



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

COMMISSIONER PERICA

C2023/3617

s.739 - Application to deal with a dispute

**Mr Larry Goldsworthy
and
Victoria Police T/A Victoria Police
(C2023/3617)**

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

Melbourne

10.00 AM, TUESDAY, 31 OCTOBER 2023

Continued from 03/10/2023

PN126

THE ASSOCIATE: This Commission is now in session, please be seated. In the matter of C2023/3617, section 739 application between Larry Goldsworthy and Victoria Police, for hearing.

PN127

THE COMMISSIONER: For the record I'll take appearances, please?

PN128

MR L GOLDSWORTHY: Larry Goldsworthy appearing for himself.

PN129

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

PN130

THE COMMISSIONER: I don't know - thank you. I don't know whether either of you have got any preliminary matters, but I have got one, and I want to thank Ms Leoncio's instructor for preparing the court book and it might be my ignorance, but what I - I'm having trouble identifying some of the documents you've embedded into your documents, that is your reply and your statement, Sergeant, so I don't know, Ms Leoncio, whether you are content with me doing this now or after. I'm in your hands really. What I'm going to do is just go through a process of identification with the documents, okay?

PN131

MS LEONCIO: Yes.

PN132

THE COMMISSIONER: You're comfortable with that, Sergeant?

PN133

MR GOLDSWORTHY: Yes, I believe there was a paper copy that I might be able to refer to, if I need to up there.

PN134

THE COMMISSIONER: Yes. I think it's good because I'm going to be referring to the pages, so I think - - -

PN135

MR GOLDSWORTHY: Can I have an electronic copy, or I need to stick with the
- - -

PN136

THE COMMISSIONER: Whatever you think is the quickest, because I'll be taking you through the -

PN137

Ruben, can you provide.

PN138

MR GOLDSWORTHY: Thank you, I appreciate it. Excellent.

PN139

THE COMMISSIONER: So I'm going to go through, in the order they appear in the court book, and the first two documents are attached to your reply, which is at 327. Now, in paragraph 2 of that, you refer to two spreadsheets for statistics and I think they appear at 335 and 336.

PN140

MR GOLDSWORTHY: So I've sighted 335 and 336 and they are - - -

PN141

THE COMMISSIONER: Paragraph 2, and how would you identify them? What would you call - they're different spreadsheets, how would you refer to each one?

PN142

MR GOLDSWORTHY: Yes, they are. One is identified by the data for the inquiry of Eastern North-west Metro, Southern Western Division. And the other is a compilation of data which that's specific to Eastern Region and it deals with FTE and the overall weeks of approval.

PN143

THE COMMISSIONER: Dealing with FTE and what was the other thing you said?

PN144

MR GOLDSWORTHY: The weeks of approval.

PN145

THE COMMISSIONER: Okay. Then we have the MSP at page 337 to 339, yes, 337 to 339?

PN146

MR GOLDSWORTHY: That's correct.

PN147

THE COMMISSIONER: Okay. Now, your statement, and I say this because I think I'm missing one. All right, okay, see the table on page 345? Now, that's easily identified because they are the crime spec stats that you refer to, in paragraph 12 of your statement, 345.

PN148

MR GOLDSWORTHY: I'm just getting there, sir.

PN149

THE COMMISSIONER: Sorry, let me know.

PN150

MR GOLDSWORTHY: Yes.

PN151

THE COMMISSIONER: All right. Then turning to paragraph 13, we have the EWOUNI, and in due course someone better tell me what that means, at 351 to 353, can you have a look at that?

PN152

MR GOLDSWORTHY: Yes, that's correct.

PN153

THE COMMISSIONER: Okay. Then the ED4 2023/2024 leave roster, is at 354 to 357.

PN154

MR GOLDSWORTHY: That's correct.

PN155

THE COMMISSIONER: Okay. So according to this, the next spreadsheet is referred to in paragraph 16, that's the Wodonga PSA leave for '22/23, and that's at 358 to 359.

PN156

MR GOLDSWORTHY: Yes.

PN157

THE COMMISSIONER: Okay. Then this is the mystery document. What is that, at 360 to 361?

PN158

MR GOLDSWORTHY: So that was the prior year, that was 2022/23 leave roster and the - so that is actually 16 and what that document is, at - - -

PN159

THE COMMISSIONER: Okay, sorry, hang on. Just so I understand you - - -

PN160

MR GOLDSWORTHY: Sorry.

