's in the second folder?---Sorry.

PN40

And it's at page 1486. So it's attachment JA7?---Sorry, was that 1486?

PN41

Sorry, 1493?---Sorry, yes.

\*\*\* JULIE ANNE MORRIS

XN MR GOME

PN42

My apologies: 1493, JA8?---Yes.

PN43

For the record, can you describe what this document is, what you understand the document to - - -?---It's entitled, 'Eastern Region Minimum Station Profiles', and I'm assuming it's staffing levels, the number of staff needed for us a station to be operational, would be my assumption.

PN44

Clearly you haven't seen this document before?---No.

PN45

No, okay. Can I take you to the second page, so page 1494, and if you look at the column down the left-hand side, about halfway down it says: 'Eastern Region Division 4'?---Yes.

PN46

And if you look at the second half of that section, PSA Wodonga?---Yes.

PN47

Can you find the final line in that section that says, 'Uni Wodonga, 24-hour with selves'?---Yes.

PN48

What sense do you make of the numbers that appear in the next four columns along that row?---Well, if I look at the total FTE of 62.79, which is mind up of ORs, which is leading senior constables and ranks below, sergeant senior sergeants and the total of 55. So I understand it that we've got more staff than what is needed, is how I read it, as at 30 November. Is that – total FTE, or am I looking at the wrong - - -

PN49

Okay, so if we look at the very first number, the number 62.789?---Yes.

PN50

That's in the column, 'Total FTE'?---Yes.

PN51

That's in the section of core position FTE?---Yes.

PN52

Do you know what that number represents?---The full-time staff we have for general duties at Wodonga, the 62.

PN53

All right, and they're made up of - - -?---45.15 ORs, 15 sergeants or 15 – and two senior sergeants.

\*\*\* JULIE ANNE MORRIS

XN MR GOME

PN54

Thank you?---'Required to roster shifts' – I see, yes.

PN55

Keep that with you there. I have another document that I'd like to show you. Bear with me, please. All right, Commissioner, this is the leave roster, the annual leave roster for the Wodonga police station as at 16 January. It was provided to me by Leading Senior Constable Morris. Okay, could you please introduce for the Commission and for the record this document?---This is the current leave roster for the 2023/2024 financial year. I think Saturday I looked at it and gave a copy to Steve and – sorry, it shows when people have got leave and down the very bottom, it says: 'ORs on recreational leave, ORs on purchase leave and ORs on long service leave'. Now, my understanding is when ORs – which is other ranks, that doesn't include the sergeants – are on recreational leave we're allowed nine members on leave - ORs, other ranks – at one time. But I do see there's 10s and 11s. Sometimes there's 10 or 11 staff on leave at the same time.

PN56

Do you know where the figure 9 comes from?---No, just – that's just what has been said perhaps by the DPO, which is the divisional planning officer. I'm actually not sure. It's just a known number for somebody that's been around at Wodonga a long time, I suppose.

PN57

Can I ask you to count how many sergeants there are on that roster?---There's 16 sergeants on that roster.

PN58

Thank you, and if you can refer back to the other document, which has got the core FTE on it, what's the number of sergeants in that column you were looking at earlier?---15.63.

PN59

Thank you, and could you please do the same for ORs, other ranks? Take your time. What number did you get?---Fifty-five, I've counted.

PN60

And again, if you wouldn't mind referring to the number that appears in the core FTE column?---45.118.

PN61

Thank you. You've had an opportunity to look at some of the statements that have been filed by the Victoria Police witnesses in the proceedings. Is there anything that you would like to say in response to that?---No.

PN62

Is there anything further that you would like to add to your testimony at this point?---No. I can say that I'm actually disappointed that I am having to be here. That's – you know, that's probably about it.

\*\*\* JULIE ANNE MORRIS

XN MR GOME

PN63

Thank you. Commissioner, I seek to tender the statement and the – and attachments and the copy of the Wodonga leave roster as at 16 January into evidence.

PN64

THE COMMISSIONER: Would you be able to provide me with a soft copy of the leave roster, please?

PN65

MR GOME: Yes, Commissioner.

PN66

THE COMMISSIONER: Thank you. The witness statement of Julie Morris with seven attachments will be marked as exhibit A1.

**EXHIBIT #A1 WITNESS STATEMENT OF JULIE MORRIS WITH SEVEN ATTACHMENTS**

PN67

And the 2023/2024 Wodonga PFA planner leave roster will be marked as exhibit A2.

**EXHIBIT #A2 WODONGA PFA PLANNER LEAVE ROSTER FOR 2023/2024**

PN68

Thank you. Ms Leoncio.

**CROSS-EXAMINATION BY MS LEONCIO**

**[10.43 AM]**

PN69

MS LEONCIO: Now, Leading Senior Constable Morris, you commenced employment with Victoria Police in 1999?---Yes.

PN70

And you're currently a part-time employee, that's correct?---Yes.

PN71

And you're on a – that's described as a flexible working arrangement?---Yes, or part-time agreement. I'm not actually sure, now it changes, the term changes.

PN72

And do you agree that you are entitled - as a part-time employee you are entitled to seven weeks' - - -?---Yes.

PN73

- - - recreational leave per the agreement?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN74



And now, you gave some evidence about long service leave. I understand in December you had around 11 weeks' accrued untaken long service leave. So does that reduce it down to 10 weeks?---I assume so. I actually couldn't tell you how much long-service leave I've got. I don't look.

PN75

And you are employed as general duties police officer?---Yes.

PN76

Do you agree that as a general duties police officer part of your responsibilities is to be rostered on to patrol shifts, to respond to calls for assistance?---Yes.

PN77

And to provide that work across a response zone?---Yes.

PN78

And you're currently stationed at Wodonga police station, correct?---Yes.

PN79

That station is a 24-hour police station?---It is.

PN80

I want to just take you to a document which should be in the second folder, at page 1446. It should be around where you've just got that open. It's tab 15.3. I don't you actually have tabs in the folder. Yes, if you just turn a few pages – have you got it open there?---Is it 1446?

PN81

That's right?---'Keeping you safe, the strategy'?

PN82

Yes, that's right. Now, are you familiar with this document?---No, not really.

PN83

So if I told you it was the Victoria Police strategy for the next five years, starting from 2023, would you agree that's the document?---Yes, yes.

PN84

If you just turn over to page 1447?---Sorry, 144 - - -

PN85

Seven – and you'll see there at the top it says: 'The role of Victoria Police is to serve the Victorian community and uphold the law so as to promote a safe, secure and orderly society'. You agree that's the primary role of Victoria Police?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN86

And you'll see there there's some functions that are listed in that shaded grey box and you'll see there's a reference there to preserving the peace. That's described as patrol to provide a highly-visible policing presence in the community every day

and night. Now, just pausing at that function: do you agree that's one of the functions of Victoria Police?---Yes.

PN87

And you'll see there, 'Protecting life and property'. That's responding to calls for assistance and preventing offending, patrol to prevent crime and promote road safety. Again, you would agree with me that's part of the function of Victoria Police?---Yes.

PN88

And if you go down to the bottom you'll see there's a bolded word, 'Policing', and this is about the vision of Victoria Police, which includes a highly-visible and responsive policing. Would you agree that's a key part of Victoria Police's strategy?---Yes.

PN89

And the patrol units that you work in Wodonga uniform, that is a key part of the provision of highly-visible and responsive policing?---Yes.

PN90

And that that promotes a safe, secure and orderly community?---Yes.

PN91

I want you then to turn to 1451, which is a few pages over?---So 1445?

PN92

One-four-five-one – and you'll see there at the top it talks about the next five years will bring changes and it refers to Victoria's increase in population, which means the number of dot points including things like more people on the roads, bike paths and footpaths, more people in our regional centres and you would agree that with that statement that there's increasing – from your knowledge – there's increase in population in regional centres?---Yes.

PN93

And that that has – if you just go to, 'What this means for Victoria Police', and the second dot point: 'More people living in rural and metropolitan areas of Victoria will mean there's an increasing need for policing responses across the state'. You agree with that statement?---Yes.

PN94

Then if you just turn to 1453, and this is again talking about exceptional policing services, highly-visible and responsive policing again. I just take you to – there's a heading there, 'Transforming our services', which is just right in the middle of the document, and at the end of that paragraph, the second-last sentence says:

PN95

*We know our community want police to be highly visible and accessible. We want our services to be exceptional.*

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN96

And you'd agree with that statement, that the community also expect or want the police to be highly visible and accessible?---Yes.

PN97

So you would agree with me that the patrol units and the work that you do in the general duties at Wodonga is an important and critical service to the community?---Yes.

PN98

I then just want to take you to 1462 and you'll see there there's at the top of the – sorry, top of the page, it says: 'Collaborate with partners to enhance crime prevention and reduce harm', and in the last section there it talks about community approach to safer roads and the third sentence says: 'Victoria Police is dedicated to preventing road trauma'. You would agree that that is a key part of Victoria Police's policing services, that it's dedicated to preventing road trauma?---Yes.

PN99

And would you agree that the highway patrols in Wodonga and in ED4 play a key role in preventing road trauma?---I think so. It's hard to be in the right place at the right time, so to speak, for any – does that make sense?

PN100

Yes, yes. But as - - -?---We're more reactive than proactive. We can't – sorry, I don't want to bog you down but that's - - -

PN101

Yes, but you'd agree that it is part of the strategy - - -?---Yes.

PN102

- - - to reduce road trauma, is to have highway patrols on the road?---Yes.

PN103

And the services that the highway patrols are providing are important in terms of both the reduction but also responding to calls for assistance?---Yes.

PN104

If we then just turn to a different document – so if you just turn to 1477, so you've got it open there, sorry – 1477?---Yes.

PN105

Now, this is a Chief Commissioner's instruction relating to general duties rostering. Are you familiar with this document?---I would be but I don't often look up things like this at work.

PN106

Okay, but you'd understand it applies to Wodonga or rostering of general duties in Wodonga?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN107

And if we just turn to page 1479, a couple of pages over, you'll see a reference to planning there and at dot point – it sets out a few different roster models. Would you agree then in ED4 there is a divisional-based rostering system?---No, ours is station-based.

PN108

You say you disagree?---Well, we've got a Sergeant and an OR in divisional planning office based at Wodonga that do Wodonga's roster. Actually, sorry, they do – I'm not sure if they do the outstation rosters but - - -

PN109

So they form part of the divisional planning office – is that correct?---Yes, yes.

PN110

And the divisional planning office is a – perform a centralised function in terms of rostering?---Yes, yes.

PN111

Across the division. And in 2023, you weren't assigned to the ED4 divisional planning office?---No.

PN112

And it's correct that you weren't part of the divisional leadership team in 2023?---No.

PN113

And also not part of the regional leadership team in 2023 for the Eastern region, I should say?---No.

PN114

And would you agree with me that the regional leadership team and the divisional leadership team, that those members have a more detailed understanding of the resourcing across ED4?---Hm.

PN115

Sorry, I should have said - - -?---(Indistinct)?

PN116

Yes?---Yes.

PN117

And they would also have a more detailed understanding of how resources should be allocated across the division than you, sorry?---Yes.

PN118

They would also have a better understanding of the impact of vacancies in particular stations, the impact of that vacancy across the division?---Then me, yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN119

And they would also have a better understanding of the impact of absenteeism: so for example, unplanned leave or other types of leave. They would have a better understanding of that than you?---Yes.

PN120

Just generally speaking they would have a better understanding of the service delivery requirements of ED4 across the division?---Yes.

PN121

Now, you were taken to an annual leave roster. That was the document that was exhibit A2. I want to hand up to you a document that is not in the folder so I might just – just bear with me, sorry. I'll just double-check that's the right – I'll just hand up a document to you. Sorry, it's probably printed a bit small. But now my understanding is that that is the annual leave roster for Wodonga PFA as at 1 July 2023. Now, just having a look at that now, you have no reason to disagree or to dispute that it's as at 1 July 2023?---I will dispute it because at some stage there was a leave roster that had our purchase leave – I say pencilled in but it had everybody that applied for purchase leave. It had the word, 'PL'. Now, this is 1 July. This leave roster still would have had, 'purchase leave', pencilled in. I didn't save a copy because it – the leave roster often seems to be updated on the date. So maybe up until – I'm guessing – I had leave in September but certainly August, September last year, our purchase leave was still written in our leave roster. People that wanted it still had PL written for the weeks that they wanted off. So, you know, there should be a copy of that somewhere.

PN122

I'll just double-check, sorry. I don't have a copy of the one I just handed up. My version has some blue - - -?---I don't know. I don't know whether it was in a different colour but it had the words, 'PL', for, I believe, every member that was applying for it.

PN123

Apologies. I think I've given you the wrong document. That's my fault. So I'll just hand up a different document. Sorry, I might just take those ones back. Apologies for the confusion. My apologies, Leading Senior Constable Morris. I didn't mean to mislead you there. I think this is the document that is as at 1 July 2023 and you'll see there there's blue highlighting. Is that what you were referring to - - -?---Yes, yes.

PN124

Purchase leave that was represented in the roster at that time. Okay, now - - -

PN125

THE COMMISSIONER: Ms Leoncio, Mr Gome, can I just ask a question for interpretation? What is this document showing?

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN126

MS LEONCIO: Yes, well, this document has each of the members at Wodonga in Wodonga PFA and you'll see it is July to June, so we'd say annual leave – we say

predominantly about recreational leave which is the nine-week entitlement. But you'll see that's in green. And you'll see where it's shaded green. That's when the relevant member is planning to take leave. But it's a roster for the year that's planned in advance.

PN127

THE COMMISSIONER: The question I have is it seems – if that's the interpretation it seems a rather unusual workplace. No one ever has annual leave for more than three days at a time.

PN128

MS LEONCIO: Well, it's because it's quite a significant leave entitlement.

PN129

THE COMMISSIONER: Okay, I just wanted to check that is what you're putting forward.

PN130

MS LEONCIO: Yes.

PN131

THE COMMISSIONER: That there's no one who's had four weeks, there's no one who had 13 weeks of long-service leave. It's all been dribs and drabs of three days and two nights.

PN132

MS LEONCIO: This is weeks, sorry. They're weeks. So you'll see, 'Week starting (indistinct) - - -

PN133

THE COMMISSIONER: All right, so there's a few people who had three weeks.

PN134

MS LEONCIO: Well, this is – I might – the blue there is requested purchase leave.

PN135

THE COMMISSIONER: I get that but I'm talking about the annual leave.

PN136

MR GOME: If I may, Commissioner, the right-hand column, the very right-hand column, is the total number of weeks of recreation leave that the members are having and so that's for most people other than part-time employees, that figure is going to correspond to nine. That's where the figure for recreational leave is recorded.

PN137

THE COMMISSIONER: All right, okay, thank you.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN138

MR GOME: I did just want to add that the reason we think the roster is significant is as we've seen earlier, Wodonga police station – not talking about anywhere else but Wodonga police station – was at full strength on 1 July, yes.

PN139

THE COMMISSIONER: I'll have a listen to your questions. All right, thank you.

PN140

MS LEONCIO: Okay, thank you.

PN141

THE COMMISSIONER: Thank you. I just wanted to get that interpretation correct and that helps me enormously so thank you. Again, Ms Leoncio, if you could provide this in soft copy version, please.

PN142

MS LEONCIO: Yes, yes, we will. Now, just focusing on the first couple of pages: so that's Wodonga uniform and that's talking about the leave roster for Wodonga police station - - -?---Yes.

PN143

- - - for the 2023 financial year – or 2023/2024 financial year. You would agree with me that that's what those first couple of pages are?---Yes.

PN144

And do you agree that the annual leave roster is generally prepared in around March?---Yes, sorry. I've been off work since mid-January and there's already an email requesting leave for the next financial year so, look, I'm not sure. Yes, it could be April because we've got to do our purchase leave applications in April so perhaps. I'm not 100 per cent sure but it's certainly well before the end of the financial year.

PN145

Okay. Would you agree that the annual leave roster for Wodonga police station focuses mainly on the serviceability of Wodonga police station?---Sorry, what do you mean by that?

PN146

So in terms of working out where somebody is – whether somebody can take leave in a given week, this document is really focusing on the amount of leave that's taken in Wodonga in full – sorry, Wodonga police station. It's focusing really on the Wodonga police station processing?---Yes.

PN147

And would you agree that assuming this document is prepared around March or April, would you agree that this annual leave roster wouldn't take into account commitments to backfill other units?---Probably.

PN148

And specifically backfilling units such as Wodonga highway patrol?---Perhaps.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN149

Would you agree that it doesn't take into account potential backfilling at Corryong police station?---Perhaps, yes.

PN150

And it also doesn't take into account backfilling for other INI units such as the Family Violence Investigation Unit?---Yes.

PN151

Would you agree that it also doesn't take into account any emergency incidents that might occur throughout the year?---That's correct.

PN152

And it also – because of the nature of the document, it's looking into the future – doesn't really take into account any unplanned leave?---Correct.

PN153

And you were asked some questions earlier about the numbers of other ranks and the total count of the document was above what was in that other document. Recall there was the table that had the 45 other ranks?---Yes.

PN154

And that this had 55 other ranks?---Yes.

PN155

Would you agree that there were additional allocations to Wodonga police station in around the end of 2022?---Yes, well, there may have been because I do remember that year there was an issue again with purchase leave because we were getting members up from Melbourne for a week at a time to help us out in – yes, in 2022.

PN156

And as at around March or April of 2023, when this document was prepared, they're just temporary at that point, they haven't been permanently assigned to ED – sorry, to Wodonga police station?---I don't know that. I didn't know that at all, no idea.

PN157

I then want to take you to – going back to that document we were just looking at, sorry. The document that was the Chief Commissioner's instructions, so if you go back to the folder and I'll just take you to page 1480 and there's a reference there to service delivery requirements. Do you see that about a third of the way down?---Yes.

PN158

Yes, and you'll see there that it says: 'There are several inputs to rosters that must be considered to meet all the service delivery requirements'?---Yes.

PN159

And these inputs include – and they've got the three dot points:



PN160

*Minimum station profile, service demand, forecasting and other operational resourcing requirements as directed through TMC and/or DLG.*

PN161

Now, TMC, that's tasking and – you don't, okay, that's fine – and command, is it? Yes, is that - - -?---Tasking and something and divisional leadership group would be DMG.

PN162

Divisional leadership group, yes – coordination, apologies, is the C. Okay, just stopping there: in terms of the service delivery requirements, do you agree that there are those three components?---Yes, yes.

PN163

And if we take each of those components individually, the minimum station profile, if you turn to J87 – sorry, page 1486, which is a few pages over, and you'll see there that's the Chief Commissioner's instruction about minimum station profiles?---Yes.

PN164

And you'll agree that this document applies to Wodonga police station?---Yes.

PN165

And would you agree that the minimum station profiles are intended – you'll see second paragraph, the second sentence – 'Intended to insure the availability of police officers' – sorry, police resources – 'at all police stations by prescribing the minimum level staffing required for that station to ensure baseline service delivery'. Do you agree that's a what a minimum station profile is?---Yes.

PN166

And the primary focus of baseline service delivery is about responding to calls for assistance primarily?---Yes.

PN167

Now, if you turn over to page 1487, you'll see there that there's a definitions section and baseline minimum service level is in bold. It sets out that for a 24-hour police station, which Wodonga police station is, that there will be a primary response patrol function available 24 hours, seven days a week and open – and that the police station will be open and accessible to the public 24 hours a day and that there will be patrol supervisors that will be rostered to include a driver. You agree that's the baseline minimum service level dictated for Wodonga?---Yes.

PN168

And sorry, I missed the references to two up. You'll see the patrol function is to be performed two up and the watchhouse is also to be performed two up. Do you agree that is part of providing a safe service?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN169

Again, you would agree that the baseline minimum service level shifts or the BMSL shifts, they form a core part of Victoria Police's services in ED4, particularly around preserving peace, protecting life, responding to calls for assistance?---Yes.

PN170

And that it's a critical part of the police services for community safety?---Yes.

PN171

I'll then take you to page 1493. You were asked some questions about this document earlier and you were taken to page 1494, which is the minimum station profile. So if you go to 1494 and you'll see Eastern Region Division 4, second from the bottom and you'll see there's the core position FTE. So that's the core funded positions for the police station, that's correct?---Yes.

PN172

And then the MSPs, that's the minimum station profile. So that's the number of FTEs required to meet the baseline minimum service level?---Yes.

PN173

And you'll agree with me that in terms of the difference – and I'll come to those additional 10 in a moment – but in terms of the difference between 45 other ranks, which is the funded positions, and the 40 minimum service level – sorry, in order to fill the MSL shifts – that's a relatively narrow margin, the additional five?---Perhaps – look, I'm not in management so I'm not sure whether that is or not. Five to me seems a lot. But maybe it's not.

PN174

So in terms of what goes above the minimum service level, would you agree that there may be unpredictable service demands above just your ordinary responses to calls for assistance that would need to be responded to?---Yes, if you're talking like a bushfire or a major accident.

PN175

Yes?---That's what I'm envisaging. Is that what you mean?

PN176

Yes?---Yes.

PN177

And it would also include, for example, backfilling to other units, things like that – staff shortages in other units. That might be something that the additional five would need to - - -?---So backfilling what other units?

PN178

So for example, the Wodonga highway patrol – so they wouldn't necessarily come out of the – that's on top of the minimum service level for Wodonga police station?---Yes, I suppose, yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN179

There are things like proactive tasking, so having dedicated proactive tasking resources. Would you agree that sits above the minimum service level or the BMSL shifts?---Can you expand on what you mean by proactive? Do you mean a separate unit, extra two members being proactive?

PN180

Yes, tasked to a particular – for example, a person of interest type of tasking force, a taskforce, or - - -?---Not generally at Wodonga, no – we don't have a separate unit for that; not that I'm aware of.

PN181

Yes, yes. So that is in terms of Wodonga police station, something that's not incorporated in the BMSL?---Not that I'm aware. Sorry, we have general duties, we have the criminal investigation unit, we have family violence, we have the SOCIT unit, we have crime scene and we have the proactive units, which is our youth resources officers.

PN182

Yes, but in terms - - -?---That's it. That's the only units we have at Wodonga.

PN183

Yes, and in terms of the general duties resources - - -?---Yes.

PN184

- - - so like yourself, that there are no current proactive taskforces that those general duties police officers are a part of?---Not that I'm aware of.

PN185

Just turning to those emergency events that you mentioned earlier, would you accept that ED4 is a special prone to fires and floods and emergency incidents?---No, because our last fire was 2019/2020, because I was on leave and my mum was affected at Corryong so I evacuated her myself. But that's been good because we haven't had a fire for four years.

PN186

And in terms of flooding?---Floods, the last one was 2018. Wodonga isn't impacted as much as say, somewhere like Wangaratta, and we have some farmland on the outskirts of Wodonga. Wodonga is nowhere near as bad, I don't think, as to what other areas occur, happen.

PN187

And in terms of other areas within ED4 – places like, you mentioned Corryong just now?---Yes.

PN188

There are other areas within ED4 that are prone to fires and floods?---Yes.

PN189

And that when those fires and floods happen, there may be a need to allocate resources from across the division?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN190

Now, the third component – sorry I've jumped around a bit – but you might recall that when we were talking about service delivery requirements there was a minimum station profile, there was service delivery forecasting and then there were other operational requirements which we have been talking about a little bit as well. Would you agree that it's the divisional superintendent who has the responsibility to direct – sorry, with the tasking and coordination – that they are responsible for directing those tasks, so above - - -?---I'd be guided by you. I'm assuming so, if that's what they're called, the TNC, tasking combination, yes.

PN191

Okay. I want to then take you to a period in 2022 which we had – we were briefly touching on earlier. Now, would you agree that in the last few years there have been significant resourcing shortfalls at Wodonga police station?---I'm not sure. I can't answer that. To me, work's just getting busier so I don't know whether that's a resourcing shortfall.

PN192

Would you agree that long-term absences, unplanned absences, has increased in the past two or three years?---I'd say no because there's probably always been somebody on long-term leave, whether it be maternity leave or WorkCover so, look, with that you'd almost have to show me figures. I'm guessing, so I'm not sure. I'd say no.

PN193

So from your perspective, you consider that Wodonga police station is well-resourced and doesn't have any significant resourcing constraints?---The only resourcing constraint for me personally and a lot of us is that we don't get time to do our paperwork. So whether that's a resource issue – but we run – there's a van, you know. There's a 7 am van, there's a 3 pm van, there's an 11 pm van and there's often a 1 o'clock van and there's a 9 o'clock van at night so from that perspective, I don't think there's a resourcing issue. There's always at least one van on the road.

PN194

So just to pause there: the three that you just mentioned, I didn't get the times, sorry, but there were the three shifts?---Which is just your standard shifts, your 7 am, your 3 pm and your 11 pm and I'm assuming they're the BMSLs. But we also have generally a 1 pm van and there's a 9 pm van as well.

PN195

Yes?---So there's however many members on nightshift.

PN196

And would you agree that the 1 pm van and the 9 pm van – are they the afternoon and evening, is that what - - -?---Yes, yes – so the 1 pm is an afternoon shift, and the 9 pm is the nightshift members. Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN197

Would you agree that those additional – perhaps I'll come back to this in a moment. I wanted to ask you about 2022. Are you aware that the Police Association at that time – in around May – had lobbied the Chief Commissioner of Police to deploy additional resources to Wodonga police station?---Yes, I was present – there was a meeting on I think a Monday morning. Wayne Gatt was at the police station. It was in our back car park.

PN198

I might just take you to some correspondence. It's page 1865. It's in the second folder. I'm not sure if you've got that. You should have the second folder open. Okay, so this is a letter that was sent from the Police Association of Victoria to the Chief Commissioner of Police – looks to be 23 May 2022 and Mr Wayne Gatt. I think you just mentioned that he was at a meeting. Now, have you seen this correspondence before?---No.

PN199

Okay, I just wanted to ask you about some things that arise in this letter. You'll see that in that first sentence it says:

PN200

*Our members in Eastern Region Division 4 have been significantly under-resourced now for many months owing to a combination of long-term absences, sick leave and suspensions.*

PN201

Now, I know we were talking generally earlier but would you agree with that statement, that in the many months before the May 2022?---I can't – this sounds selfish. If it doesn't – so it's not something that's affecting me personally so I can't comment because I don't know what the figures were then compared to now, so if you like – I do remember that meeting because I remember Wayne Gatt saying he'd spoken to the detectives and he's never in all his career seen detectives say, 'Well, we need more members, you need to give more members to uniform'. And that was the first I'd heard of that and that was quite a significant comment for Wayne Gatt to make at the meeting. For me that's – and I, yes, didn't realise perhaps we were so under-resourced.

PN202

It then talks in the second sentence that:

PN203

*Our members at the Wodonga police station have complained about their inability to have a second backup unit rostered to support them in an environment where they are distant from backup and challenged by the complexities of border policing.*

PN204

Are you aware that members or members at the Wodonga police station have those complaints?---No.

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XXN MS LEONCIO

PN205

Was that a matter that was raised in that discussion?---Sorry, what was that?

PN206

Was that a matter that was raised at that discussion, that meeting that you just referred to?---That delegates had spoken - - -

PN207

No, the meeting that you said you attended where Wayne Gatt was present, Mr Wayne Gatt, was the complaints about the inability to have a second backup unit – was that something that was raised?---Look, I can't – I can't remember.

PN208

You'll see there if you go to the (indistinct) there's a paragraph at the very bottom that's all in capitals. And you'll see that there's the meeting of the Police Association members notes that it's repeated concerns regarding critical resourcing at Wodonga have been communicated. Sorry, just bear with me one moment. No, sorry, it's the next paragraph. If you turn over to 1866, the top paragraph, it says that:

PN209

*The meeting of Police Association members called on the regional assistant commissioner and his command to take urgent steps to support members at Wodonga and to remedy critical resource shortages that are impacting service delivery and baseline service levels.*

PN210

So is it your evidence that you were not aware of any of those critical resource shortages that are referred to there?---Look, I probably was because we are often busy so you probably put it down to resource shortages. COVID – because we were only just coming out of COVID. COVID was very quiet, I suppose. For me it was at work. So what can I say? It's like we were all – we might always be short, we could always do with more, so to speak. So I don't know what – how I explain that.

PN211

What about in terms of the reference to baseline minimum service levels? They were the three shifts that we were talking about: morning, afternoon and - - - ?---We always fill those shifts. They're always filled, the - - -

PN212

This seems to suggest that the resourcing shortages were impeding the ability to fill those shifts. Would you agree?---So I'm part-time. I work point 6. Those shifts are always filled when I'm at work so if that's – what happens when I'm not at work – I'm not always, I'm generally not aware of.

PN213

So you'll see then in the next paragraph there's a reference to:

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XXN MS LEONCIO

PN214

*Meeting of members at Wodonga notes Victoria Police policy not to work one up in both primary response and in public reception areas. We note in addition the agreement between Victoria Police, TPAV and government that sets out minimum service delivery standards. This meeting calls on Victoria Police and local management to strictly comply with those policies and those agreements.*

PN215

Again, it may be the same answer but do you agree that at that time there were concerns about compliance with the minimum station profile policy?---The one that comes to mind is the driver for the sergeant, perhaps. That's the one that perhaps at that time wasn't always adhered to.

PN216

So that means that there were patrol units with only one – it was without the driver so - - -?---So it was a sergeant, so the supervisor, yes. Sorry, they're not generally a patrol unit. He or she is a supervisor so if there's a critical incident, or if you need advice, that's what your sergeant is for.

PN217

And part of needing the driver there is again for safety?---Yes.

PN218

Okay, and it's following this period – so around the middle of 2022 – you understand that there were additional – we're talking about those additional other ranks that were deployed to Wodonga police station?---Yes.

PN219

And so do you understand that they were deployed as a result of this lobbying?---That's my assumption, yes.

PN220

And that those additional resources were intended to task the afternoon – the additional van, so the afternoon and evening van that you were referring to earlier on top of the baseline?---No, they were rostered on for any shift. It could be a day shift in the watchhouse so it was where ever the – whoever was doing the roster - - -

PN221

Yes?--- - - - I suppose rostered them.

PN222

Would you agree that following those deployments – deployments of the additional other ranks – that there was a greater capacity to fill morning, afternoon and evening shifts?---I'd be making an assumption. I really don't know. Maybe they did the day shifts and the Wodonga members may have been doing more of the afternoon and night shifts. I actually can't answer that. I've got no idea.

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XXN MS LEONCIO

PN223

And in terms of after that (indistinct) I think they were deployed towards the end of 2022. So if we just jump forward to 2023, you've got those additional staff allocated. Would you agree that there have been – there continue to be breaches of the baseline minimum service level?---Again, when I'm at work, it's always staffed. There's always – you know, on a Wednesday I'm quite often in the watchhouse. There's always two or three of us. There's always a van on the road and there's always a sergeant with a driver so again, I think there's always staff. BMSL is being met when I'm at work.

PN224

Now, I want to then turn to your application for purchase leave. I understand that you have applied for purchase leave in previous periods and have taken purchase leave in previous financial years?---Yes.

PN225

Would you accept that service delivery demand changes from year to year?---Yes.

PN226

So would you agree that if it's approved one year, it doesn't guarantee that it will be approved in the following year?---I don't know whether I can put it back on you and ask a question, because when I look at the leave roster that includes purchase leave, we're only allowed to have nine OR. Can I bring you to that - - -

PN227

If you could just answer the question that I asked. So the question that I asked was do you accept that if purchase leave is approved in one year, it doesn't guarantee that it will be approved the following year?---No, because it's an entitlement under the EB and to me, I don't think they've proved that it's a service delivery issue.

PN228

So sorry, is the answer to the question – sorry?---No, I don't agree with that.

PN229

You don't agree?---I don't agree that if they approve it one year they can't not approve it the next year.

PN230

No, my question was the opposite. So if it's approved in one year - - -?---Yes.

PN231

- - - do you agree that it doesn't not guarantee that it will be approved the following year?---Yes, yes, that's true, yes.

PN232

I want to take you to page 189. This is one of the annexures to your folder so - - - ?---That's in the first folder?

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XXN MS LEONCIO

PN233



In the first folder – so apologies, this numbering is a little confusing. But it's 1890000. So compared to – if you find the alphabet that has the four letters it should be – then if you use – yes, so that's it?---Sorry, did you say 0 - - -

PN234

0000 – so if you find - - -?---Three 0s?

PN235

Four 0s?---Bear with me.

PN236

I can hand up the document if that's easier but it's 1890000 so it should be – I'm hoping – the expression of interest form. Perhaps is there another 0 – if you look at the bottom right-hand corner?---I beg your pardon, I'm at three 0s. Sorry.

PN237

Sorry, yes?---Too many 0s. Yes.

PN238

Yes, okay. So that's your expression of interest that you submitted?---Yes.

PN239

To take purchase leave – and you'll see at the start of the form it says: 'In 2022 ED4 supported a minimal amount of purchase leave due to reasonable business grounds for non-approval'. You would agree that in that 2022 previous financial year, that it was a small amount of purchase leave – a minimal amount that was approved?---Yes, I had some. I'm not sure. I got two weeks, I think. Is that right?

PN240

But across ED4?---I don't – I actually don't know without – I'd have to look at the previous – the roster. No idea.

PN241

This talks about – in the second paragraph – as part of planning for purchase leave applications for 2023/2024, each LAC – that's for local area commander, is that correct?---Yes, the LAC.

PN242

The LAC, yes?---We call it LAC, it's the inspector.

PN243

Sorry, yes – is gauging employee expressions of interest in applying for purchase leave and you understood it was the inspector for Wodonga PSA who was going to consider your application?---Actually, no – I will admit being a police officer I didn't read that it was the LAC. I just saw that there was an expression of interest and I was very keen to fill it out because I remember the date. It was emailed and I was at work the next day and I filled it out I think that same day.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN244

Was there a purchase leave panel in 2022?---No idea, sorry.

PN245

Are you aware that the inspector in a previous financial year was responsible for approving applications?---That was inspector Paul Hargreaves, beg your pardon. Yes, because I remember him speaking to me about it.

PN246

So you were aware in the previous financial year that it was the inspector that was - - -?---Well, I would now assume, yes, because he was the one who spoke to me about my purchase leave back then.

PN247

Okay. And so now it's Inspector Henry who is the relevant LAC. And the reasons that you wanted to take the purchase leave is at no.2?---Yes.

PN248

'Allow me to play (indistinct)' – I understand that's no longer pursued?---Sorry, yes, that's the station code for Wodonga, sorry.

PN249

And then the other is the other three weeks, 'Which allowed me to spend time with my kids during the holidays, as I work a lot weekends, Saturdays, depriving me of time with my kids'. I just wanted to clarify, when you make reference to spending time with them, do you accept that when you submitted this expression of interest, you didn't state that the – your children were dependent on you as a primary carer. You needed to take that time because you were their – you needed to provide primary carer responsibilities to them?---No, no – I didn't put that in.

PN250

You agree you didn't because you're not required to provide primary care responsibilities to them?---Sorry, what was that?

PN251

Do you agree that you didn't put that in to your expression of interest because you're not required to provide primary care responsibilities to those – to your two children during that time?---I am. I'm their mum and that's why I work part-time. I'm the primary carer for my children.

PN252

Okay. But the use of the words, 'Spending time', do you see that as a distinction?---Well, yes, I could see that but - - -

PN253

I'll then just take you to – sorry, going to do this alphabet exercise again. But it's 189QQQQ, so four Qs. If you just turn two pages over that should take you to the right bit. What you'll see there is an email from Senior Sergeant Shane Martin?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN254

And that's an email from him to you on 17 May 2023 and he says that he can support a couple of weeks of purchase leave but not others. Now, Senior Sergeant Martin – do you agree that his role in this application, purchase leave application process, do you accept that his role is not the final approver?---Well, yes, when you look at the expression of interest but he is my direct manager so - - -

PN255

So do you – yes, the answer is - - -?---I would say Shane is the person that approves everything, because he's approved my long service leave.

PN256

Okay, and do you – okay. What if I characterised his role as endorsing or recommending? Is that more accurate?---No – I can see where you're coming from. The expression of interest says the LAC but he says, 'Can you resubmit the approve date'? So his email says to me he's approving them. He's approving those two weeks.

PN257

But you understand his authority, the limit of his authority is just to provide - - - ?---Maybe, because there's a manager above him, yes.

PN258

And then he says he refers you to the divisional planning office. Now, would you agree that the divisional planning office also doesn't have final authority to approve your purchase leave?---Yes, I suppose, but I did speak to them about that February week.

PN259

And they can provide guidance around when that leave might be approved but they can't say definitively that it can be taken at that time?---Yes. I mean, I could extend on that answer about what the DPO does.

PN260

Then I want to take you to 189RRRR, so I think that's just the next page. This is an email that you received from Inspector Paul Henry?---I don't have S. I go from Q to – sorry, ignore me.

PN261

Have I got my alphabet wrong? Sorry?---No, no.

PN262

It should just be - - -?---No, sorry, it was in the – it's just me.

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XXN MS LEONCIO

PN263

Okay, so this is the email that was sent from Inspector Paul Henry to you and others on 13 June 2023 and you'll see there there's references – there's a reference to reviewing serviceability to support or work units within Eastern Region Division 4 and meet the MSL and confirmation of inability for ED4 to be supported from elsewhere in the regional broader organisation. Then he goes on

to say that purchase leave applications shall not be approved in 2023/2024. You recall receiving that communication at the time?---Sorry, what was that?

PN264

You received that communication at the time?---Yes.

PN265

Yes, and do you understand that that email was later superseded by some conversations you had with Inspector Henry, which I'll take you to in a moment, but do you accept that this became superseded by other correspondence from Inspector Henry?---I'm not sure of the word, 'superseded', because I did then have a Teams meeting with him.

PN266

Yes, yes, so I'll come to that. So the Teams meeting was on 28 June 2023, is that right?---Yes, it was a Wednesday.

PN267

Yes, and in that – before that meeting, I won't take you to the reasons but you did send him some – an email elaborating on your reasons for wanting to take leave?---Yes.

PN268

You recall that? And do you agree that during the conversation with Inspector Henry you didn't provide any further reasons; the discussion was based on – in terms of your reasons for wanting to take leave it was based on the email that you had sent?---Yes.

PN269

And you then later received an email on 8 July, which I can take you to – I'll just see if it's there. Yes, if you just go a couple of pages over, 189UUUU?---Yes.

PN270

And you'll see there, this is a reference to the panel. It refers to a panel and then it says: 'The panel has not approved your purchase leave application for 2023/2024'. Now, it's consistent with what the 13 June email says but do you agree that this is – this 8 July letter is the letter informing you of the rejection, final rejection – sorry, the final decision about the rejection?---No, he had already told – I'd have to check my statement. In that Teams meeting on 28 June, he had said to me he looked at everybody's purchase leave applications and he'd taken five to the panel. Mine was not one of them so 28 June, I suppose, was when he sort of said that my purchase leave wouldn't be approved or he wasn't recommending it or – yes.

PN271

Yes, okay. Then there's a further letter on 11 July 2023, so if you just turn over to 189YYYY, four Ys?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN272

And you understand that they are – so here, there's reasons or reasonable business grounds that Inspector Henry sends to you as the reasons for rejecting your application for purchase leave?---Yes.

PN273

And you understood that – you understand that they are the reasons that Inspector Henry relies on in rejecting the application?---Yes.

PN274

Now, I'm going to take you through these dot points in a moment. Would you agree with me that if your purchase leave was approved, that the most likely scenario is that there would be a reduction of other ranks that could be used to perform general duties in Wodonga (indistinct) station?---No.

PN275

So would you agree with me that there is a very low possibility that those positions could be backfilled – your position, sorry, could be backfilled?---There's a low – no, there is – no, I disagree. Sorry, it can be backfilled.

PN276

Do you agree that – I'll come to that in a moment. So one of the issues that he's raised at the dot point is that:

PN277

*Current resourcing at Wodonga Police station is not able to satisfy or meet the full expectations of community safety and customer service demand.*

PN278

Then it goes on to talk about the additional resourcing challenges of supporting Corryong police station, INR, working out of the Wodonga police complex. Now, do you understand or do you agree that around mid-last year Wodonga police station was not able to satisfy the minimum service level, as in the baseline minimum service level at that time?---Is that in reference to when the extra members came up? Date – from that perspective, I don't know.