PN161

THE COMMISSIONER: - - - so 359 and 359 - - -

PN162

MR GOLDSWORTHY: Are extension.

PN163

THE COMMISSIONER: - - - and 360 to 361 are one document?

PN164

MR GOLDSWORTHY: Yes, they are. So it's the second sheet array workbook, and - - -

PN165

THE COMMISSIONER: So how would you describe, in, you know, - - -

PN166

MR GOLDSWORTHY: Well, 358 and - - -

PN167

THE COMMISSIONER: We'll begin at 358 and 359, what's that?

PN168

MR GOLDSWORTHY: They're the senior managers, their leave roster, and it has no bearing on my - my case. I won't be referring to it, I just - - -

PN169

THE COMMISSIONER: Okay. All right. Okay. All right. Then - all right, and then we've got the minimum station profile, paragraph 18, on 362 to 364.

PN170

MR GOLDSWORTHY: Yes.

PN171

THE COMMISSIONER: All right. Looks like I had reason to question it, so that's good. All right. Thank you, parties, for the indulgence. Sergeant, if you like to open your case now, that would be great.

PN172

MR GOLDSWORTHY: Commissioner, I've already supplied to the Commission two written statements and my statement of which I will rely upon in this hearing.

PN173

THE COMMISSIONER: Yes.

PN174

MR GOLDSWORTHY: Do you formally to first take a look at the preamble to the Victoria Police Enterprise Agreement 2019, where it clearly states:

PN175

The employer is committed to providing flexible work options to assist employees in achieving appropriate balance between organisational requirements and personal lives.

PN176

It was my hope, throughout this whole process, Eastern Region management might actually abide by this commitment. Instead, they have fought tooth and nail to prevent myself and others from accessing purchase leave. Eastern Region Division 4 have been particularly harsh, uncompromising and inflexible when it comes to the application of the enterprise agreement, not taking into consideration the balancing of the organisational requirements and my personal life.

PN177

As per the enterprise agreement my application for purchase leave can only be rejected on reasonable business grounds, as described in clause 14. Therefore the question before the Commissioner for determination is whether the stated grounds are reasonable business grounds, in accordance with the agreement. There is little

doubt that there was a blanket rejection of entitlement, under the agreement, and that is unreasonable.

PN178

Victoria Police, and their legal representatives, would have you believe there was no blanket rejection, but the facts are that of the 29 applications for purchase leave who were considered for approval, only four got the nod and not one of those was from frontline uniform section.

PN179

THE COMMISSIONER: So four out of 29 you say?

PN180

MR GOLDSWORTHY: That's correct.

PN181

Again, the representatives for Victoria Police would have you believe that Division 4 is somehow different to the rest of the organisation. That we are desperately short on staff and by refusing my application for purchase leave that somehow, miraculously, the road trauma and crime will decrease.

PN182

The next time someone goes sick, that I'll be the spare, ready to jump into the fray and there to help out when any and all emergencies occur. This is simply not the case. We are no different to other divisions when it comes to staff. Everyone wants more and more is never enough.

PN183

The difference is when it comes to approving purchase leave applications ED4 has an approval rate of 13.8 per cent, where the rest of the regions, comprising 11,000 members, is at 71 per cent. If it were Christmas, you'd call ED4 the scrooge.

PN184

As I have maintained and continue to submit, the stated grounds were not reasonable business grounds. The time of the application for the purchase leave, the 16 positions for sergeants at the Wodonga Police Station were 100 per cent filled. The commitment to sergeants performing temporary duties and upgrading was, foreseeably, going to be significantly reduced. That the capacity of both the Wodonga Highway Patrol and Corryong Police Stations were going to return to their long-term levels. That if circumstances were so concerning that the road police and command, and the public order response team, and the rest of the Eastern Region could be called upon to assist.

PN185

Crime and road trauma have always fluctuated, often with no rhyme or reason, and this year is no different. Sometimes the numbers are up and sometimes they're down. With the growth in population over the years, the long-term trend is likely to be that rural numbers will go up.

PN186

In introducing the Protracted Emergency Response Management Model late into the argument, for reasonable business grounds, speaks to the desperation and its manifestation shows the concern I articulated early in this process to be well-founded.