PN279

You don't know, okay. So there will be some evidence given by the divisional leadership team that on average there are about 15 breaches of the baseline minimum service level per month at Wodonga police station. You're not in a position to dispute that?---No, I can't. I certainly can't comment on that.

PN280

And they give evidence that it's largely due to unplanned leave: again, you are not in a position to dispute that statement?---No, yes, I can't.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN281

If we assume that there have been consistent breaches of the baseline minimum service levels and assume that there has been a significant increase in unplanned absences, as at mid-last year, would you accept that it's reasonable to expect that

those breaches would continue into the 2024 financial year?---No, I don't have a crystal ball so I don't know.

PN282

Well, assuming that there is a reduction of other ranks in the pool of resources, would you agree that a likely consequence of your purchase leave is a further reduction in baseline minimum service level shifts?---No.

PN283

I then want to take you to the next topic of Wodonga highway patrol. So you'll see the second dot point is:

PN284

*Wodonga police station will have to support Wodonga highway patrol and Corryong police station.*

PN285

Now, we've talked a little bit about the Wodonga highway patrol. Do you agree that there are – there is assigned to the Wodonga highway patrol one sergeant position, and nine other ranks?---Look, I can walk in the office. I'd have to look on their roster. I'm actually not sure. I know there's a sergeant and there's ORs but the number, couldn't tell you.

PN286

Were you aware that as at around the middle of last year, there were about five other ranks who were unable to perform operational shifts?---No.

PN287

Were you aware that there had been long-term WorkCover absences and other suspensions in the Wodonga highway patrol?---Probably but Wodonga highway patrol hasn't – if it's short it hasn't just been for the last 12 months or two years. It's been for a few years.

PN288

So you agree that there has been significant reduction?---I don't know whether it's significant but there's perhaps somebody – there only ever seems to be, like, one highway patrol unit on at one time. I'm not sure what their BMSL is. But - - -

PN289

Do you agree that there has been an attempt by Wodonga police station to backfill Wodonga highway patrol to cover those absences?---Yes, there's some time – I don't know that it's consistent. I don't know that a member from general duties is always backfilling highway patrol. But I do believe prior to going on leave there was one member there from uniform but I'm not sure. I don't know that it's every shift. You know what I mean? I don't know that it's the whole – we're not backfilling them until they're at complement.

PN290

Yes. There have been attempts to - - -?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN291

- - - to backfill. And Inspector Henry gives a projection for that financial year – 2023/2024 – that there would be a need to provide two members to Wodonga highway patrol. Are you in a position to dispute that?---Yes, no idea, sorry. Can't comment on that.

PN292

Would you agree that if you went on leave, on purchase leave, that during that period there would be a smaller pool of other ranks from which to draw those Wodonga highway patrol shifts?---No, no.

PN293

Would you agree that if there was – sorry, I understand you (indistinct) – but if you accepted the premise that there was a reduction of other ranks that Wodonga highway patrol – sorry, at Wodonga police station, would you agree that there would be less highway patrol shifts? Sorry, I might rephrase that. So if there's a smaller pool – just accepting for the moment that there's a smaller pool of other ranks at Wodonga police station that are available, given the difficulties in backfilling Wodonga highway patrol from Wodonga police station, would you accept that the likely impact is that there would be less Wodonga highway patrol shifts?---Yes.

PN294

I then want to turn to Corryong police station. Are you aware that it is gazetted to have one sergeant and five other ranks?---I'm actually not sure. I know it was at strength and the rumour – well, whether it's a rumour, you know, or Chinese whisper, I thought they were locking it – creating two extra positions. But whether that's true, I don't know. I'm not sure.

PN295

Are you aware that in the middle of last year Corryong had one sergeant and it was – there had been a vacancy and it was expected that there would be only two other ranks at Corryong police station?---I wasn't aware of what staff were there but I certainly am aware that some members from Wodonga were going up and helping out but I wasn't aware of why that was, as in whether it was because they decided they needed extra members, as in the sergeant and five. They needed another two or – I'm actually not sure.

PN296

You just mentioned that there was an additional allocation for Corryong in terms of those – I think you said two. As at around the middle of last year it appeared that there'd be – would you agree that was an intention to allocate more staff at Corryong police station?---Okay, so that was the rumour and are they – have they been allocated? I don't know.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN297

We're just looking at as at that time. So at that time there hadn't been those additional allocations but are you aware that there was a planned allocation to

Corryong police station?---Just from talk around the office – I couldn't tell you who. Somebody mentioned they were – yes, so yes, I was aware, I suppose.

PN298

And would you agree that Corryong police station and Corryong the town is remote?---Yes.

PN299

And would you agree that it is a police station where it's difficult to find candidates?---It could be but it might not be. It depends what the member's looking for. Yes, I don't know. It's a beautiful part of the world, though.

PN300

And in terms of knowing how long it would take a vacancy to be filled do you agree that you can't say with certainty how long that process would take as at the middle of last year?---If you're saying there was a position advertised in the middle of last year and they still haven't filled it, I don't know then. I've got no idea.

PN301

I didn't say that they hadn't filled it, sorry. So just stepping back, middle of last year, they know that there are going to be vacancies in Corryong. Do you accept there's no way they could know exactly when that position will be filled?---No, there isn't, but I suppose that's why they would advertise the position in the gazette and hope that they get somebody to apply. So that's - - -

PN302

And Inspector Henry had predicted that there would be a need for three staff from Wodonga police station to provide shifts to support Corryong police station. Are you in a position to dispute his prediction of how many shifts at Corryong may be required?---Again, I had no idea. I just knew some of the members that I work with were going up there for two or three shifts and staying up there, you know, maybe three days or something and they were being – staying overnight. But it was only one member from Wodonga at a time.

PN303

Yes?---It wasn't three Wodonga staff members going up to Corryong at one time.

PN304

Yes, and the likely impact of your taking purchase leave if you assume there's a reduction – I understand you dispute that there would be a reduction – but if you assume that there is a reduction of the pool of other ranks at Wodonga police station, would you accept that there would be a flow-on effect to Corryong police station in terms of less Wodonga backfill – unless Wodonga Police Station (indistinct) could backfill Corryong Police station?---So are you saying if I ultimately were to take purchase leave, that would effect management being able to fill at Corryong, because - - -

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN305



If you assume there's a reduction in the other ranks, at Wodonga Police Station, by reason of your purchase leave absence, would a likely flow on effect be that Corryong Police Station wouldn't be able to receive a backfill?---No.

PN306

It would have an impact on Corryong Police Station, would you agree with that?---It could. Do you want me to expand this to why I'm saying no to those things?

PN307

I just want to understand. So would you agree that there would be an impact?---There could be. There could be.

PN308

And it was a likely - it was likely there'd be an - - -?---It's possible.

PN309

So you don't agree that it's probable. So it might be a matter of semantics, but - - - ?---I'm not sure. I'm saying possible, I don't really know. It's a small community. I wouldn't think - I shouldn't say it like that. They wouldn't be busy like Wodonga, as long as they can - if they're filling BMSL - I'm not sure.

PN310

If there is that flow on effect and Wodonga Police Station other rank cannot backfill Corryong Police Station, do you agree that could result in a reduction in Corryong shifts?---Probably.

PN311

Okay. I then just want to talk about the INI units. You'll see that's the next bullet point. Sorry, no, it was in the first bullet point and then there's a reference in the last - sorry, I've gone back to the 189YYYY dot points, with the reasonable business ground. So you'll see there's a reference to investigation and response units and then, in the first dot point - and then you'll see Wodonga PSA, in the last sentence, after the dot points:

PN312

*Wodonga PSA will have to support investigations and response units based at Wodonga and Corryong Police Station from 17 July, following 23.*

PN313

Now, would you agree that the Family Violence Investigation Unit and the Sexual Offence and Child Abuse Unit had significant resourcing shortfalls?---I'm not sure about the Sexual Offences and Child Abuse Investigation Team, which is SOCIT. Family Violence, they've had one member off, I think, for nearly four years.

PN314

Okay?---Definitely there was another member off and he's back on a return to work program. I'm actually not sure what their complement is, what their full strength is.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN315

Are you aware that there have been request for Wodonga PSA, Wodonga Police Station, to assist FVIU, the Family Violence Investigation Unit?---Yes, because there was an email for an expression of interest for any general duties members that would like to go to any of those INI units for temporary duties.

PN316

Again, just going back to this production of the full concept, so if the - if a consequence of your purchase leave being approved is a reduction of ranks, would you agree that that would hamper the ability to support the FVIU?---Not for the dates that I'm asking for my purchase leave, no.

PN317

Okay. So I'll move then to the topic of the protracted emergency response, that's the last dot point. Sorry, second last dot point in the reasonable business grounds. Now, would you agree with me that the protected emergency response log requires the Wodonga Police Station to be a substation for 72 hours?---I've no idea. If that's what the inspector is saying I'm assuming it's correct.

PN318

Okay. In terms of - that that means - sorry, if you go back, we're talking about emergency responses, we got to a point earlier on this morning about the level of (indistinct) before, and you would agree that general duties officers may need to respond to different instances across (indistinct) accept that, yes?---Yes.

PN319

Would you agree then that the likely consequence of purchase leave is that if there was an emergency incident throughout that financial year that again the number of other ranks responding to emergency incidents would be reduced? The number of - the pool again is reduced?---Again, not for me, at my purchase leave dates.

PN320

Okay. And I might just ask you this point here. So in terms of your disagreement with the purchase leave dates not resulting in a reduction, what's your reasoning behind that?---Can I take you to the - it's purely because of the - the leave roster, the one that you supplied with the all the purchase leave dates in it.

PN321

Yes, let's have a look at that.

PN322

THE COMMISSIONER: Do you wish to tender that, Ms Leoncio?

PN323

MS LEONCIO: Yes, I do. Apologies, I haven't done that.

PN324

THE COMMISSIONER: Very well. The three page Wodonga PSA July 2023 to June 2024 roster will be marked as exhibit R1.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

## EXHIBIT #R1 WODONGA PSA ROSTER JULY 2023 TO JUNE 2024

PN325

MS LEONCIO: Yes, thank you. Now - - -?---So I obviously applied for four weeks, the expression of interest and then - there's six days, from 24 April to 30 April, where we can actually electronically apply for your purchase leave. And 3 March is when I did the expression interest and there was nothing between then and April to say, 'No, you can't have it'. I've applied for it and I've submitted it and that's when Senior Sergeant Martin may have sent me - that you can't have the three weeks in April but you can have the two weeks. Then obviously I've applied for purchase leave, that week of February, if you look at 11 February, if you go down to the number - the number of ORs that are on leave, which is nine, there's seven. But if you look at the ORs on rec leave, the ones in green means we're over, we're actually reducing our resources those times and they're not any times that I was on purchase leave. So if you say that me taking purchase leave is going to affect BMSL and police response, it's not because there's one week - two weeks where there's 11 members, three weeks where there's 11 members on leave, but I'm only asking for purchase when there's seven members.

PN326

I understand that. But do you also understand that the green highlighting here, they can't be rejected? So the timing might be rejected but would you agree that NE4, the divisional leadership team, cannot say, 'Actually we think you should take only eight weeks'?---No, but they have - they have in the past said, 'Well, we've got too many members on leave in this time', even being recreational leave.

PN327

Yes. But there's no ability to reduce the amount of total recreational leave, that has to be acquitted in this calendar, isn't that correct?---Yes, but - sorry, I - - -

PN328

THE COMMISSIONER: Will you be leading evidence on that subject?

PN329

MS LEONCIO: Yes.

PN330

THE COMMISSIONER: All right, thank you.

PN331

THE WITNESS: Sorry, can you repeat the question?

PN332

MS LEONCIO: That the - sorry, the green, let's just focus on the green for the moment?---Which is when (indistinct) has been approved, yes.

PN333

That's the recreational leave?---Yes.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN334

So it's just recreational leave?---Yes.

PN335

Now, recreational leave, I understand you have a seven week entitlement?---Yes.

PN336

But for non part-time, the other ranks, you'll see in the column on the right-hand side, the yellow tells you if it's nine or seven, but for the other employees it's nine weeks of entitlement, \ right?---Yes.

PN337

That cannot be diminished. That total number of nine cannot be reduced?---Yes, that's right.

PN338

There's no ability to reduce that, is that correct?---Yes.

PN339

So things can be moved around?---Yes.

PN340

But, ultimately, they have to - the management team have to approve that number of - sorry, has to give that amount of leave, do you agree?---Yes.

PN341

Now, do you understand that purchase leave, they do not necessarily have to grant?---On reasonable business grounds, yes.

PN342

On reasonable business grounds, yes?---Yes.

PN343

So there's a distinction, do you agree with me, between green and blue, and the blue is the requested purchase leave?---Yes.

PN344

That can be rejected? That can be rejected, yes?---Yes.

PN345

So when we're looking at the calendar, would you agree with me that this maximum permitted, at the bottom, is really about how do we fit in this nine week in time across the calendar year? It doesn't necessarily mean our service deliver is going to be reduced at that point in time?---It won't be reduced.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN346

But it is because you've got less members?---Look, maybe I'm not understanding, so, for example, the two weeks in April that I've requested, there's seven members on leave, which is the school holidays. If I was to have - it's six shifts for that fortnight, but then the first week that school is back there's 10 members on leave. Well, perhaps you could say to one member, 'Well, you can't have that

weeks' leave, you need to push it back', so therefore we've got nine members on leave here.

PN347

Yes, but the number of the maximum permitted - - -?---But they're still getting their nine weeks' leave, they're just having to move it by a week.

PN348

Yes. Yes?---That's all I'm - that's my - - -

PN349

I know, and there's no way in which Victoria Police can say, 'We're going to say you can't take that leave because our service delivery requirements will not be met'. So they can move it around so that particular periods have less of an impact, but it doesn't mean just because we're looking at one column where there are the maximum permitted, the maximum permitted does not necessarily mean that service delivery is not impacted. Do you accept that it can be impacted, that's the difference between green leave and blue leave? You can't necessarily - - - ?---Sure. I'm saying that if you've got more members than you should it's going to effect service delivery, whether it's their entitled recreational leave. That's how I - that's my point. That's what - - -

PN350

Yes. So this is the - the main focus of this document though, would you agree, is about trying to fit in the nine and seven week entitlements into the calendar year?---Yes, definitely.

PN351

So any - and there's an attempt to provide an even spread across the calendar year?---Yes, because we don't like to take - - -

PN352

Yes?---You know, if you had Christmas off last year, don't put in for it this year. 'We like you to take three week blocks', things like that. That's just - that's what the requirement is - well, it's what comes out in the email and things like that.

PN353

Yes. But would you agree with me that - so if - I mean there are instances where they've had to (indistinct) these red - I'm not sure if it is, your copy should be highlighted, but the red highlighting, they had go above that maximum. So there's a maximum permitted, we have to go above that because we cannot say no to this leave and there's no (indistinct). So there are certain periods when they have to go above it?---Look, I don't know that I necessarily agree with you. I, you know, because I think members have been told to change their leave dates before.

PN354

Okay. But looking then for the weeks that you wanted to take leave?---Sorry, my purchase leave or recreational leave.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN355

Your purchase leave. So if you look at that April period?---Yes.

PN356

Week starting the 7th, week starting the 14th, week starting the 21st?---No, starting, is it the 31st. 31st is the Sunday.

PN357

Sorry, have I got the wrong - I think I've got the - I've got - yes, you're right, sorry. 31st. So, yes, 31 March, 7 April, 14 April?---Yes.

PN358

So that's currently blue?---Yes.

PN359

Now, you would agree with me that that - shading that blue means that there will be less other ranks in that week than if you were available? So putting this blue here, approving that absence, that means that there are, for that week, less other ranks?---Just looking at that week compared to other weeks, sorry?

PN360

No, no, no, just looking at that week. So I'm looking at the difference between your purchase leave being approved and your purchase leave being rejected?---Yes.

PN361

So you would agree with me that if your purchase leave is approved, and the blue highlighting is there, then there's a reduction of other ranks that can be rostered?---For those two weeks?

PN362

For that week? For those three weeks?---No, sorry. The third week, Senior Sergeant Martin sent me an email, on 17 May, not supporting it, and there was already 10 other ranks on leave, that would have made 11. I understood that. But when you're allowed to have nine ORs on leave at any given week - - -

PN363

Yes, but I just want to deal with the mathematical question of if you put the blue highlighting there, that's a reduction of one less resource. Forget about the maximum permitted, that's one less resource?---Yes. And I need to say, it's for six shifts in that fortnight. It's not 10 shifts, it's six shifts.

PN364

Okay. And you would agree with me that there's no sense of spare resources. So if they're available, so if you're there there, there's not a kind of surplus (indistinct) resources that are not being utilised?---Well, I don't know. Because if I look at it, and I don't know where it is in the folder, when you look at the numbers we've got, including ORs and sergeants, didn't we have 10 extra ORs than what we were meant to? So, to me, we're above strength.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN365

But what I'm asking is, in terms of that reduction, you would accept that when you're here as available it's not like there are - like that will actually reduce shifts, or - it's not like there's fat in the system, when you're actually rostering?---It's hard. I don't want to go around in circles, because I understand what you're saying, but for the two weeks that I was on purchase leave we've got more members available than we have in other weeks.

PN366

Yes. Yes. But I'm just asking you to put that to one side, for the moment?---I'm struggling with that, sorry.

PN367

Yes. So put the maximum permitted to one side for a moment, because all I want to understand is when we're talking about staff reduction, in absence, so the leave period, the absence, there are actual - it's not like the roster is filled. Someone, either on rest day, there's a way in which all of those resources will be utilised, it's not such that we have spare resources?---Well, I don't know. He's given the figures, we're above strength. So I'm saying we must have extra.

PN368

But just - so that's just looking at minimum station, I think you're talking about above minimum station where you are?---Minimum station is 45 to 55.

PN369

Yes. So you accept we meet - you would accept the premise that service delivery is not just about minimum service station profile. So when I say there'll be - those resources will be tasked, it may not be the member's station profile, but it may be to other service deliver requirements?---No.

PN370

It's not that they are not utilised is what I'm trying to understand?---So you're saying if I was still there that they might be able to put a (indistinct) unit and go and do - is that what you're saying?

PN371

I'm trying to put to you that there's no concept of a spare resource. That if you're available, as per this matrix, that you will be either utilised in a shift at Wodonga Police Station or there will be a rest day, however the thing is put into the rostering system. It's not a spare - you're not a spare resource?---I'm really not sure that I can answer that, because when I was in at work in early January there was a couple of guys in plain clothes. So for us to have members going out in plain - when I say 'plain clothes' just that you can - - -

PN372

Yes?---We've got extra staff if we can do that.

\*\*\* JULIE ANNE MORRIS

XXN MS LEONCIO

PN373

THE COMMISSIONER: Ms Leoncio, I'm finding this incredibly repetitive. Apart from the second last question there hasn't been anything new for the past hour.

PN374

MS LEONCIO: Yes, okay. So what - if we then assume that there is a reduction in the services that I took you through, in terms of the reasonable - - -?---Yes.

PN375

So the highway patrol, Corryong Police Station, if we agree that there is a reduction, would you agree that that has - sorry, a reduction in those services - sorry, Wodonga - - -?---Probably. It could. It may.

PN376

And that would be a negative impact on service delivery?---I don't think so, because we always seem to be able to get a crew on the road. There's always a unit.

PN377

But if there's one less would you agree that that's a negative impact?

PN378

THE COMMISSIONER: Ms Leoncio, this is what I was talking about.

PN379

MS LEONCIO: Okay.

PN380

THE COMMISSIONER: You've put these questions every possible way. The answer has been the same.

PN381

MS LEONCIO: I'm now asking questions about the flow on effects.

PN382

THE COMMISSIONER: Well, I don't see the need for them.

PN383

MS LEONCIO: Okay. Okay. Thank you, Commissioner, they're my questions.

PN384

THE COMMISSIONER: Sure. That concludes the questions?

PN385

MS LEONCIO: Yes.

PN386

THE COMMISSIONER: All right, thank you. Mr Gome?

**RE-EXAMINATION BY MR GOME**

**[12.18 PM]**

PN387



MR GOME: Thank you, Commissioner.

\*\*\* JULIE ANNE MORRIS

RXN MR GOME

PN388

Can I take you back to page 1494 of the document that talks about core funded positions for Wodonga. I just want to tidy up - you've been - take your time, it's 1494. I just want to tidy up some of the loose threads from where you were taken to in your cross-examination. All right. So have you got the line there that we were looking at earlier, with Wodonga - Uni Wodonga 24 hour with shifts?---Yes.

PN389

And you were taken to the second column along, being 45 ORs, other ranks, as core funded full-time equivalent positions, yes?---Yes.

PN390

So that's the gazetted strength, or the full strength of Wodonga Police Station, isn't it?---Yes.

PN391

And Ms Leoncio also clarified that in addition to being at full strength, the 10 additional other ranks, which were despatched to Wodonga Police Station in 2022, in response to the exchange of letters between the Association secretary and the Chief Commissioner of Police, those additional 10 members are also still at Wodonga Police Station, aren't they?---Yes.

PN392

Yes, thank you. And if we go across to the next shaded column. So, hang on, if we go from the number 45, one two three, if we go four columns to the right, and we're now in the MSP, the minimum station profile part of the document, can you see the - at the very top, the heading 'MSP'?---Yes.

PN393

And do you understand that that figure, that figure of 40 represents? What that number - - -?---Is that the ORs?

PN394

Yes?---I'd assume that's the minimum staff we need to operate.

PN395

Yes, that's correct. Thank you. Ms Leoncio introduced the expression 'fat', in the roster, so we've seen the absolute number that's required at Wodonga Police station to meet base line minimum service levels is 40 ORs. We've seen the core funded positions as 45 and we've seen 10 additional police resources as additional fat in the roster. Can I ask you about the divisional planning office?---Yes.

PN396

How many - how large is it?---There's a sergeant and an OR.

PN397

Only - - -?---Two. Two members, a sergeant and other rank.

PN398

And that's the entire divisional planning office?---Yes. Yes.

\*\*\* JULIE ANNE MORRIS

RXN MR GOME

PN399

Where is that office located?---It's upstairs, next to the inspectors office.

PN400

And you were asked this before, but I just want to clarify your answer. The divisional planning office produces rosters for - - -?---They do Wodonga and I'm not sure whether they do the 16-hour stations in our cluster, or whether those members do it and send it the DPO, I'm actually not sure.

PN401

But the result is a roster like the one that we have marked as R1, the roster for 1 July 2023?---Was that the leave roster? This one that was produced?

PN402

No, no. The green - the coloured one?---This one. Yes, they produced that. Sorry, Daniel Brain is the OR, he's been doing it for quite a few years, so he's certainly - to me he's all over it, he knows how to roster people who want to. We were lucky enough to work at twilight shift on New Year's Eve - - -

PN403

This annual leave roster includes different types of leave on it, doesn't it, not just recreational leave?---Yes. So I can see there's maternity leave, WorkCover member, somebody's at Highway Patrol, maternity leave.

PN404

Keep looking. What other forms of leave? You've mentioned it yourself, you're taking, in February?---Long service leave.

PN405

Long service leave appears on there as well?---There is. Yes, there's a lot there, sorry.

PN406

So would you agree that - actually, would you agree that some types of leave that you've just mentioned are able to be applied for and planned for in advance?---Yes. Long service leave, I think it's a minimum of three months notice, but certainly - - -

PN407

Yes, and purchase leave is another example?---Again, there's been a request recently about what leave we'd like for the new financial year coming up, and that includes purchase leave.

PN408

Yes, and recreational leave?---Yes, recreational leave and purchase leave.

PN409

Yes. And the other examples that you've cited, WorkCover and parental leave, for example, can be included once that - once the circumstances that have given rise to an entitlement for that leave had been created?---Yes.

\*\*\* JULIE ANNE MORRIS

RXN MR GOME

PN410

Thank you. When ORs go on leave, let's say recreation leave, are the positions backfilled?---No.

PN411

When they go on long service leave are they backfilled?---No.

PN412

When they go on purchase leave are they backfilled?---No.

PN413

When they go on any type of unplanned leave are they backfilled?---No.

PN414

How many shifts of purchase leave have you applied for?---So are we doing it applied for four weeks, which is 12 shifts.

PN415

And currently?---Well, currently I've got none, but it's now reduced to six shifts for that two weeks in April, because I've applied for long service leave for February.

PN416

So how many purchase leave shifts are you currently pursuing?---Six. Six shifts.

PN417

Thank you. No further questions, Commissioner.

PN418

THE COMMISSIONER: All right, thank you, Mr Gome. Thank you, Ms Morris, you're released and free to go as a witness, so thank you.

<THE WITNESS WITHDREW

[12.26 PM]

PN419

THE COMMISSIONER: So, Mr Gome, that brings us to Mr Jones, is that right?

PN420

MR GOME: Yes, that's correct, Commissioner.

PN421

THE ASSOCIATE: Can you please state your full name and address?

PN422

MR JONES: Timothy Dale Jones, (address supplied).

<TIMOTHY DALE JONES, AFFIRMED

[12.28 PM]

EXAMINATION-IN-CHIEF BY MR GOME

[12.28 PM]

\*\*\* TIMOTHY DALE JONES

XN MR GOME

PN423

MR GOME: When you're settled, Senior Constable Jones, if you could take the first folder, and I hope it's the one on top, and I would like you to have a look at page 176, which should be the statement that you've prepared for this proceeding. Do you have that in front of you?---I do, yes.

PN424

Are all the attachments there as well, I think there are four attachments?---I've got up to three, I think.

PN425

Yes. I think you'll find that page 182B is actually - - -?---Sorry, yes.

PN426

That's also an attachment, they go back to back. All right. So your statement was made on 17 November of last year?---That's correct.

PN427

Are there any changes that you would like to make to that statement?---Yes. Just on - there's a section where I mentioned that we only do up to 30 hours of availability a fortnight.

PN428

Sorry, can you find where in your - the paragraph number, and then we can all make the amendments, as required?---That's on paragraph 17. So there should be up to 40 hours and that was when there was two members on leave, out at Mount Beauty.

PN429

So we're changing 30 to 40?---Yes. And that's when there are two members - - -

PN430

And we're clarifying when two members are on, I believe?---Yes, that's correct.

PN431

Thank you. Is there anything else?---No, I don't think so.

PN432

I would like to - I'd like to show you a document, it's the annual leave roster at 1 July 2023, which I have selected from produced document 7. So were given the entire leave roster for ED4 and I've just taken the - the relevant cluster. So if you wouldn't mind, in your own words, just describing the document and the relevant sections of it, for the record and for the Commission?---Yes, sure. So I work within a cluster of four different stations, three of which are 16-hour stations, that would be Bright, Myrtleford and Mount Beauty, and a single member who is from Dederang. This is a snapshot of the whole year's recreational leave, including

there's some snow deployments as well, and long service leave, across the stations. There's a section where it says that there's a vacant position at Mount Beauty, that's not correct, we're actually fully staffed, with the exception of Senior Constable Mason, who is on WorkCover.

\*\*\* TIMOTHY DALE JONES

XN MR GOME

PN433

Thank you. Can you explain the - so let's go to your station, Mount Beauty. If we go to the coded, sorry, the shaded, orange shaded line, can you explain how that works, in practice, at Mount Beauty?---Yes. So that's relating to how many members can be on leave at one time. So it's saying there's a maximum of one for each week. I don't think there's anywhere - so there's two in some weeks though, so like in February and April and, as I say, long service leave, of course, in there as well, some double ups.

PN434

Is there anything else that you'd like to add?---I suppose like we tend to work in conjunction with Dederang, so we're trying to offset the - who's on leave so we don't have like too many members our at Mount Beauty and Dederang, so we've got a - I guess an informal rule, where there's no more than two members from Mount Beauty and Dederang on leave at a time. That's for the shift, like the planning of it. So we kind of work that out between us, at the start of the year.

PN435

What happens when members are on unplanned leave, for extended periods?---For an extended period? Well, nothing really. So we haven't been backfilled for anything. Before I arrived at Mount Beauty there was only two members and since then we've had the three of us start. Dederang didn't have any members at all for two years, because he was on WorkCover. Yes. Like if there's a shortfall what tends to happen is that there will be an extra member who can cover like availability from a different station, if it's like in a short-term sort of issue, like we've got one shift where we can't cover availability from Mount Beauty, then there'll be like somebody from Bright or Myrtleford will take over that.

PN436

THE COMMISSIONER: Mr Gome, I'm just looking at the table, which is set out at page 1494, I can't find the name of that second town, can you just clarify what that is, please? Dederang?

PN437

MR GOME: Sorry, I beg your pardon, Commissioner?

PN438

THE COMMISSIONER: Where's Dederang?

PN439

MR GOME: Okay. It won't be in this document, because Dederang is a single member station, Commissioner, and the Chief Commissioner's instruction doesn't apply to single member stations.

PN440

THE COMMISSIONER: Okay. If I got in my car this afternoon, where would I find it? Where is it?

\*\*\* TIMOTHY DALE JONES

XN MR GOME

PN441

MR GOME: Located geographically?

PN442

THE COMMISSIONER: Yes? Can you help me?

PN443

MR GOME: Actually, I think it's - - -?---Yes. Sorry. It's between Mount Beauty and Wodonga, along the Kiewa Valley Highway. It's about half an hour from Mount Beauty.

PN444

THE COMMISSIONER: Okay, that's all I need.

PN445

MR GOME: I think there is a map, Commissioner. It's not - Superintendent Arbuthnot has got a map of the area.

PN446

THE COMMISSIONER: I was being a bit (indistinct). Thank you, please go on.

PN447

MR GOME: Thank you.

PN448

THE WITNESS: Sorry, what was I looking at?

PN449

MR GOME: Sorry. You were explaining the informal arrangement between the single member station of Dederang and - - -?---Yes. So when our sergeant is on leave at the moment what they tend to do is they ask the Dederang member, LAC Johns, he comes across and he's upgraded at Mount Beauty to cover that. So like for example, I think, in February where we've got two members on leave, Sergeant Kelly and Senior Constable Bath, Peter Johns is actually coming across to do the upgrading instead, so we'll have three members again, and that's how they kind of keep that going. That being said, when I was doing the roster for it I only rostered for the two of us.

PN450

Where are your rosters created, do you know?---So I make them and we've got a matrix that does the whole cluster, so we've got specific shifts that we cover, in relation to availability and then we've got other shifts that are like backup shifts, I suppose, so like if we have a second member on the van, or - but they're not like a required - you know, for the cluster we don't require to have them because we've already got that single car that covers the actual cluster. So say when we get called out on availability, we've only got one response that is actually on duty, sorry, on availability, and they cover the whole cluster.

PN451

Sorry, I should have specialised my - refined my question. The leave roster, where is your leave roster created?---It goes - so we - I'm just about to go through this process. We create it at the station and then we send it to the DPO, via our senior sergeant.

PN452

And where is the DPO?---At Wangaratta.

PN453

At Wangaratta?---Yes.

PN454

Do you know how many people are at the divisional planning office?---At the moment I think it's just one and she's part-time, yes.

PN455

So one at Wangaratta?---Yes, and I think there's two at Wodonga.

PN456

And two at Wodonga?---Yes. I don't know the interactions there or whether or not they cover Wangaratta or not, I'm not sure.

PN457

So there's a divisional planning office at Wangaratta and there's also one at Wodonga?---Yes.

PN458

And your rosters in the Wangaratta PSA are produced out of the Wangaratta office of the divisional planning office?---Yes. For the - so for the leave roster, yes. I guess everything - the way that it kind of works for the Alpine cluster is that we create it and then the DPO approves it. So we work it out amongst ourselves and then put it into like the rostering tool and then they go, 'Yes, no worries'.

PN459

All right, thank you?---No problem.

PN460

I'd like to tender the statement and the version of the cluster roster.

PN461

THE COMMISSIONER: The witness statement of Timothy Jones, with four attachments, will be marked as exhibit A3.

**EXHIBIT #A3 WITNESS STATEMENT OF TIMOTHY JONES PLUS  
FOUR ATTACHMENTS**

PN462

And the cluster leave roster will be marked as exhibit A4.

## **EXHIBIT #A4 CLUSTER LEAVE ROSTER**

PN463

Again, Mr Gome, if you could provide that in soft copy, please?

\*\*\* TIMOTHY DALE JONES

XN MR GOME

PN464

MR GOME: Yes, Commissioner.

PN465

THE COMMISSIONER: Thank you.

PN466

MR GOME: Thank you for reminding me.

PN467

THE COMMISSIONER: Thank you, Ms Leoncio?

### **CROSS-EXAMINATION BY MS LEONCIO**

**[12.41 PM]**

PN468

MS LEONCIO: Senior Constable Jones, you commenced employment with Victoria Police in 2018, that's right?---Yes, I think so.

PN469

And you are a full-time employee, that's correct?---I am, yes.

PN470

Do you agree that you're entitled to nine weeks' of recreational leave each year?---Yes.

PN471

And you are employed as a general duties officer, is that correct?---I am, yes.

PN472

Do you agree that, as a general duties officer, you are rostered onto those patrol shifts that you were referring to in your evidence earlier?---Mm-hm.

PN473

And that is in respect of the response zone for Mount Beauty?---That's correct.

PN474

As well as for other stations within the Alpine Cluster, is that correct?---Yes, that's right. Yes.

PN475

Just to confirm again, so the Alpine Cluster is Bright, Myrtleford, Dederang and then there's the seasonal stations of Falls Creek and Mount Hotham, in addition to Mount Beauty of course?---Yes. So there's Mount Beauty, Bright, Myrtleford and Dederang, yes, and then, yes. So for Falls Creek and Mount Hotham, I think it's from around about June until end of September.



PN476

Yes. Okay, and you said that you had a role in preparing the annual leave rosters, that's correct?---For this year I have. Sorry, for the next financial year, we've just gone through that process again.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN477

But not for the previous financial year?---Well, no, it was kind of already set and I just fit myself in as I went through, yes. It's a very informal process.

PN478

Now, I take, from your evidence, that you were not part of the divisional leadership team in 2023?---No.

PN479

And agree also that you weren't in the regional leadership team?---No.

PN480

Would you agree that the members of the regional leadership team and the divisional leadership team that they would have a more detailed understanding of the resources - resource and challenges in ED4?---Sorry, when you say 'divisional leadership team', who is that?

PN481

So in terms of the - so I understand there's the inspector for the Wangaratta PSA?---Yes.

PN482

Now, do you agree that they are part of the divisional leadership team?---Well, actually, I don't know the terms and, yes, I'm not party to it, so I wouldn't know.

PN483

Yes, apologies. So the divisional leadership team is both the superintendent, Superintendent Arbuthnot, and the Inspector's (indistinct)?---Okay, then the regional would be across eastern region, I take it?

PN484

Yes, eastern region, yes?---Okay, no worries.

PN485

Yes, apologies. And you would agree that those two leadership teams have a better understanding than you do about the broader resourcing challenges to ED4?---Yes.

PN486

And also in terms of how those allocations, sorry, how those resources should be allocated?---Across the whole - - -

PN487

Across the division?---Sure, yes.

PN488

Would you agree that they would have a better understanding of the impact of vacancies in a particular unit or station and how that impacts the rest of the division?---I guess - well, now, because they're not working the shifts. I see where you're kind of going with the question but it's - say, if we had a shortfall, I don't think that they usually like look at how it plays out day to day. It's like they've got a certain amount of shifts and they expect that to be covered, but when it comes to actually filling those shifts, I don't think they have a huge knowledge of what that is.

PN489

In terms of the inspector, the local area commander, who is responsible for Wangaratta PSA, would you agree that they would have a better understanding?---They'd have access to more information but I - it's difficult because while I've been at Mount Beauty I think I've had four or five different inspectors coming through and they come through for a short period of time, then they leave and then they come, you know, as leave is kind of required. So I think a lot of the time they're kind of trying to catch up so they might - no, I don't know whether or not they would actually have a better knowledge of what that - that impact is. Sometimes they don't even know where the stations are or, you know.

PN490

Okay. So in terms of absenteeism, so in to the extent that there's absenteeism in clusters or across portfolios and across the division, would you agree that the divisional leadership team will have a better holistic oversight of the impact of absenteeism across the region?---Yes. I guess, yes.

PN491

Would you also agree that they would have a more detailed understanding of the service delivery requirements across the division?---Yes. I think they've got like a spreadsheet of how many shifts they're supposed to fill, yes. Yes. How many members are required to do that, yes.

PN492

Yes, okay. Now, in terms of the number of employees that are stationed at Mount Beauty Station, do you agree that its one sergeant and four other ranks?---Yes.

PN493

And one of those other ranks is 0.89 FGEs, is that correct?---I couldn't - I don't know anything about that, sorry.

PN494

Would you agree that as a total figure five is a relatively low number, as a total figure, in terms of the number of resources?---Yes. Yes.

PN495

Would you agree that given that low number that one member, the absence of that one member can have a significant impact on that station?---Not really, because I

mean we all take leave anyway, so it's like if there's one member missing all the time, then that's the standard, yes. Like I - we would notice if there's three people missing and they're missing for a long period of time, or two people missing and they're missing for a long period of time. As, you know, like before I arrived, long periods of no backfill both for Dederang and for Mount Beauty. I think there was a gap of a couple of months between when I arrived and when the position I was filling was there. Then like everything kept going.

PN496

In terms of that long-term absence that you just referred to, would you agree that that has a significant impact on resourcing?---What do you mean 'impact'?

PN497

Well, less - in terms of that one person being absent for such a long period of time, has that meant that there's much less shift flexibility? So you've got one less resource to - - -?---Well, no, because I mean when we're all there there's a maximum of two people on leave, so by Senior Constable Masden not being present, then we've just reduced it to one on leave. But then at the same time it looks like that hasn't occurred for a couple of weeks anyway, so, you know, we've made things work. I don't think there's been a - like a really noticeable impact that we haven't had enough members to fill shifts that we haven't been able to cover.

PN498

Now, in terms of the rostering, I understand it's a (indistinct) so does that mean that there is one response unit that is resourced from the outlying cluster?---Yes, that's the minimum, yes.

PN499

Then there's also an attempt to roster a shift so that each - sorry, each police station within the cluster, where possible?---Yes. So the station traditionally was one sergeant and four, and the reason for that was that they would have the one car out in the morning and one car in the afternoon. Then when it went to the modern award, where it's a two up patrol, no extra members are provided so it got reduced. So it's not, I guess, has happened across the board where it's not a traditional 16-hour station anymore, it's kind of when somebody's available they're available. When we can we're rostering an additional car. Usually that car could be a one up response or sometimes it's, yes, we try and make it two.

PN500

In terms of that two up policy, that's to ensure member safety, is that correct?---Yes. But, again, we roster one up frequently. I think we've got an exemption for that, I'm not sure where it is.

PN501

Is that in respect of Mount Beauty, in particular, or across - - -?---No, it's all 16-hour stations, yes. So in Moira Cluster, which is like the other side of Wangaratta, they do their availability like, I think it's (indistinct) one member from one station and another member from another station and they meet up together. Whereas we tend to do two members from a single station for availability. So we'll work an afternoon van shift, finish at either 11 or 1 pm, and

then work availability overnight and then start again 10 hours later. That's the way that our kind of roster model works.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN502

And in terms of what you're saying about the one up response, so is that the way in which you will frequently have to resource those response units?---It's not unusual to do it.

PN503

Sorry?---It's not unusual to do it, no.

PN504

In terms of Wangaratta Police Station, is that the closest 24-hour station to Mount Beauty?---No, Wodonga is, but we're part of the Wangaratta PSA.

PN505

Sorry, that's the 24-hour station for the Wangaratta PSA?---Yes, that's correct. Yes.

PN506

Do you agree that the Wangaratta Police Station, it takes about an hour and a half to travel - - -?---Yes, it's about the same as what my commute is, yes.

PN507

Would you agree that it doesn't - it's fairly practical for a purchase leave absence to be backfilled by a one member, uniformed member?---As in like put somebody to come across?