PN187

In any regard, the guidance provided in the Emery case states clearly that the refusal of a request is when it is communicated to the applicant that the request is not agreed and that reasonable business grounds upon which the refusal rests are those communicated at that time.

PN188

The process that was undertaken to assess mine and other applications for purchase leave was an abomination. With applications being considered on personal not business grounds and the authority to make decisions unclear amongst those assessing the applications.

PN189

There was a clear link towards minimising the period of time that applications would be approved for and, ultimately, leading to the rejection of all but a couple of applicants for the INR members.

PN190

In closing, I will quote from the *Natasha Fife v Victorian Ambulance Victoria* case, at paragraph 78:

PN191

In making the above observation the Deputy President referenced paragraph 269 of the explanatory memorandum to the Fair Work Bill 2008. It provided that rather than refusing a request it would be open for an employee and an employer to discuss the request and come up with an approach that would accommodate the needs of both parties.

PN192

This was actually done. Senior Sergeant Shane Martin, in conjunction with Sergeant Larkin, went through the leave roster and some leave requests were shuffled around and, ultimately, the leave roster was produced that catered for all, including the purchase leave. It was only when AC Langdon and ED4 senior management got involved that this approach was abandoned.

PN193

That's my opening submission.

PN194

THE COMMISSIONER: This is classic, you come what you despise. I used to hate people asking questions after I opened, but I'm about to ask one. What is the provision you referred to, the parenthood statement at the beginning, that you said, where it's - - -

PN195

MR GOLDSWORTHY: It's the preamble to the enterprise agreement, sir. It's on page 2. It's midway down the page, a bit further, it's a standalone sentence.

PN196

THE COMMISSIONER: I'll find that. All right, Sergeant. Shall we mark your submissions of fact and law and your reply?

PN197

MR GOLDSWORTHY: If that's appropriate in these circumstances.

PN198

THE COMMISSIONER: Yes. I will mark the submissions of fact and law as A1.

EXHIBIT #A1 SUBMISSIONS OF FACT AND LAW

PN199

And I'll mark the reply, which is at 327 of the court book, A2.

EXHIBIT #A2 REPLY

PN200

So, Sergeant, do you propose to give evidence first?

PN201

MR GOLDSWORTHY: I do not, sir, I would like to call Siobhan Owen, who is the Eastern Region Business Analyst. I'd like to have her give her evidence first, if that's okay.

PN202

THE COMMISSIONER: Is she here?

PN203

MR GOLDSWORTHY: She is.

PN204

THE COMMISSIONER: Okay.

PN205

MR GOLDSWORTHY: Would you like me to call her now?

PN206

THE COMMISSIONER: Well, if that's how you're running your case. Yes, okay.

PN207

MR GOLDSWORTHY: Sir, I didn't know if the respondent would make an opening submission.

PN208

THE COMMISSIONER: Yes. Ms Leoncio, have you got any issue with that?

PN209

MS LEONCIO: No. I was just going to comment that if there are any other witnesses in the room that it might be - - -

PN210

THE COMMISSIONER: Yes, I was going to ask about - Senior Constable Allerdice, do you want him to leave the hearing room?

PN211

MR GOLDSWORTHY: I have three other witnesses which I've notified the court in relation to, so there's Sergeant Michael Larkin, Senior Sergeant Parr and Leading Senior Constable Allerdice.

PN212

THE COMMISSIONER: All right. Well, I think Ms Leoncio wants the class out, is that right?

PN213

MS LEONCIO: Yes, that's correct.

PN214

THE COMMISSIONER: Well, please, if you could leave, that'd be good, thank you.

PN215

MR GOLDSWORTHY: So I'd like to call my first witness after that, sir.

PN216

THE COMMISSIONER: Okay.

PN217

MR GOLDSWORTHY: So, Siobhan Owen, if you'd like to take the stand?

PN218

THE ASSOCIATE: Please state your name and address?

PN219

MS OWEN: Siobhan Owen, (address supplied).

<SIOBHAN OWEN, AFFIRMED [10.20 AM]

EXAMINATION-IN-CHIEF BY MR GOLDSWORTHY [10.20 AM]

PN220

MR GOLDSWORTHY: Could you please explain to the Commissioner your role in the Eastern Region?---I do a lot of the employment business (indistinct), financial reporting, business (indistinct) reporting, health and safety reporting. I manage the Telstra account and I also do a lot of budget management.