PN508

Yes, to backfill, from - give the distance, would you agree that that's - - - ?---Well, I mean I chose to do it. If somebody's looking for experience within Alpine, which is the tendency for people coming up to that area, then it's an opportunity for them. If they wanted to do it, yes, they would. Yes. Like I, when I was at - I was stationed from Wangaratta, I put in an expression of interest to go to Mount Beauty, if they wanted me to, during that period and that didn't go anywhere.

PN509

And you can agree that that distance can be - can be subject to fatigue, the commute?---Yes. It can be, yes. That's part of my application, yes.

PN510

Then in terms of - we're just talking about the movement or the resourcing within the cluster, do you agree that you can be deployed to other parts of Wangaratta PSA?---As in like during the shift, or prior to - when would I be deployed?

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN511

For example, in an emergency incident or - there is a movement of resources to plug gaps across the division, would you agree with that?---Well, I suppose,

theoretically it's possible, but I - there was one shift that they asked me to cover, from Wangaratta, back when I first started, and from that period on they haven't asked me to do it ever again, because it was just so impractical to get me back to Mount Beauty for the next shift. So they haven't asked to fill the MSL ever, apart from the fact when we do 251 shifts with my sergeant. So when we do that then there's two of us on.

PN512

Yes. I want to just turn to your application for purchase leave. Now, in terms of previous periods, or previous financial years, would you agree that if a - service delivery - service demands can change from year to year?---Yes.

PN513

Would you agree that if purchase leave is approved for, say, last year, it doesn't necessarily guarantee that you will have your purchase leave approved this year?---Evidently, yes. Yes.

PN514

Now, I'll just take you to your application, that's page 180A of the book. You might have it just on the next page to where you're at, but 180A should follow 180?---Yes.

PN515

The dates that you have applied, so this is your application for purchase leave on (indistinct) is that correct?---Yes, that's correct, yes.

PN516

And you had applied to take purchase leave on 10 March to 23 March and then 5 May to 18 May, that was the original application?---That was the original application, yes.

PN517

And you'll see there, there's some - it's cut off, I think, in terms of the reasons for the request, that's up the top there. Do you agree that part of the reason that you applied for purchase leave was to ensure you had a break in the first half of this year, 2024?---Yes. That - yes.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN518

That's because you had taken a lot of the recreation leave when you originally applied, you had planned to take your recreation leave around November/December?---Yes. I guess - so the way that it probably worked out is my wife and I, who was a senior constable at Wangaratta, she's now moved to Shepparton, we had kind of organised to have some time off for our wedding and our honeymoon and we were going to do a big block to kind of do it all together and we'd organised that kind of around about January of the year before, we'd spoken to them about it, because we hadn't, essentially, taken any time off at Christmas ever. So when like the previous year, because I'd applied for four weeks purchase leave the previous year as well, and the negotiation took place for that was, 'We can't give you four weeks this year, we can give you two, but next

year it will hopefully be better', that was the previous inspector, who has now retired. So as a part of that kind of negotiation, we thought well, if we're kind of more likely to get it next year, these are the dates that we're looking at for our honeymoon and our wedding, and then we've got that sort of informally approved, I guess, with Colleen Sherridan, who was in the DPA, and it got put down on the leave roster, as at that point as long as it worked with everybody else. And it was after that that I then moved to Mount Beauty, in February of last year, and I kind of carried that on while I was at Mount Beauty, I had a bit of a negotiation with the members there because some of them had applied to take time off around Christmas. As a result of that, I think one of the other members has taken - he took long service instead of recreational leave during that period of time. So when we were looking at it, we were trying to do everything holistically and not stuff anyone around, basically.

PN519

In terms of the leave in the second half of the year, I understand your recreational leave dates were altered in the end?---Yes.

PN520

So you now have recreational leave planned for March, is that correct?---Yes. So what happened was I had two weeks in the first half and, considering my experience last year, I'd applied for four weeks, expecting that it may get negotiated down to two, just because that's kind of how it tends to work, at least that was my one experience of how it actually worked was you'd end up negotiating down to two. So I separated that out for that first period and I then moved, I think, a week from August maybe, into March so that would be the leave that I would be applying for.

PN521

Okay. And do you agree now that you do have that break in that first half of this year, that you had originally wanted in the form of recreational leave, you (indistinct) purchase leave?---It's not enough, no. So my, I guess, the first six months last year I was pretty exhausted because we went from all the snow straight into summer policing and I'd only had that one week off in the middle and looking forward, going from kind of now, where I've come back, two weeks ago, with only one week off between now and September, depending on what happens with the leave next financial year, like that's all I'd really be getting and, yes.

PN522

Okay. So it's just the remaining dates are then the May dates, those two weeks in May, that's - - -?---Yes, that's correct, yes.

PN523

- - - subject to - - -

PN524

THE COMMISSIONER: Ms Leoncio, would it be appropriate to take lunch now?

PN525

MS LEONCIO: Yes, definitely.

PN526

THE COMMISSIONER: Okay, so we'll break until 2 o'clock. Thank you.

**<THE WITNESS WITHDREW [1.00 PM]**

\*\*\*

TIMOTHY DALE JONES

XXN MS LEONCIO

**LUNCHEON ADJOURNMENT [1.00 PM]**

**RESUMED [2.04 PM]**

**<TIMOTHY DALE JONES, RECALLED [2.04 PM]**

**CROSS-EXAMINATION BY MS LEONCIO, CONTINUING [2.04 PM]**

PN527

THE COMMISSIONER: Thank you, parties and Senior Constable Jones, thank you.

PN528

MS LEONCIO: Senior Constable Jones, when we finished up before the break we were talking about your applications for purchase leave?---Yes.

PN529

And I want to then to take you to an email that you received, at page 181 of the court book in front of you. So this is an email that was on-forwarded to you by Senior Sergeant Dave (indistinct) and the email, at the very bottom, is the email from Inspector Paul Henry. Now, this email refers to purchase leave applications not being approved in the 2023/2024 financial year. Now, did you understand that - sorry, I withdraw that. I understand you later had a conversation with Acting Inspector Joel Hughes, do you recall that?---Yes.

PN530

Then you had an email, which I'll refer to later, that was sent to you on 14 July 2023?---Yes. I think that formal rejection, it was, yes.

PN531

Yes. Do you accept that that was the communication of the decision to reject your application, the 14 July email?---Well, I took this email to be my rejection, on 14 June, that's the one from Paul Henry.

PN532

Yes, that's correct?---Yes, I assumed that was the rejection.

PN533

Yes. Then at a later point in time did you understand that the later email - - - ?---Yes, only after Joel came out and spoke to me, yes.

PN534

And did you understand that this 14 June - well, 13 June is the date of the email from Mr Henry, but did you understand that that email was sent in error?---I've been told that, yes.

PN535

Then if you just - if I can just refer you to the meeting with Acting Inspector Joel Hughes?---Yes.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN536

So that occurred on 22 June 2023, is that correct?---Yes, I don't know the specific date but, yes, it would have been.

PN537

I might just note that at your statement, paragraph 8, which is page 177, I expect that's a typo, the 2 June reference, is that correct?---Yes.

PN538

Okay. So the date of that meeting was 22 June?---Yes, sorry.

PN539

All right. Now, in that conversation that you had with Acting Inspector Hughes, you understood that the purpose of the discussion was about whether or not your purchase leave could be approved?---I think it was one of the reasons why they thought it was going to be rejected but, yes. Yes.

PN540

So in that meeting did Acting Inspector Hughes indicate that it was likely that your purchase leave was not going to be approved?---Yes.

PN541

And he raised long service leave as a potential option?---Yes. That's correct, yes.

PN542

And you said you don't have a long service leave balance?---Yes, it was 20 May I think, or something like June, yes, 23 June this year I get it.

PN543

But he did, in that discussion, raise with you the potential to change your recreational leave dates?---Yes.

PN544

And that is what ultimately occurred, in respect of that point I was asking you about earlier, and the March movement?---Yes. Yes. So the suggestion was that if I didn't have leave in that second portion of the year, because I was relying on the purchase leave, that I would have to move some leave to kind of accommodate it. So that's what I took him up on.

PN545

Okay. I then want to take you to the email dated 14 July 2023. This is 182A. So if you just move a few pages over, you should find, it's Attachment TJ3. Now, that was the email that we were just referring to earlier, the formal rejection of your application for purchase leave?---Yes.

PN546



Then there is a request made for the reasons?---That's correct, yes.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN547

And that's extracted, the reasons, we don't have the actual email, but the response that was provided by the Police Association, is extracted at paragraph 14 of your statement, at page 178, and they are the reasons that are relied upon for the rejection of your purchase leave, correct?---Yes.

PN548

Okay. Now you'll see, at that first dot point, there's a reference to - sorry, I should say subparagraph (a), there's a reference to the one other (indistinct) on long-term WorkCover leave?---Correct.

PN549

And you've already agreed with me that there was a person who was on WorkCover leave for a long period?---Yes. That's correct. Yes, still is.

PN550

And would you agree that as at that time, so middle of last year, it was unlikely that that person would return in the near future?---No. The discussion, at the time, was that she was intending to come back but by - sorry, I haven't had a discussion with her, I don't actually know her, so I shouldn't comment on that.

PN551

I see. Okay?---I think the general intention with the WorkCover stuff is to try and get people back to work. I don't know whether or not that was going to occur, or how it's led to here.

PN552

In terms of that WorkCover absence, I might just take you to the exhibit A4, which is the A4 sheet, I'm hoping you still have it in front of you?---Yes.

PN553

This is the annual leave roster for the Alpine Cluster?---Mm-hm.

PN554

And I note that there doesn't appear in this - so if we're looking at the Mount Beauty section of the table, which is the second from the bottom, there's no WorkCover absence which is locked out, or shaded in that roster, is that correct?---No, it doesn't look like it, no.

PN555

I wanted to ask you, so this annual leave roster plan, does this get prepared around March or April?---This year I got asked to do it in November, for next financial year.

PN556

And in terms of the previous - the current financial year?---Well, I had it done before I left Wangaratta, and I left there in February, so it would have been, yes, probably at least maybe around Christmas they asked for it and then it's - - -

PN557

So the first few months of 2023?---The last few months, usually, of 2022 and, yes.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN558

I see?---I don't think we ever got told what the final thing was, like whether or not it had been approved or not. So we just ran off what we'd presented them.

PN559

I see. All right. Now, you've given some evidence that the number of other ranks that would be on leave at any point in time throughout that financial year is two, is that correct?---Well, I've - yes. So my understanding was that it was supposed to be one because Senior Constable Mason was on WorkCover. But you can see that we didn't have a complete roster, there's several days where there are two people on leave at the same time. When we've been putting together the leave forecast for next financial year, at the moment, there's a lot of overlap with two people on leave at the same time, even notwithstanding having Senior Constable Mason present on the roster or not. So I don't know what's happened there, but my understanding was that it was supposed to be one, but it seems like it's two at the moment.

PN560

Okay. So your understanding is that it's supposed to be one?---Well, yes, I know, and that's why I'm kind of confused about how it's been presented and on here why it is one when - so we get sent - Doug Enkall(?) our Senior Sergeant, sends out a list of stipulations about, you know, who can be on leave and all that sort of thing and one of them is that so there's only one sergeant on leave at a time. There's certain dates where we're kind of required either to only have one person on leave, due to high impact events, like the Bright Hot Rod run or Christmas, et cetera, things like that, and we try and accommodate that because that allows for us to basically be present for those events. So that's our higher level policing events, where we need more members. Notwithstanding, it seems that outside of those periods we can have that flexibility of having two members on leave. A lot of the time you can't actually have just one member on leave while having the members available for those events.

PN561

Just to look at the March - I guess there's the March dates for your purchase leave, in blue, and then there's also the May dates. Now you say you were only - you were the only person that was going to be taking leave at that time, according to this roster?---Yes, when I put it together, yes. Yes.

PN562

Yes. And you would agree with me that if you assumed that Senior Constable Mason was still going to be on leave at that time, that there would be two people on leave at one time, so in March and in May?---Yes. Sorry. I think there's been a misunderstanding. So if you take out Senior Constable Mason there can only be one - my understanding was, and this is now how it's been prepared, but if you take her out there's only one member on leave between Mount Beauty and Dederang. So that's the understanding that we have. If she is present, then there's

two members on leave at any one time. Either a sergeant and an OR or like two ORs.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN563

I see. But you would agree with me that this does not make that clear. So the maximum permitted says one and Senior Constable Mason is not shaded as a workers compensation absence?---Yes.

PN564

So you would agree with me that just looking at this document it looks like one person is permitted to take leave and that doesn't take into account the workers compensation, would you agree? That's what the document looks like?---Well, it says, 'Maximum permitted LR is one', but that being said, this is the approved roster and there's multiple places where there's more than one. But, yes.

PN565

And in terms of the one maximum permitted other rank, you'd agree with me that in this document that is - there's one for the entire calendar - sorry, the entire financial year. So that number one doesn't fluctuate when you're looking at the maximum permitted at (indistinct)?---Yes, that doesn't change.

PN566

But you would agree with me that service delivery requirements do fluctuate from month to month or season to season?---When you say - in terms of how many police members we're required to have, or?

PN567

Well, the demands on Mount Beauty, and it might be that there's - maybe if I give you a concrete examples that might assist?---Yes.

PN568

So we know that for the Alpine Cluster, during the alpine season, there is an increased demand on resources for the Mount Beauty Police Station, you would agree with that, because you need to also provide services or, sorry, resources, to Falls Creek?---Yes. So the way that we accommodate that is that we, so you can still only have one member on leave, but then you also can have one member at the snow during that week. So the snow kind of - yes, it's confusing. Trust me, I've been trying to put it together and make it work. So the snow we have from Thursday to Thursday, but our leave goes from Sunday to Saturday, so there's an overflow of weeks, yes.

PN569

But wouldn't - - -?---Essentially it's like one person at the snow, one person on leave at any one time. That's what we can accommodate, plus doing - that'll leave two members left over.

PN570

But you would agree that there's a greater - sorry, there's an increased demand on resources during the alpine season?---Yes. I mean we're still rostered on to work,

it doesn't matter whether or not we're at Falls Creek or at Mount Beauty, it's still the same number of members.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN571

You would - if you look at this document, so the alpine season, July to September, at least in this annual leave roster, there are no other ranks who are rostered to work - sorry, who have been approved annual leave between those weeks, middle of July to, say, the start of September, just looking at this document?---Yes. So the Matt Kelly is on leave in the middle of it, so July is the middle of the snow season. And for this financial year we've been advised that we should be taking leave during the winter as well.

PN572

Okay. But just to focus on - - -?---Just on this one, yes. That's fine. So I'm trying to give the context and like a lot of the time - say, like Leading Senior Constable Johns, he works at the snow as well, so when he goes to the snow there is no policing response at Dederang. So - and he's taken leave in like late August here, 20 August to 27 September, and we just work around that.

PN573

So you're saying Dederang, is that what you said, sorry?---Yes.

PN574

Okay, yes. But you would agree, if you look at that period, July to September, it seems like we're trying to avoid people taking leave during that time. That's what it looks like, as compared with the rest, the contrast of the rest of the roster?---Yes. Not really trying to avoid it. The reason was that so there was a snow course that we all had to attend so myself, the sergeant and Senior Constable Bath were supposed to attend the snow course, and that's during that period of time. So we left that free to allow ourselves to go there. That got cancelled several times so it got rescheduled.

PN575

I see. So you would agree with me then that the one maximum permitted is not the sole source of truth, is it? Like when you look at that, it says you can have one maximum permitted, but as you said there was a course at that time, that's not represented in that figure that's highlighted in orange, is that correct?---Well, I suppose that's true, because, as I say, we've got two off on 10 September, two off on 24 September. I mean it's - it is frequent that it doesn't go by that. I don't even know where the number one came from.

PN576

Yes. So it doesn't actually represent whether or not service delivery requirements are met or not?---Well, we can do with less.

PN577

At certain points of the year?---Yes. If we have to, yes.

PN578

But you might also need more?---Well, I mean we don't have any more members, than what we've got.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN579

But I mean, sorry, you might need everyone, for example, that July/September period, you might need more people at certain points of the financial year?---I don't have that information. I work with what is currently in front of me. That's what I do.

PN580

So would you agree with me that there's an overlay above this document about the service delivery requirements that need to be met throughout the year, that the inspectors, in particular, will look at this roster and say, 'Yes, like it says one but really we've got all these extra things that we need to factor in', would you agree there's a separate overlay above just this document that determines whether or not leave can be taken?---Sure. Yes. I'm sure they have access to information I don't have.

PN581

All right. So we were just talking about that other rank. Sorry, we were talking about subparagraph (a) of your statement and the reference to someone being on WorkCover leave. Now, I had asked you earlier around if there is an absence for purchase leave, on the Mount Beauty roster, that that - that it would be unlikely that a Wangaratta Police Station resource would be able to backfill Mount Beauty?---Yes. I can make a further comment on that, actually, because - - -

PN582

I'll just - sorry, there's a lot of lead up?---Yes, sure.

PN583

The question that I wanted to ask is, we talked about geography, in terms of the distance, but another factor, in terms of Wangaratta Police Station, is that Wangaratta Police Station is not currently meeting or not consistently meeting its baseline service level, are you aware of that?---No. I haven't been asked to backfill, no.

PN584

Sorry, you - you haven't been asked to backfill?---No.

PN585

Yes. But in terms of - so you're not aware of whether or not Wangaratta Police Station is having its own resource - - -?---No. I work at Mount Beauty, I wouldn't know what happens at Wangaratta.

PN586

I see. Then you also gave some evidence about Wodonga Police Station, that they're closer?---Yes.

PN587

But would you agree that Wodonga Police Station is one of the busiest stations in the division?---They have - yes. Out of the division, so there's like the two 24-hour stations anyway, so it is the busier of the two, given that it's right next to Albury, yes.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN588

I see. And the border town does increase the level of - - -?---Yes, that's my - yes, just the amount of crime that comes across the border, because Albury is quite a large regional centre in itself. I think Albury runs five cars and we only do two in Wodonga. So the differences in the resourcing is pretty stark, but, yes.

PN589

Would you agree that given the level of demand required of Wodonga, it's not practical to provide backfill or to - for Wodonga to act as the - to respond to calls for assistance in the Mount Beauty response zone?---As in like will they come and respond to it, is that what you're asking?

PN590

Yes. They won't respond to a call for assistance in Mount Beauty?---Well, so the geography of it is that there's a line of - line a mountain range sort of thing, right between ourselves and Mitta, which is the next valley over. So Mitta Mitta is part of the Wodonga PSA and they kind of assist us and we assist them. So we're right on the border with the PSA. So the actual jobs that we get, say to Mount Bogon, come through as a Wodonga PSA job but it's us that go to them. So, yes, what you're asking, it's - sorry, yes, it's a very complicated - yes. It's not a hard and fast, 'No, they won't go' because like, geographically, it is closer sometimes for us to go or them to go. Say, if we go all the way to the edge of Dederang's patch, which is part of Wangaratta PSA, it's only 25 minutes from Wodonga. So it's yes, the - yes.

PN591

All right. So in terms of the number of other ranks, so I think you've said to me there's - just let me look at that number again?---Sorry, do you mind if I go back to that question about the Wangaratta members covering Mount Beauty?

PN592

Yes, of course?---So like I understand that Wangaratta itself is an hour and a half away, but I'm probably one of the further - like I'm the furthest member that travels, that's understandable. But there's a lot of members that actually work at Wangaratta but live in Myrtleford or Bright and it's not unheard of for them to do temporary duties at either of those places. That has happened in the past, it's just that it's not been considered focus at the moment.

PN593

Okay, sorry. So I was just coming back to the number of employees stationed at Mount Beauty Police Station. So it's one sergeant and four other ranks. The evidence is that it's three (indistinct) that's the evidence of one of the inspectors. So if for that period that you wanted to take purchase leave, let's just

assume that that member is still on workers compensation, that reduces it then down to one sergeant and two other ranks?---Two full-time, so it would be three.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN594

Okay, three. So it's reduced down to three and then for your purchase leave it would be reduced down to two other ranks, is that - - -?---No, it's three. So the days that I'm asking for in May there's nobody else on leave, so that's three.

PN595

But taking into account - so if we take into account the workers compensation, are you saying that's 0.89?---I think - because the rest of us are all full-time so I think it must be - - -

PN596

I see?---Yes.

PN597

So that gets you down to the three. Then your absent, then it's down to the two, isn't it?---No. So there would be four 0.89.

PN598

Four 0.89?---Yes.

PN599

Sorry?---There's five members, so take out the WorkCover member, that leaves us with four full-time. And one member on leave, takes us down to three.

PN600

I'll just double check that, because my understanding was that it was - - - ?---Yes. Like at the moment there are four full-time members at work, at Mount Beauty.

PN601

I see. Sorry. So once you're down a member - okay. So your evidence is that there will be three other ranks, is that correct?---The sergeant and two other ranks, if I'm on leave, yes.

PN602

Yes, two other ranks?---Yes.

PN603

Yes, okay. Would you agree with me that two other ranks would have the likely result that it's very difficult to provide policing services at Mount Beauty Police Station, that that's a very low number?---Sorry? So as in my - so if anybody's on leave at all, take into account that we all take recreational leave all throughout the year?

PN604

So for the period that you intended to take purchase leave, and we say that will then be reduced to - so we're assuming that the person on workers compensation

will be out, and then we're down to two other ranks?---No. So in May I will be the only person on leave.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN605

Yes, and so but there's two of you because the other person is on workers compensation, let's just assume that for the moment. So there's two of you on leave?---Yes.

PN606

So there would be two remaining, is that right?---Three. Three remaining, sorry.

PN607

Okay. So there's three - sorry, I thought you had accepted that there would be - and that's three other ranks?---No, the sergeant and - - -

PN608

Yes, okay. So one sergeant, so two other ranks would be remaining?---Yes. So the important distinction there is that the Sarge actually works as an OR, so it's like he does both.

PN609

Okay. So two other ranks and one sergeant, just to be clear?---Yes.

PN610

Yes, okay. And would you agree - so in terms of the response units, or the units that are out on the road, would you agree that they should be run two up for safety reasons?---One or two, or?

PN611

Two up?---No. Because I - say, like yesterday, I was working by myself. We don't go to a high impact job one up, we go two up and that's why we always have a cluster response of two. So if we go to a job that requires that, then we'll go two up, but if I'm just working like as community reassurance, or going for a drive just to be present usually is what we're doing like, say, the pro trauma sort of thing, we just drive up and now we pull over cars, we do that by ourselves.

PN612

Would you agree that the Victoria Police manual, the general policy, which applies to 16-hour stations, is that the patrol unit should be run two up?---If we're responding to a job, I think that's the classification for it.

PN613

I'll just take you to the relevant section, to make sure we're talking about the same thing. So if you can turn to page - it should be in the second folder, if you turn to page 1150?---Yes.

PN614

Okay. So you'll see this is talking about operational duties and responsibilities and there's references on 1152 to patrol responsibilities. So just to stop there,



when we talk about - well, we've been talking about the response units that - that's referred to as 'patrol', they're the same thing, is that correct?---Sorry?

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN615

A patrol unit or response unit is what's being described here 'a patrol'?---Whereabouts?

PN616

Sorry, we're on 1152 and if you go to section 3, that talks about patrol responsibilities. I just wanted to clarify that when we're saying 'patrol' we're talking about the thing that we've been talking about, which is the response unit?---Yes.

PN617

Yes. Then if you look at the minimum member requirements, there's a reference to the primary response which must contain two police members?---Yes.

PN618

Then there's a secondary response which again should contain two police members. Sorry, I've skipped over the second one, that's talking about two police members to be rostered to perform - sorry, I skipped over that because that's for the 24-hour police station, which is not Mount Beauty. Then there is a section, at the bottom, which is talking about members attached to one member and non 24-hour police stations?---Yes.

PN619

I'll just clarify, that first dot point, so it says:

PN620

*May perform primary or secondary response duties alone, provided they are rostered in the cluster as per one member stations.*

PN621

I understand Dederang is a one member station?---Yes.

PN622

But Mount Beauty is not a one-member station, that's correct?---Yes, but we work that cluster.

PN623

Yes, but this cluster is referring to the cluster of one-member stations, is that correct?---No, it's - I think it's referring to any non-member - non-24 hour stations that are rostered in a cluster.

PN624

There's a first dot point that talks about 'rostered in a cluster as per one-member stations?'---Yes.

PN625

So that's talking about – it's focusing on one-member stations, isn't it?---No, that's just - - -

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN626

In a cluster?---I think that's just - the VPM is kind of under - because where we do work one up by ourselves, but we work with another member from Myrtleford, it's like a cluster response model, and that's what it's referring to there.

PN627

Yes?---So that's why we work availability two up, you know, so if there's one from Myrtleford and one from Bryant, or one from Bryant, one from - - -

PN628

MR GOME: If you look at the next one across it says, 'and not a 24-hour police station.'

PN629

MS LEONCIO: Yes. Yes, but this is – yes. So, yes – so this is talking about – so they're rostered in a cluster, as per VPMP one-member stations, and then there's a second dot point where member's supervisors can draw on local knowledge to support their risk assessment to determine how to respond to operational responsibilities or duties. Is it that second dot point that it falls within, or do you think it falls within the first dot point?---You mean working by myself?

PN630

Yes?---I think it refers to both.

PN631

Both. Okay?---Yes. So, like, if I'm going to a job I make a risk assessment about whether or not I need somebody else to go, and if it's, like, a very low risk, like a missing person or we need, like, an immediate response, then there is a chance that I'll go to it myself while somebody else is coming over to help. So it's, like, the amount of control that you have over a situation. So, say, like, we had – I'll use an example from Saturday - there was two missing hikers that were coming down Mount Bogong; got rung from the Wodonga PSA, like, it was within our PSA; myself and my offsider went to it, me and Sarah went to it, but I would have gone to that job by myself, because there is no risk of – there's no mention of, like, any sort of operational safety requirements; you know, it's more likely that their response needs to be somebody just goes and deals with something, or if I'm just performing traffic duties on the Kiewa Valley Highway, I'm more likely to go to that myself and work by myself, especially if I know that Dederang's working by himself just down the road, how we kind of crossover.

PN632

But you would agree that there are some calls for assistance that would require a two-up?---Yes, and that's why we have the cluster response.

PN633

So in terms of that reduction from four down to three, two other ranks and one sergeant, which we were talking about earlier, which is what would occur if you

had – likely to occur if you had taken purchased leave – likely to occur if you were to take that purchased leave – would you agree that it's unlikely that your role or your position would be backfilled?---If it's just me on leave?

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN634

Yes?---No, because that's what we do all year round. There's no change in response at all to what we normally do.

PN635

Would you agree that given it's already a fairly small number to begin with, there'd be further reduction of resources, that that would mean – or that it's likely that there would be an impact on the number of shifts that could be filled?---As in are there going to be less – sorry – so - - -

PN636

If we compare the two positions, one when you're not taking leave and one where you are taking leave, you'd agree that there's a reduction in the number of shifts - - -?---Yes - - -

PN637

- - - where you worked?---Yes, for example, it'd be the same as last week when, like, Wayne's on leave - for rec leave.

PN638

Yes?---So it'd be the exact same scenario, yes.

PN639

In terms of those shifts that will be – not able to be filled, would you agree - - - ?---So when you say shifts that aren't able to be filled, that's just – that's not the same as what I'm referring to. It's, like, we've got a certain number of shifts that we do fill, as like our availability for cluster response, and with three members all of those are filled, plus extras on top of that, and we would pretty much have somebody rostered on every single day of the week with three members.

PN640

So there's the alpine - - -?---Cluster, yes.

PN641

- - - cluster - sorry, there's the alpine patrol?---Yes.

PN642

So you say there's one person?---No. So there's – say, if we take it in turns as the response that does availability, so on an afternoon shift between, say, today, there will be somebody that's – a crew that is rostered on at 3 pm until 11 out of the alpine cluster that works availability at night. There's – that's our cluster response, that's our two-up response - and then on top of that we take it in turns to roster a second car, who may be either one or two-up, which would be another 3 pm, and that's in there to make sure that if somebody goes sick on the cluster response car, we have somebody else available who can take up the availability overnight. So

with three people we are able to fill every shift that we're required for the availability response and for the second cluster car.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN643

In terms of Mount Beauty Police Station, so the actual station itself, so if you're down to three other ranks, is it correct that you would have to close the station?---As in - - -

PN644

(Indistinct) - - -?---The station is frequently closed.

PN645

But is that correct that in order to have your resources on the patrol units, with the three other ranks - - -?---We don't have a – with no 16-hour shifts, the station doesn't have (indistinct).

PN646

I just want to understand though is that practically what occurs, that you have to close the station?---Yes. So what we do is all of our phones get diverted to Wangaratta, and then we go on patrol, then we come back and open the station to the public for a certain – like, for however long we need to. If we're in there doing paperwork then we have it available, but we don't have any set hours that we're required to be open.

PN647

Would you agree that having an unoccupied station is a negative impact on service delivery?---It depends what you say by 'service delivery.' When (indistinct) to attend to triple zero calls, yes. Are we not doing statutory declarations because the station isn't open? Well, yes.

PN648

So you don't think it would have an impact on policing services in terms of safety to the community or - - -?---No, not responding to calls for assistance, no.

PN649

What about in terms of having a presence at the station, is that something that - - - ?---Well, yes, but again that's not practised; like, we don't have anyone – I don't think anywhere at any 16-hour stations where they've currently got an open watchhouse, or the time where they're actually specifically rostered for it.

PN650

I just want to understand. So your evidence – so that's the station itself – your evidence is that there would not be a reduction in patrol units?---For me on leave on those days, yes. Yes, no reduction.

PN651

And that's on the assumption that some of those units are one-up?---Yes.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN652

Would you agree that it is desirable to have two-up on a patrol unit?---For operational safety in regard to, like, a violent offender, yes, but then we wouldn't go by ourselves. So, given that there is only five members, and the way that the response model was designed with having the five members there was to only have a single member response, that was the way that it was previously designed, and that's why they've only got five members. When the two-up response came in, no extra resources were given, so the actual amount of response hours was reduced, like, the amount of hours in the station was reduced, and that was a Victoria Police decision, but well before my time, like, this is years ago now. I think it was even before I joined the job. So to say that me being there would enable more hours, all it does really is creates more double-up of more people working, and we only have one car. So it's not like I can go out and we can have two patrol cars when we've got four members, because we don't have that. So – and there's – the majority of our work is on the road; it's not coming in through the watchhouse counter. We don't have a very busy watchhouse counter. Like, the population of Mount Beauty is only a couple of thousand.

PN653

In terms of availability – you did touch on this earlier?---Yes.

PN654

In terms of roster availability, would you agree that a likely impact if you were to take that purchased leave is that there would be increased availability hours?---For the other members?

PN655

Yes, I meant the other members?---Yes. Yes, it'd probably go from maybe 30 to 40 at once, or at most it's probably 30. If there's three members on, I think the most is 30. I don't have that - sorry, I don't have the spreadsheet that I work off, but if there's two members on then – and that's what happened over Christmas and New Year's, there was – I was (indistinct) - the most that they were doing was 40. So that's four afternoon shifts into a morning.

PN656

Would you agree that that can have an impact, more negative impact on – by being in terms of disconnect, not able to disconnect an annual roster group availability?---I mean we're kind of doing that – those hours anyway. So because we do an afternoon into a morning, the only change is that we can go out to a job overnight, whereas usually we do an afternoon into a morning into another morning anyway, and if we're not on availability, then we're just not getting paid for those 10 hours. So - - -

PN657

But in terms of – sorry, I think you did accept that there was an increase in availability – likely to be an increase in availability hours?---Yes, just to the normal level.

PN658

Yes, and sorry, I'm just talking about availabilities, that that would have a negative impact on the members in terms of their ability to disconnect for those

additional hours?---No, because that's what we do week in week out. The 30 hours is our standard. That's - - -

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN659

Sorry, I'm comparing it to you on leave versus you without leave, that's the comparison?---Yes.

PN660

So in terms of that contrast - - -?---Even then there is likely that there is going to be members who are required to do 30. It depends, because we – sorry, it gets really complicated when it comes into the rostering, because we've got a matrix where we do three separate fortnights with differing amounts of availability required. On one of those fortnights there's five periods of availability; there's four; there's I think two, and it changes depending on who's required to do that availability between ourselves and Bright and Myrtleford. So I can't – without having that roster and saying this is what it's going to look like and this is how many hours there are there, I couldn't say, yes, they're going to do, you know, one night extra of availability, and I guess when you compare it to something like (indistinct), which I brought up at one point, like, at one point a friend there, who was working there, was doing 160 hours in a fortnight, which is, yes, four times the amount that we're doing. So I get the point, but it's only – we're talking about one night extra at most.

PN661

Just in terms of that general proposition, just so I understand it, just in terms of a general proposition, availability hours - - -?---Yes.

PN662

- - - that that is a time when a police member can't – you know, they can't disconnect during that time; they've got to remain available to respond if they - - - ?---We go to sleep, yes. So if it's between 11 and 9, so it's like you finish your shift, then you go to bed, and then you get back up and you go back to work; like, otherwise, if you get called out and you are asleep.

PN663

So you disagree?---Well, for me personally, yes, I disagree. I completely switch off, yes.

PN664

THE COMMISSIONER: Ms Leoncio, I'm concerned about the length of cross-examination.

PN665

MS LEONCIO: Yes. That was the end of - - -

PN666

THE COMMISSIONER: We've allocated four days, and we've only got through less than two at this stage. This is not working for me.

PN667

MS LEONCIO: Okay, Commissioner.

\*\*\* TIMOTHY DALE JONES

XXN MS LEONCIO

PN668

THE COMMISSIONER: You'll need to move it along or find ways to make this more efficient, I'm afraid.

PN669

MS LEONCIO: Yes, okay. Yes, Commissioner.

PN670

THE COMMISSIONER: Because I'm not allocating more days. We only have four days set aside. There are 11 witnesses. There's nine to go. This needs to move.

PN671

MS LEONCIO: Yes. I had – yes, I take the Commissioner's - - -

PN672

THE COMMISSIONER: Well, you were granted to appear under section 596(2)(a), and my concern is that the promise which was put to me is not being delivered.

PN673

MS LEONCIO: Okay. Yes, Commissioner.

PN674

THE COMMISSIONER: All right.

PN675

MS LEONCIO: They were the end of my questions. Thank you.

PN676

THE COMMISSIONER: Thank you. Mr Gome, any re-examination?

PN677

MR GOME: Yes. Thank you, Commissioner.

**RE-EXAMINATION BY MR GOME**

**[2.50 PM]**

PN678

MR GOME: Senior Constable Jones, can I just take you back to page 1152, the VPM on operational duties and responsibilities? Ms Leoncio took you to the right-hand side of the table at 3.2. Can I ask you to just have a look at the bold print on the left-hand side of the copy that you were taken to, and just explain again how the cluster rostering works and which stations it applies to?---Yes. So it's three stations, Myrtleford, Bright and Mount Beauty. We take it in turns to roster a cluster response which is a two-up unit, which will go to any job within that cluster that requires a two-up response. If we only have one member at two different stations we'd join up and we'd go to the job together.

PN679

What types of stations are they, or designations?---They're all non-24 hours.  
They's all - - -

\*\*\* TIMOTHY DALE JONES

RXN MR GOME

PN680

Non-24-hour stations?---Yes.

PN681

Can I also take you to paragraph 8 of your statement and your discussion on 22 June with Acting Inspector Hughes?---Sorry, what page was that?

PN682

That's at page 107 of the first one – sorry, 177, paragraph 8?---Yes.

PN683

Can I ask you to go into a little bit more detail about exactly what was discussed when you say here:

PN684

*We had a discussion regarding purchased leave and that it was unlikely to be supported due to regional resourcing problems.*

PN685

?---That was pretty much all I was given.

PN686

What I'm wanting to know is were your personal circumstances discussed?---Yes, he opened my application while we were sitting there. I think that was the – they did discuss the fact that I was going on, like, my wedding, my honeymoon, but there wasn't a discussion of how I could change my leave to make it work better overall, anything like that.

PN687

And the comment purchased leave was 'unlikely to be supported', do you mean just your individual application?---We were only – I think we were only talking about mine at that point, but I was looking at – yes, I couldn't answer that, sorry. As far as I'm aware I was only talking about my own, but I don't think anyone else got theirs approved, so - - -

PN688

But just in your conversation with Acting Inspector Hughes, and you've written here in your statement 'a discussion regarding purchased leave and that it' – 'it' – 'was unlikely to be supported', I guess what I'm trying to get is, if you can remember, whether that 'it' refers to your application alone, or whether you had a more general discussion in light of the email that you had already received from Inspector Henry?---I'm sorry, I - - -

PN689

Just if you remember?---I can't recall, sorry.



PN690

During the meeting you say that Inspector Hughes said that your purchased leave application was unlikely to be supported?---Mm-hm.

\*\*\* TIMOTHY DALE JONES

RXN MR GOME

PN691

Yes? And that he indicated to you that he would support you taking long service leave for the same period, is that right?---Yes, that I could make that application and it would be - - -

PN692

When members take purchased leave, other ranks, members of other ranks, are they backfilled?---I haven't seen anybody backfilled for it, no.

PN693

When members take – again, at ORs - when they take long service leave, are they backfilled?---No.

PN694

Apart from the example that you gave about Mitta Mitta, which is a non-24-hour station in the Wodonga PSA, can you think of any other occasions that general duties members, uniform members from the Wodonga PSA, were seconded to - - -?---Yes.

PN695

- - - the neighbouring PSA, Wangaratta PSA?---Well, it's general practice to use Wodonga members for the snow. So they provide members into there. So that's kind of the – outside of the Mount Beauty members, I would say most of the members who go to Falls Creek are from Wodonga.

PN696

And again, just for my benefit, the snow season is - - -?---From June until end of September.

PN697

And the dates that you've applied for are in - - -?---May.

PN698

And how many other members are on the leave roster as being on leave at that time?---None. There's none.

PN699

Thank you, Commissioner. Nothing further.

PN700

THE COMMISSIONER: Thank you, Mr Gome. Thank you very much, Mr Jones, for giving evidence. You're released and free to go. Thank you?---I appreciate it. Thank you, Commissioner.

<THE WITNESS WITHDREW

[2.57 PM]

PN701

THE COMMISSIONER: Mr Gome, that brings us to Ms Rappell, is that correct?

\*\*\* TIMOTHY DALE JONES

RXN MR GOME

PN702

MR GOME: Yes, that's correct. Thank you, Commissioner.

PN703

THE ASSOCIATE: Can you please state your full name and address?

PN704

MS RAPPELL: My full name is Kerry-Anne Rappell. Would you like my residential address or my working address?

PN705

THE ASSOCIATE: Work address is fine.

PN706

MS RAPPELL: Work address, 66 Blake Street in Nathalia.

**<KERRY-ANNE RAPPELL, SWORN**

**[2.57 PM]**

**EXAMINATION-IN-CHIEF BY MR GOME**

**[2.58 PM]**

PN707

THE COMMISSIONER: Thank you very much, Ms Rappell. Please be seated?---Thank you.

PN708

Mr Gome?

PN709

MR GOME: Thank you, Commissioner. There's two big folders in front of you. Can you open up one of them and we'll see whether it's the one that I'll ask you to look further into than the other one. What's the number of the first - - - ?---It says PH11.

PN710

Can you go to the other folder, and can you open up on page 183, which should be your statement? Is that looking familiar?---Yes, it is.

PN711

Can you also just check that the attachments – four attachments – they should be the following pages, again in front of you as well?---I have – yes, 184A.

PN712

Yes, and then keep going?---184(b).

PN713

Yes?---184(c), 184(d), 184(e), 184(f).

PN714

Yes?---184(g).

\*\*\* KERRY-ANNE RAPPELL

XN MR GOME

PN715

Yes. Thank you, yes. So your first statement of nine paragraphs is dated 17 November 2023?---That's correct.

PN716

Are there any changes that you would like to make to that statement?---No, no changes.