*** SIOBHAN OWEN

XN MR GOLDSWORTHY

PN221

How long have you been performing this role for?---In Eastern Region probably nearly eight years, I think.

PN222

Were you requested to provide data, in relation to the '23/24 purchase leave data, by Commander Nyholm?---I was asked by my manager to produce the data.

PN223

Were you also requested to provide data, in relation to the '22/23 purchase leave data?---Correct.

PN224

In order to produce information which was issued for the Fair Work Commission, in relation to a number of sworn members purchase leave application, the number approved, rejected and withdrawn, this was for Eastern, Western, Southern Metro, North-west Metro, Family Violence Command, the Public Order Response Team and the Road Policing Command, did you prepare this data?---No, I didn't.

PN225

Are you aware of the data?---Yes.

PN226

Do you know when the data was prepared?---I think the report said it was prepared on 30 August.

PN227

THE COMMISSIONER: Ms Owen, could you speak up a bit?---Sorry.

PN228

It comes with age, unfortunately, if you could just speak up a little bit I could hear you. Thank you.

PN229

MR GOLDSWORTHY: Are you able to enlighten me as to who actually prepared the data?---Workforce Reporting and Analysis, I believe.

PN230

Okay. A further order to produce information was issued to obtain the updated purchase leave data, in the same format that was initially provided, on 13 June, to Commander Nyholm, did you prepare this data?---I did, yes.

PN231

Have you had a chance to look at that data?---I ran the report, summarised it and sent it off to my manager.

PN232

All right?---I've done no analysis on the data.

PN233

Yes. Do you believe that the data that you've provided is correct?---I believe so.

*** SIOBHAN OWEN

XN MR GOLDSWORTHY

PN234

Do you believe that the data that I previously spoke about, that you've had a chance to look at, do you believe that was correct?---I don't know, I can't - I don't have access to that data to validate it.

PN235

All right. Could you please explain how the data is extracted from the HRS program?---I run the HR report, establishment report, and I can bring in the purchase leave as a field and I can identify members that have had purchase leave approved in the system.

PN236

You may have noticed that I've transposed some of the original data that was provided by yourself into an Excel spreadsheet, have you - - -

PN237

THE COMMISSIONER: Perhaps you might take her to that.

PN238

MR GOLDSWORTHY: Sorry, I - - -

PN239

THE COMMISSIONER: You perhaps might take her to that.

PN240

MR GOLDSWORTHY: Yes.

PN241

THE COMMISSIONER: It's a bit too much information to talk off the cuff.

PN242

MR GOLDSWORTHY: Yes. I'll provide a copy. Do you mind if I approach the witness?

PN243

THE COMMISSIONER: No.

PN244

THE WITNESS: Thank you.

PN245

MR GOLDSWORTHY: So, effectively, without the percentages down the right-hand side, does that look something similar to what you provided?---Yes.

PN246

Being a business analyst, would you say the percentages I've calculated on the right look somewhat accurate?---I would - I would have to do analysis on it. I can't, on face value.

*** SIOBHAN OWEN

XN MR GOLDSWORTHY

PN247

Okay?---Sorry.

PN248

No worries. I just have another table again, I'll provide, the witness said that she didn't provide, which - - -

PN249

THE COMMISSIONER: Yes, please.

PN250

THE WITNESS: Thank you.

PN251

MR GOLDSWORTHY: Did you have an opportunity to view this data at all, prior to today?---Yes, I have. I've seen this report.

PN252

Okay. There are a couple of numbers that are in red on there, are you, in any way, able to provide any explanation to those figures?---Unfortunately I can't. I don't have access, I've no visibility or access of purchase leave applications, I can only run reports on Eastern Region members who have approved purchase leave.

PN253

Okay, thank you. From an analyst's perspective, do you have any observation in relation to the overall number of applications, the number of applications approved, rejected or withdrawn, when compared in ED4 to the rest of Eastern Region and the other regions and Command?---No, I don't.

PN254

You're unable to make an observation?---I haven't made an observation, I haven't done analysis on the data.

PN255

From an analyst perspective have you got any other observation, in relation to the number of weeks of purchase leave approved within ED4 in comparison to the rest of Eastern Region? That would be the third A3 spreadsheet?---For June or the October?

PN256

In comparison to June?---They've got a lot less than the others.

PN257

Sorry?---They have less leave approved than everybody else.