PN717

Thank you. Commissioner, this is again another section of document 7, the produced document 7, which is the – in this case the leave roster, annual leave roster as at 1 July 2023 for the Moira West cluster. I'm wondering, just in your own words and in your own time, for the record and for the Commission, if you could explain this document and the cluster rostering arrangement in the area that you work?---Okay. So the area that I work in is known as the Moira policing area, and it's made up of a number of police stations. We're all 16-hour police stations, and even though we are all stand alone, 16-hour police stations within this Moira cluster, there is some idea that there's a Moira West and a Moira East cluster. It's not – I don't see it formally listed like that, certainly not on this document, and it's not usually addressed as such, but it's a loose arrangement more than anything, in my own opinion, being West and East, West being made up of the Nathalia office and Numurkah office, due to proximity to each other, and Moira East being Yarrawonga and Cobram, because of their proximity to each other. So as you can see, each of those leave rosters are their stand-alone roster for each of those stations, rather than as a sub-cluster.

PN718

Could you perhaps then turn to the particular period that you've requested leave?---So I can see that that particular period is marked in blue. If you run across line that's next to my name, it's marked with a – I think it says 'RPL.'

PN719

Yes?---It means purchased leave, and it's on those three dates, week starting 19 May through to week starting 2 June.

PN720

Can you explain your understanding of what the orange line, two or three lines below the time that you've requested, what does the orange line mean to you?---Well, it's indicated with a narrative at the left there that says, 'maximum permitted', which would indicate maximum number of members, the desirable number of members that can be away on leave at that time, indicating one for that – each of those weeks.

PN721

How many are actually on leave at the times that you've requested?---So the time that I've requested this, only one of those weeks where there is one member away in that particular three-week period in the Nathalia Police Station.

\*\*\* KERRY-ANNE RAPPELL

XN MR GOME

PN722

Can I ask you, where are your annual leave rosters, like this - where are they compiled?---You mean where is the data collected or where is it sent to?

PN723

Where is it made, and then where is it sent to?---Okay, I'm not sure whether I understand the question. I'll explain - - -

PN724

Who creates the leave roster for your police station, the annual leave roster?---So the – well the annual leave roster is made up by request from members, but it's compiled, put together, at our planning office.

PN725

At the planning office?---Mm-hm.

PN726

And where's the planning office?---That would be based in Wangaratta.

PN727

And what input is there at the local level in that process?---So at that local level, we're asked to make an indication of when we would like to take leave, annual leave, purchased leave, and those indications are then sent to the planning office to put it out as a – to look at it on a wide plan right across the year for the station. I think that's – I think that's what you've asked me.

PN728

Yes, and would members such as yourself ever have direct contact with the divisional planning office?---Not in the initial stages. If after the roster was published, there might be some discussion, but it would go through a chain of command up to the planning office. It wouldn't be a direct conversation with the planning office.

PN729

Thank you, Commissioner. I have no further questions.

PN730

THE COMMISSIONER: Thank you, Mr Gome. Ms Leoncio? Did you wish to tender that document, Mr Gome?

PN731

MR GOME: Yes. Thank you, Commissioner. I would like to tender that document.

PN732

THE COMMISSIONER: Very well. The leave roster for the Moira West cluster will be marked as exhibit A5.

**EXHIBIT #A5 LEAVE ROSTER FOR THE MOIRA WEST CLUSTER**

\*\*\* KERRY-ANNE RAPPELL

XN MR GOME

PN733

Apologies, Ms Leoncio.

PN734

MS LEONCIO: Yes. Thank you, Commissioner.

**CROSS-EXAMINATION BY MS LEONCIO**

**[3.07 PM]**

PN735

MS LEONCIO: Just in terms of the annual leave roster that we were just looking at, you were asked some questions about the divisional planning office. Am I correct that in ED4 it's a centralised rostering framework? So it's across the division that these rosters are prepared?---I'm not entirely certain of that. I know that for our station we send our details through to the divisional planning office. I'm not sure what other stations do in Moira, let alone right across the Wangaratta PSA.

PN736

Now, in terms of rostering at Nathalia Police Station, would you agree that there's a target of around 20 patrol units running two-up for people at home?---Look, I don't have that information in front of me. I don't do the rostering for the station. I can tell you how many members we have on the books, and then there will be a certain amount of shifts that will be expected to be filled.

PN737

I understand you said you're not aware of the specific target, but are you aware of rosters frequently being less than 20 patrol shifts per fortnight?---Look, unless I have it in front of me I couldn't tell you conclusively whether that's the case or not.

PN738

If I can just take you back to the middle of last year, so middle of 2023, you're aware that at that time there was a vacancy of an other rank at Nathalia?---I believe it would be about the middle of the year.

PN739

Would you agree that a vacancy at Nathalia, that that can sometimes take a long time to fill?---Well, yes and no, because we've had – we have had a vacancy filled after a short amount of time, and we've had a vacancy filled after a long amount of time. So it's not a hard and fast rule as to whether it's long-filled or short-filled.

PN740

Around the middle of last year, do you agree that there was a long-term WorkCover absence at Numurkah? Are you aware of a WorkCover absence in the Numurkah Police Station?---Yes, I am aware of that.

\*\*\* KERRY-ANNE RAPPELL

XXN MS LEONCIO

PN741

And you agree that there was, around that time, a need to cover Numurkah's response zone as well, as part of your cluster arrangement?---Again, I would have to look at the rostering at that time as to whether that was the case or not.

PN742

Would you agree with me that around the middle of last year, that the vacancies that I just mentioned at Nathalia – sorry, I just missed it – there were also – are you aware, sorry, that there were also vacancies at Numurkah Police Station? I asked you about the WorkCover absence, but I didn't ask you about the vacancies. Do you recall?---I honestly couldn't remember. I would have – again, have to look at the staffing roster at that time.

PN743

Now, the evidence that will be given by Acting Inspector Hughes is that he considered that there were vacancies and absences back in the middle of last year, which meant that for the period that you were going to take, or had applied to take purchased leave, that that further absence was likely to result in some patrol shifts being run as one-up rather than two-up?---Sorry, what was the question that you asked me then?

PN744

Sorry. The question is, in terms of the purchased leave that you had applied for, for that period of time, do you agree that one of the likely consequences is that there may be some patrol shifts that were not able to be filled?---At which station?

PN745

Sorry, at Nathalia Police Station?---Well, taking in respect of the other members that were not going to be away in our station, no, I wouldn't have thought that that was actually an issue for the Nathalia station.

PN746

That's even with the additional workers – sorry, the absence of the workers compensation absence at Numurkah and Nathalia?---Well, in regards to purchased leave, that was a consideration regarding the staffing at Nathalia, it wasn't a consideration on the staffing on Numurkah.

PN747

And now, just in terms of that period of time that you intended to take purchased leave, would you agree that it was unlikely that that role would be backfilled – that your position would be backfilled?---I have not known purchased leave positions to be backfilled, not at my station.

PN748

And that would then mean that when you take purchased leave there'd be a reduction in other ranks that would be available at that time?---That would be no different to members taking annual leave.

\*\*\* KERRY-ANNE RAPPELL

XXN MS LEONCIO

PN749

And as a result of that reduction, if there was a reduction in other ranks, would you agree that there could be an increased availability for other members?---Again, it wouldn't be in addition to the existing levels of availability or staffing, and no different to periods of time when members are on annual leave as well. So the availability wouldn't be any more than in other circumstances, such as annual leave.

PN750

So that's assuming – so you're comparing the leave that's taken – so this period of time, you're comparing between when this purchased leave absence is taken versus, say, the week before or the week after, is that what you're saying?---No, I think you were asking me would the availability be any more onerous on the station in the time that purchased leave was taken.

PN751

If your purchased leave was rejected? So comparing your purchased leave absence as compared with if you were not taking leave at that time?---Okay. So I think I understand what you're saying. You're asking me if I was there working - -

PN752

Yes?--- - - - the availability would – I would be available to do that.

PN753

Yes?---But if I was away on purchased leave, I wouldn't be available. It would need to be shared with other members.

PN754

Yes, that's correct?---That's what you're asking me?

PN755

Yes?---If I was not there, yes, that would be the case.

PN756

And there'd also be a reduction, potential reduction to the number of patrol units that could be on the roads?---Potentially, yes.

PN757

And it may impact not just Nathalia but also Numurkah, given the cluster – rostering - - -?---Not necessarily.

PN758

Can I just take you quickly to exhibit A5? That's the big A3 sheet. You might've just had that in front of you, sorry?---This one?

PN759

It's just that big document, yes?---Yes.

PN760

If you look at Nathalia – so there's the Nathalia uniform, and as you've accepted in your evidence, for the period that you were going to be taking purchased leave, there's that second week where an additional person would be on leave? So there's two of you that are taking leave?---Yes. Yes, I can see that, yes.

\*\*\* KERRY-ANNE RAPPELL

XXN MS LEONCIO

PN761

And there would also be – or the position – there's a vacancy that's also set out there as the final row?---That's correct.

PN762

Assuming that vacancy continued into May/June, would that also be an additional absence?---If it's an unfilled position, then yes, it is an additional absence.

PN763

Thank you, Commissioner.

PN764

THE COMMISSIONER: Thank you, Ms Leoncio. Now, parties, I've neglected to mark the statement of Ms Rappel as an exhibit. So I should do that, but you're obviously on your feet, Mr Gome.

PN765

MR GOME: Yes, thank you, Commissioner.

PN766

THE COMMISSIONER: All right. The witness statement of Kerry-Anne Rappel will be marked as exhibit R6.

PN767

MR GOME: Would that be A6, Commissioner?

PN768

THE COMMISSIONER: A6. I'm not getting it right.

**EXHIBIT #A6 WITNESS STATEMENT OF KERRY-ANNE RAPPELL**

PN769

Any re-examination, Mr Gome?

PN770

MR GOME: One moment, Commissioner. I thank you. No, thank you, Commissioner. Nothing further.

PN771



THE COMMISSIONER: Thank you, Mr Gome, and thank you, Ms Rappell, for giving evidence. You're released and free to go?---You're welcome, Commissioner.

PN772

Thank you.

<THE WITNESS WITHDREW

[3.18 PM]

\*\*\* KERRY-ANNE RAPPELL

XXN MS LEONCIO

PN773

THE COMMISSIONER: That brings us to Mr Allerdice, is that correct?

PN774

MR GOME: Yes, it does, Commissioner.

PN775

THE COMMISSIONER: Thank you.

PN776

THE ASSOCIATE: Can you please state your full name and address?

PN777

MR ALLERDICE: My full name is Glen Stewart(?) Allerdice, and my address is (address supplied).

<GLEN ALLERDICE, SWORN

[3.19 PM]

EXAMINATION-IN-CHIEF BY MR GOME

[3.20 PM]

PN778

THE COMMISSIONER: Thank you. Please be seated. Yes, Mr Gome.

PN779

MR GOME: Thank you, Commissioner. There's two folders of material. The one I'd like you to find and open up is the one that has page 190 in it, and that should be your statement?---That is correct.

PN780

If I can also get you to look at pages 194 onwards, which are the attachments to your statement, and just make sure that you know where they are and are able to refer to them if required?---Yes.

PN781

So your statement of 34 paragraphs is dated 17 November. Are there any changes that you would like to make to that statement?---Sorry, what was that?

PN782

Are there any changes that you would like to make to that statement?---No, there's not; no.

PN783

I'd like to tender that statement. Thank you, Commissioner.

PN784

THE COMMISSIONER: Thank you. The statement of Leading Senior Constable Allerdice will be marked as exhibit A7.

**EXHIBIT #A7 WITNESS STATEMENT OF GLEN ALLERDICE  
DATED 17/11/2023**

\*\*\* GLEN ALLERDICE

XN MR GOME

PN785

MR GOME: Thank you, Commissioner. No further questions.

PN786

THE COMMISSIONER: Thank you, Mr Gome. Ms Leoncio?

**CROSS-EXAMINATION BY MS LEONCIO**

**[3.21 PM]**

PN787

MS LEONCIO: Leading Senior Constable Allerdice, you are a member of the Wodonga highway patrol, that's correct?---That's correct.

PN788

Do you agree that the Wodonga highway patrol can assist in the prevention of road trauma?---That's correct.

PN789

And that that is a key part of Victoria Police's services?---Yes.

PN790

I wanted to take you to the annual leave roster. That is at page 613. I know there's a copy in your statement, but I might just take you to the slightly clearer version. So if you turn to the first folder and turn to 613?---Yes.

PN791

This is the roster that was approved about 25 April 2023?---That's correct, yes.

PN792

And you'll see – you may not be able to see, because it's quite small, but in that orange row it looks - - -?---Sorry, I missed that.

PN793

Sorry, the orange row, the second from the bottom?---Yes.

PN794

It's difficult to read, but do you agree that that refers to, '2. Maximum permitted?' There's another '2' in that row?---Yes. Does that receive - does that actually say how many people on leave at any one time, does it?

PN795

No, that's just the – sorry, yes, in terms of the maximum permitted, according to this document?---Okay. I'm not sure that there is a maximum or a minimum, but -  
- -

PN796

Okay?---It looks like there's a policy that's previous to that one.

PN797

But you're aware of that?---Aware of what?

\*\*\* GLEN ALLERDICE

XXN MS LEONCIO

PN798

The policy of – you said you weren't sure where it came from, but you're aware of the maximum permitted at any one time?---No.

PN799

Would you agree that this document, the annual leave roster, that that doesn't – so there's a screenshot, which you can see at – sorry, it is very small. There's a suspension in that last row?---Yes. That's correct, yes.

PN800

And then there's, at the sergeant level there's a workers compensation?---Yes.

PN801

Now, would you agree that there were two other long-term WorkCover absences which are not included in that roster?---No, I'm not sure who they were during that period. Over the last seven years we've had numerous people on WorkCover, so I wasn't sure – I'm not sure who was on WorkCover at those particular times.

PN802

Would you agree that – just putting the roster to one side – would you agree that in the course of the first half of last year that it was fairly typical for there to be only two or three operational other ranks at the Wodonga highway patrol?---No.

PN803

You wouldn't agree?---No.

PN804

You don't agree?---No.

PN805

So you consider there to be more other ranks, is that right?---Over the last six or seven years we've had multiple people on WorkCover. It's never been an issue for people to take leave, long service leave or purchased leave, and personally I've taken purchased leave for the last 12 years.

PN806

Okay?---Bar one year.

PN807

Has it been fairly frequent for there to be WorkCover or long-term absences in the Wodonga highway patrol?---Along the way, yes, there's been people at different points, at different times, on WorkCover and extended sick leave, that is, that is correct.

PN808

I see?---Unfortunately that's been going on for a good number of years actually.

PN809

And there's one sergeant and nine other ranks that are presented to highway patrol, is that correct?---That is our strength, yes, one sergeant and nine, correct.

\*\*\* GLEN ALLERDICE

XXN MS LEONCIO

PN810

Would you agree that they are required to perform two-up?---That is correct, yes. Yes, since 2015 we've been – since 2015 we've required to be two-up, so – yes, 2015, the one-up policy expired, and we can't actually go out unless we're two-up, that's correct.

PN811

So if there are 10 in leave, then that's five patrol units; the sergeant is sometimes included on the - - -?---Sorry, I'm missed that.

PN812

Sorry. So one (indistinct) is 10?---Correct.

PN813

And the maximum number of patrol units that could be rostered are five, if you divide 10 by two, that's correct?---Ten by my two is five, that's correct, but there's a sergeant and nine.

PN814

And you say the sergeant doesn't fulfil - - -?---If he can. Yes, he can periodically, but our sergeants generally officer-in-charge - provides supervision.

PN815

Okay?---But yes, so it's the last nine years I believe, we've been back to two-up.

PN816

Now, I know you haven't accepted the premise, but if you assume that there are two or three operational other ranks in the Wodonga highway patrol, would you agree that if there's two-up required that that would be only letting one highway patrol unit that could be on the roads?---If there's only three?

PN817

Yes, or is it that the fair go's on one-up?---No.

PN818

So there are three - - -?---Must be two-up, except for the sergeant.

PN819

So if there's – sorry, if there are three operational other ranks, it may be one or two cars depending on the sergeant?---Two cars. If there's four people there'd be two cars, the sergeant will still go out if required. They are operational police member. They can go out one-up, and they can link up with a senior constable and other rank, then provide a unit as well.

PN820

You would agree that there have been attempts to backfill the Wodonga highway patrol from, for example, the Wodonga Police Station?---We've had the occasional support from general duties. It's sort of been off and on over the last several years. Yes, we've had 10 members come over from the station for experience and to provide assistance as well, yes.

\*\*\* GLEN ALLERDICE

XXN MS LEONCIO

PN821

You would agree that that hasn't unfortunately been consistent - - -?---No, that hasn't been consistent.

PN822

(Indistinct) to get consistent coverage from - - -?---No, that hasn't been consistent, because our strength has gone up and down as well.

PN823

Now, again, just assuming that there are one or two, or if you say two, patrol units on the road, if there are four members at the Wodonga highway patrol, would you agree that an absence, say, (indistinct) purchased leave, would you agree that that would be a reduction down to one highway patrol unit?---Potentially, yes. I wouldn't say that they wouldn't have temporary members come over, or somebody that has put in an expression of interest to do some time with the highway patrol wouldn't be there, which has been done in the past. As I said, I've taken purchased leave for the last 12 years and during that time our strength has fluctuated, and we've continued on quite successfully with absences with purchased leave. There's been a few of us that have had purchased leave in the past. So not necessarily would it reduce it down to one unit, I don't think, but I don't have control of the manpower.

PN824

But I think you accepted that it was potentially possible that it could go down to one unit, is that correct?---Potentially, but I think unlikely given the resources that they've been sharing around, both from people from Melbourne as well that have been coming up and the opening of expressions of interest for uniformed members to do time at the highway patrol.

PN825

You would agree with me that one highway patrol unit is not necessarily a highly visible police presence?---I think a highway patrol unit is highly visible.

PN826

Sorry, across the response, so in Wodonga?---I think it's highly visible, but I don't think it's highly visible across the whole 9000 square kilometres that we cover, no.

PN827

I have nothing further, Commissioner.

PN828

THE COMMISSIONER: Thank you. Mr Gome?

PN829

MR GOME: Thank you, Commissioner.

**RE-EXAMINATION BY MR GOME**

**[3.32 PM]**

\*\*\*

GLEN ALLERDICE

RXN MR GOME

PN830

MR GOME: Just wondering if you could flesh out a little bit more what occasional support from general duties looks like to Wodonga highway patrol. So firstly, when you say 'occasionally', can you give me a little bit more of an idea of how frequently, in your experience, let's say the last two or three years, you've had general duties members there?---I didn't - look, I wouldn't say it was a high frequency, but I wouldn't say it was a low frequency. From time-to-time we've had general duties members come over and support us. I don't have the actual figures (indistinct).

PN831

What would the largest number of people – when you have this support from general duties members, what's the largest number of people that you might have there at a period of time?---One.

PN832

One?---Correct.

PN833

Now I'm interested in the nature of the support that they're able to provide, because highway patrol members have different licences, for one thing, to general duties members, and they have other training. So when you have a uniformed member at OR level come in, what type of support can they give a specialised unit like the highway patrol unit?---They can offer corroboration(?). That means we can actually go out on the road. And I guess when tasks get laborious, they're able to provide, yes, extra labour. That's the support. But I guess the key factor is we're able to actually go out, unless the one operational police person were able to, yes, do traffic duties.

PN834

Would they be driving?---Not necessarily. Like, look, they can drive, but unfortunately they've got constraints as to the speeds that they may be able to travel, which sometimes becomes an issue with our type of work. So generally they won't drive.

PN835

You mentioned the EOI, expression of interest. How widely is that net cast – how far away can people apply, as uniformed members, to come and do some work at

the highway patrol in Wodonga?---Yes, look, as I understand, it's the whole region, the whole area.

PN836

Is that the whole region being - - -?---So, Tallangatta, Corryong, Tangambalanga, Yackandandah, Beechworth – I'm fairly confident it is open to - - -

PN837

The PSA?---Yes, that's right.

\*\*\* GLEN ALLERDICE

RXN MR GOME

PN838

The division or just the PSA?---I would say the PSA, Wodonga PSA, taking in Indigo, Towong and Wodonga. So I believe they are able to put in an expression of interest. Whether that transpires or not, that's up to management.

PN839

And is that for a particular period of time?---No, there's never been a set period of time. Some stay longer than others. Some are only for a week.

PN840

So if a week's the shortest amount of time, what's the longest amount of time?---Look, I'm not sure. I don't have the data in front of me as to the longest amount of time that any one person's been there, but let's say months.

PN841

Months? Months, plural?---Yes. We'd be able to get that data from the actual highway patrol rosters, as the temporary members aren't put on the rosters.

PN842

Can I ask you to have a look at GA10, which is an email that you received from the regional assistant commissioner, the then assistant commissioner, Tony Langdon? It's an email from Friday 16 June?---Sorry, would you mind pointing to the page?

PN843

Yes. Sorry, it's 293?---Yes, I'm there.

PN844

The first sentence of that email advises you that you've got a purchased leave arrangement or request – actually, sorry, it was approved at that stage – a purchased leave arrangement for three to four weeks for the coming financial year, yes?---That's correct. I did receive that email; yes, I - - -

PN845

And it says that – if we go down to the fourth paragraph – your previous approval may be amended or rescinded accordingly?---Yes.

PN846

How did you understand on 16 June, or whenever it was that you read this email – how did you understand the scope of that fourth paragraph there that your previous approval may be amended or rescinded?---How did I take that?

PN847

Yes. Sorry, what did you understand it to mean?---I understood that to mean that they were looking into purchased leave and they were looking at either knocking it all on the head basically; that's how I took that. I was hoping that wasn't the case with mine, and I didn't think it would be, because there was several documents in place that I'd shown my family and whatnot to say that I had already got it, but that's how it took it. I took it that mine was potentially going to be scrapped.

\*\*\* GLEN ALLERDICE

RXN MR GOME

PN848

Did you understand, having read this particular email, that a review could mean that not just weeks three and four but that all of your approved purchased leave could be rescinded?---Yes, that's what I thought was going to happen, that they would look into it and they would scrap the whole lot.

PN849

The whole lot?---Only because I'd heard they were looking at carpet bombing all purchased leave basically.

PN850

And - - -?---But that was just talk, or getting rid of purchased leave altogether.

PN851

Was that talk from anybody in a supervisory or a management position?---No, it wasn't. It was discussions around the station.

PN852

Were those discussions happening before you received this email that's dated 16 June?---Well before. Those discussions began – those discussions began I think around May, to be honest with you, because people had the understanding that there was not much point in putting in purchased leave applications, because they were all going to be rejected. This was the talk around the station, and I did console a few people saying you've still got that option to at least put in for it. But yes, so it was well before this email that I heard when they were going to scrap, or not approve anybody's purchased leave. To my surprise, mine got authorised.

PN853

At any stage were you asked by a manager about making alternative arrangements for the dates that you had requested leave?---Yes. I had a discussion with – do you mind if I go back to my statement?

PN854

By all means?---I mean I can tell you how it's worked for the last 12 or so years with our leave roster and that might paint that picture, and this was no different.

PN855



I guess I'm not talking about the initial conversations that you've had where amongst the (audio malfunction) group you've changed the time that you've applied for leave. I guess what I'm referring to is at the time where there are signals, you're hearing that purchased leave may not be approved; I'm wondering if an inspector asked you at any stage about negotiating other ways for you to have leave at the dates you had requested?---No.

PN856

No?---No discussions in relation to that. There was earlier discussions on the date, but that was prior to it being approved by Inspector Sprague. We moved some dates around to make it work to his happiness or – he needed to be happy with that to get the approval through, which was subsequently approved.

\*\*\* GLEN ALLERDICE

RXN MR GOME

PN857

Thank you, Commissioner. I have no further questions.

PN858

THE COMMISSIONER: Thank you, Mr Gome. Thank you, Mr Allerdice, for giving evidence. You're released and free to go?---Thank you, sir.

PN859

Thank you.

<THE WITNESS WITHDREW

[3.42 PM]

PN860

THE COMMISSIONER: So Mr Gome, that brings us to Mr Tinsley?

PN861

MR GOME: Yes, it does, Commissioner.

PN862

THE ASSOCIATE: Can you please state your full name and address?

PN863

MR TINSLEY: My full name is Guy Kenneth Tinsley, and my work address, 100 Hovell Street, Wodonga, Wodonga Police Station.

<GUY KENNETH TINSLEY, SWORN

[3.44 PM]

EXAMINATION-IN-CHIEF BY MR GOME

[3.44 PM]

PN864

THE COMMISSIONER: Thank you very much. Please be seated. Mr Gome?

PN865

MR GOME: Thank you, Commissioner. LSC Tinsley, I think the folder that you have open in front of you there is the one that you'll need to dive into. Page 303 should be the one that has your statement?---303, statement of Tinsley.

PN866

Can you just have a little – yes, refresh your memory about what's in the statement, and again, the attachments that are about 10 or so pages at the end?---Yes, that's my statement.

PN867

Your statement is 44 paragraphs and dated 17 November. Are there any changes that you would like to make to that statement at all?---No, not that I know of.

PN868

Thank you, Commissioner.

\*\*\* GUY KENNETH TINSLEY

XN MR GOME

PN869

THE COMMISSIONER: Thank you. I'll mark Mr Tinsley's statement with six attachments as exhibit A8.

**EXHIBIT #A8 WITNESS STATEMENT OF GUY TINSLEY DATED  
17/11/2023 PLUS SIX ATTACHMENTS**

PN870

Thank you, Ms Leoncio.

**CROSS-EXAMINATION BY MS LEONCIO**

**[3.46 PM]**

PN871

MS LEONCIO: Leading Senior Constable Tinsley, you're currently attached to the Wodonga highway patrol, is that correct?---That's correct.

PN872

Would you agree that the highway patrol is part of Victoria Police's aims in providing highly visible and responsive policing?---Road safety policing, yes.

PN873

You would agree with me that the patrol units, those highway patrol units, can assist in reducing or preventing road trauma?---Reducing the instances and severity of collisions, yes.

PN874

Now, there will be some evidence given by Superintendent Arbuthnot about increases in road trauma in the last year in ED4. Now, you're not in a position to dispute evidence about the rates of road trauma in ED4?---I don't have the figures, so no, I can't.

PN875

Turning to your application for purchased leave, I want to take you to a document that should be in the first folder. It's page 613. This document here – and apologies, it's a bit difficult to read – but you agree that that is the annual leave roster that was approved on 25 April 2023?---25 April, Anzac Day? Yes, I believe that's the roster.

PN876

And that includes for yourself, purchased leave in June 2024?---Yes, starting 9 June.

PN877

You will see at the bottom - at the second row from the bottom there's a row that's highlighted in orange, and it says 'Maximum permitted' in the left column – can you see that there?---Yes, I'm finding that hard to read. It's too small.

PN878

Well are you aware that the annual leave rosters in general provide for a maximum permitted of two other ranks, or sorry, two members in the Wodonga highway patrol?---I'm aware of that. It's mathematically impossible.

\*\*\* GUY KENNETH TINSLEY

XXN MS LEONCIO

PN879

Okay?---When we have a full office it's mathematically impossible.

PN880

And so when you look at this roster, you'll see there's some shading in grey, and you'll see there's a workers compensation at the top row, or the sergeant?---Is that the sergeant when it's greyed out?

PN881

Yes?---Yes.

PN882

Now, you agree around that time the sergeant role was - - -  
?---Sergeant Cameron Roberts?

PN883

Yes. There was a long-term workers compensation?---Yes, that's correct.

PN884

And you agree with me that the last row, there's a greying out to deal with the long-term suspensions I hoped?---That says times he hasn't been at the office since 2019.

PN885

Could you agree that there were two additional other workers compensation absences that are not covered in this roster?---Let's see – one, two, three, four, five, six, seven eight – there should only be one extra – I'm struggling to see the names: (Indistinct), Wells, Worcester, North, Young – there would be one extra member if – because we have an office of one and nine. I can count eight – eight members, and then there's Ellis as well – sorry, Tires as well. There's nine including Tires, so yes.

PN886

I'm just going to see if there is a bigger version, but I understand that there is one sergeant - - -?---One sergeant, and nine is our gazetted stream.

PN887

Yes, and so I think if you count down that there are nine there?---Yes, there's nine there.

PN888

Yes, there are. Okay, sorry. But as around the middle of last year, would you agree that there are two additional workers compensation absences that - - - ?---Worcester and Wells are both currently now off. I don't know exactly when they went off.

PN889

As at that time - you don't recall if they were on workers compensation at that time?---No, I couldn't tell you exactly when they went off.

\*\*\*

GUY KENNETH TINSLEY

XXN MS LEONCIO

PN890

Now, would you agree with me that, as a result of workers compensation absences or (indistinct) suspension and the like that the Wodonga highway patrol has frequently been resourced by only two or three other ranks, operational other ranks?---I've been part of the WorkCover members off. I've never worked personally with two or three. I've worked with four or five, and I couldn't tell you if while I was off 2020, whether there was two or three. We've been historically short for six or seven years.

PN891

Sorry, just bear with me for one moment. Sorry, if you just turn to the second folder. There should be a folder that is 1001 onwards, I think at a crunch, but the page number that I wanted to take you to is 1520, and particularly – sorry, I'll just wait till you've got it – particularly 1522?---Sorry, page - - -?

PN892

1522, just a couple of pages over. Now, this is an email from Inspector Bradley Sprague, and I'll just confirm – Inspector Bradley Sprague is the relevant inspector for the investigation response and tasking - - -?---He was, yes.

PN893

At that time, sorry?---Yes.

PN894

And the information on 1522 is a report of the resourcing capacity by Inspector Sprague of the Wodonga highway patrol. You'll see the reference there to EW08 - - -?---EW highway patrol, because - - -

PN895

Yes?--- - - - you'd expect one sergeant, nine of us.

PN896

That's correct?---Yes.

PN897

And you'll agree with me that, if you look at the week starting 23 April, there's a reference there to a sergeant – so no sergeant, but then a backfilling from – that's Wodonga uniformed, is that correct, the EWO U&I?---Sorry, is that – is the week starting 23/4 pertaining to who worked at the highway patrol?

PN898

That's the resources - - -?---For the highway patrol?

PN899

- - - that were available at the Wodonga highway patrol?---If that's what he's saying – I can't comment on what he's saying.

\*\*\* GUY KENNETH TINSLEY

XXN MS LEONCIO

PN900

So you're not in a position to dispute what he says by the operational shifts for those periods?---I can't comment. It's not mine. I don't know.

PN901

But do you recall working around that time? I'm not sure if you were on workers compensation at that – sorry, on leave at that time?---I was at the office. I was on light duties, having a long fight with the PMO.

PN902

Would you agree with there being two or three other ranks, as set out here, that were available during those weeks, just from your recollection?---I couldn't tell you how many members at any particular time.

PN903

Okay?---It's not something that – I can't dispute it, but I don't – yes.

PN904

Now - - -?---I would suggest that there wasn't a secondment, a PCET in our office. I would have suggested it was probably a member from the station.

PN905

I see?---A PCET wouldn't be – we've historically had PCETs come over to our office for two weeks in the years, but there was a period it stopped. I think there was a member by the name of Moyle, a junior member from Wodonga Uni that was at our office for a period of time, but not at the point I'm suggesting was a PCET.

PN906

I see.

PN907

THE COMMISSIONER: And what's a PCET?---Probationary constable, someone in training that only come over for two weeks to have a look at what the highway patrol is, otherwise they're at general duties.

PN908

All right. Thank you.

PN909

MS LEONCIO: In terms of a backfilling, so backfilling for the absences in the Wodonga highway patrol, would you agree that there are attempts made to provide backfills but that that's not always been possible?---Sorry, we had a sergeant from the highway patrol, so we had a senior constable from the highway patrol Wodonga for filling the sergeant's role for a year, just over a year I think it was, and it would be up until somewhere around that date I think there was a clash between management and that member, and that member said I'm not doing it any more. So I think that's when they started putting the uniformed member in.

\*\*\* GUY KENNETH TINSLEY

XXN MS LEONCIO

PN910

And then in terms of the – so that's one for the sergeant role, and then in terms of the absences for the other ranks, would you agree - - -?---Well, they would have been in the office sitting twiddling their thumbs basically, and at that stage I couldn't tell you if – who was the member that was suspended from 2019, and as far as where the other members were, I don't know if Wells and Worcester were off at that time.

PN911

I see?---So – there would have been normal leave at that period of time for other members that may have reduced it.

PN912

Now, I want to then turn to your application for purchased leave, and there was a conversation that you had with Mr Sprague on 11 July. Do you recall that meeting?---Is that on one of these – is that on one of these - - -?

PN913

No, sorry, just a conversation. Sorry - - -?---I had a number of conversations with Mr Sprague on a number of dates.

PN914

Now, there was one where – this is after there was the initial approval (indistinct)?---Yes, okay. So 11 July, yes, okay, after - - -

PN915

This was after?---After the start of the financial year, which would've been the - - -?

PN916

11 July, yes?---Yes.

PN917

Now, during that conversation do you recall that Inspector Sprague had talked through with you that the divisional management had expressed some concerns about the impact of the approval of the purchased leave?---I can't remember if that's the conversation, because there was conversations about you haven't got leave, it's been removed after it'd been approved, so I'm not sure which dates or which – can you tell me a bit more about the conversations?

PN918

So this is on – perhaps I'd start, if I show you the email that relates to it. So if you go to page 650, which should be in the first folder. Sorry, hang on one second, that's not the right email. Give me one moment. Perhaps if I just take you to your statement?---Yes. I think that's the meeting that we then had a conversation about why I wanted purchased leave from that.

PN919

Yes, that's the conversation. Yes?---And I gave him my reasons, I think for the third time, which hadn't changed.

\*\*\* GUY KENNETH TINSLEY

XXN MS LEONCIO

PN920

In that conversation do you recall – so this was the conversation that I was referring to where I say that Inspector Sprague said to you that the divisional management had expressed some concerns about the impact of the purchased leave?---Yes – I think so, yes, and I think I had the conversation with him that purchased leave had already been approved.

PN921

And there was a discussion about the opportunity to access long service leave, do you recall that during the conversation?---And I think that again was offered, I think that was offered, and I again said to him that this is already approved. It's already approved. Why would I need – he's not taking it away from me.

PN922

And there was also - - -?---At that point.

PN923

And there were also some – an offer was made to move your recreational leave that had been approved already, do you recall that being discussed at that meeting?---I'd already moved my purchased leave – sorry, my leave to suit the purchased leave roster, and I've received a very unfavourable leave – my own leave, moving it to suit – it was actually to suit Mr Allerdice. So my leave wasn't what I wanted. So yes, I had a couple of things I needed, but the other parts that I'd moved were outside of that.

PN924

And you did in that conversation – I think you already said that you again elaborated on the reasons that you sought to apply for the purchased leave?---Yes.

PN925

Then there were reasons that were provided to you as the reason for business grounds. That is at page 307(k). This is - - -?---Sorry, which page?

PN926

307(k)?---307(k).

PN927

Sorry, if we just turn to 307 first?---307 - - -

PN928

(L), sorry – (l). I think (k) is the start of the email chain. This is an attachment to your statement?---So we're going to (l)?

PN929

Yes?---Yes.

PN930

You accept there were the reasons that were provided to you as the business grounds for rejection?---I wasn't provided with these grounds until well after the rejection had been given, and the grounds are somewhat of a fallacy.

\*\*\* GUY KENNETH TINSLEY

XXN MS LEONCIO

PN931

Well you'll see there's some references to some absences, and I've talked you through that there was a sergeant vacancy?---Yes, that's correct.

PN932

And then there was a suspension, which is the second - - -?---The long-terms from 2019, yes.

PN933

- - - dot point, and then that's where I was referring to the first dot point, was the two other ranks on long-term workers compensation?---Yes, I can't argue with that. Yes.

PN934

So you accept those?---Yes.

PN935

And I understand that you take issue with the others, but in terms of just those – assuming the absences of the sergeant, as well as those three other ranks, so the one on suspension and the two on long-term WorkCover - - -?---Yes.

PN936

As at that time, so let's just say the middle of last year, would you agree that there was already, without looking at purchased leave – there was already quite a significant reduction in the resourcing in the Wodonga highway patrol?---At a particular time there was a sergeant and two allies and a member suspended, yes.

PN937

THE COMMISSIONER: Ms Leoncio, unfortunately I have another matter at 4.15. I'll need to adjourn shortly.

PN938

MS LEONCIO: Yes. I'm almost there.

PN939

THE COMMISSIONER: All right.

PN940



MS LEONCIO: I think I've got really just one question.

PN941

THE COMMISSIONER: All right.

PN942

MS LEONCIO: Would you agree that if you had assumed that those vacancies and those absences continued, and that you took purchased leave, that that's an additional absence that would have an impact on - - -?---That's an additional absence.

\*\*\* GUY KENNETH TINSLEY

XXN MS LEONCIO

PN943

Yes, and would you agree that they would have a negative impact on the ability to provide - - -?---Any minute a member is away is a negative impact, so yes.

PN944

And particularly significant given the already low numbers of highway patrol members at that time?---It's hard to quantify significant when you've had six or seven years of exactly the same and we've had purchased leave and there's been no significant loss, but yes, there's certainly a loss, because there's a member short. We work two-up, so it's a half-member short.

PN945

Yes. Okay, thank you, Commissioner.

PN946

THE COMMISSIONER: Thank you, Ms Leoncio. Mr Gome?

PN947

MR GOME: Thank you, Commissioner. Just one question.

**RE-EXAMINATION BY MR GOME**

**[4.08 PM]**

PN948

MR GOME: I wondered very briefly if you could tell the Commissioner exactly what a long fight with the PMO and being on light duties for an extended period meant for you and for the unit?---Very quickly, I had PTSD, I needed some time off. I was either up here, or down here crying in the corner, so I took some time off. I came back after 14 months, renewed vigour, happy to work, the PMO – I had my kidney out in 2016, worked for four years with one kidney - the PMO got my doctor's records and said you've got one kidney, you can't come back to work. I had a long protracted – I had two months - two years and eight months protracted fight with the PMO when clearly I was fit and able. I had a doctor from a urologist, a nephrologist and my own doctor, and the doctor only, which is the PMO, overrode those other two specialists and my own doctor. I don't know why. But the PMO was later moved on, the new PMO rang me, said come down to Melbourne, I am going to reinstate you as soon as I can, and that was the end of that, but it took two years and eight months.

PN949

Thank you. No further questions, Commissioner.

PN950

THE COMMISSIONER: Thank you, Mr Gome, and I'm pleased that it has been resolved?---Yes. So am I. Thank you.

PN951

Anyway, thank you for giving the evidence, and you're released and free to go?---Thank you.

<THE WITNESS WITHDREW

[4.09 PM]

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GUY KENNETH TINSLEY

RXN MR GOME

PN952

THE COMMISSIONER: All right, parties, we do need to adjourn, and so if we adjourn until 10 o'clock tomorrow morning, please.

**ADJOURNED UNTIL TUESDAY, 30 JANUARY 2024**

**[4.10 PM]**

**LIST OF WITNESSES, EXHIBITS AND MFIs**

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<b>EXAMINATION-IN-CHIEF BY MR GOME.....</b>	<b>PN26</b>
<b>EXHIBIT #A1 WITNESS STATEMENT OF JULIE MORRIS WITH SEVEN ATTACHMENTS.....</b>	<b>PN66</b>
<b>EXHIBIT #A2 WODONGA PFA PLANNER LEAVE ROSTER FOR 2023/2024 .....</b>	<b>PN67</b>
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<b>EXHIBIT #R1 WODONGA PSA ROSTER JULY 2023 TO JUNE 2024.....</b>	<b>PN324</b>
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<b>EXHIBIT #A3 WITNESS STATEMENT OF TIMOTHY JONES PLUS FOUR ATTACHMENTS.....</b>	<b>PN461</b>
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<b>EXHIBIT #A5 LEAVE ROSTER FOR THE MOIRA WEST CLUSTER.....</b>	<b>PN732</b>
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<b>EXHIBIT #A7 WITNESS STATEMENT OF GLEN ALLERDICE DATED 17/11/2023 .....</b>	<b>PN784</b>
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<b>EXHIBIT #A8 WITNESS STATEMENT OF GUY TINSLEY DATED 17/11/2023 PLUS SIX ATTACHMENTS.....</b>	<b>PN869</b>
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