PN258

That's ED4 have less leave than the rest of - - -?---Purchase leave.

PN259

- - - the Eastern Region?---Yes.

*** SIOBHAN OWEN

XN MR GOLDSWORTHY

PN260

Would you like to comment on how much less?---I'm sorry, I don't understand the question.

PN261

So if you go to the top of table, in June, go down to Eastern Region Division 4, and go across to the right-hand side, the grand total, you can see, for the FTE there was 10.84 applications - - - ?---Correct, yes.

PN262

- - - and 298 - - -

PN263

THE COMMISSIONER: Can you - whereabouts are we looking?

PN264

MR GOLDSWORTHY: Sir, on the first - - -

PN265

THE COMMISSIONER: On the first one, with blue head tops, yes.

PN266

MR GOLDSWORTHY: Yes. The top table, so if you go down, on the left-hand side, you've got Eastern Region Division 4?

PN267

THE COMMISSIONER: Yes, yes, yes.

PN268

MR GOLDSWORTHY: If you go across to the very right, it's got the grand total and it's 10.84. That's the FTE amount of people who applied for leave, correct?---Who had purchase leave approved in the system, at the time the report was run.

PN269

Yes. And that's out of a total of 298?---Yes, correct.

PN270

If you go down to the next table, that's also headed with June, and that's the number of weeks approved?---Yes.

PN271

Go to Eastern Region Division 4?---Correct.

PN272

Go across to the right-hand side and the grand total is 25.37 weeks of approved leave?---Correct.

PN273

And that's out of 807 weeks of approved leave?---Correct.

*** SIOBHAN OWEN

XN MR GOLDSWORTHY

PN274

The percentage in the right-hand side of that figure says 3.1 per cent, at a quick calculation, do you think that could roughly be about right?---Yes.

PN275

That's yes?---Yes.

PN276

So if you go to the October figures, which is the next table down, and these are the finalised numbers. So for Eastern Region Division 4 you go across to the grand total and it's 3.84 FTE with approved allocations, is that correct?---Correct, yes.

PN277

You go down to the next table, which is the purchase leave weeks approved, ED4, to the very right-hand side of the figures, the grand total, and it's 9.37 weeks out of a total of 701 weeks, is that correct?---Correct.

PN278

That's a percentage of 1.3 overall. So in reading these figures, initially in June, is it correct to say that ED4 had 3.6 per cent of the grand total and it's reduced to 1.3 per cent?---Correct.

PN279

Yes. The overall weeks of leave went from 807 to 701 weeks?---Yes.

PN280

Which is, on the very right-hand side, on the very bottom of the table, I've done a calculation to say that's a reduction of 13.1 per cent, would that (indistinct) you, 807 reduced down to 701 is about 13.1 per cent. And if you go further up that table, where I've got ED4, in the bottom table, and you look at the reduction within ED4 and it states 63.1 per cent?---Yes.

PN281

Just on a rough calculation, going from 25 weeks down to 9.37 weeks, do you think that would be about right, 63?---Yes.

PN282

Do you see, above those figures, there are some regions - some divisions within the region that have actually increased their application, ED2 for instance?---Yes.

PN283

Okay. That's it, I just wanted to clarify those figures with the witness. I have no further questions.

PN284

THE COMMISSIONER: All right. So, Ms Leoncio, you might have something, but what should I do with these documents? They are, on the basis of the data provided, that there's analysis done by the applicant, so I'm wondering what's the status or how I can - how I can - I suppose I can mark them and then they can be proved when he's in the box.

*** SIOBHAN OWEN

XN MR GOLDSWORTHY

PN285

MR GOLDSWORTHY: They are actually present in my submission. They were the first documents you called for.

PN286

THE COMMISSIONER: Yes, that's the microscopic thing. All right, okay. So just for the sake of these, all right, so what's the first document you handed to Ms Owen?

PN287

MR GOLDSWORTHY: The first document - - -

PN288

THE COMMISSIONER: Sorry, I need a microscopy to - I'm just having trouble collating the two, the pre and post court book. Okay?

PN289

MR GOLDSWORTHY: So - - -

PN290

THE COMMISSIONER: Sorry, Ms Owen, this is - - -

PN291

THE WITNESS: That's okay.

PN292

THE COMMISSIONER: A lot of what we do is clerical so you jut have to bear with it.

PN293

MR GOLDSWORTHY: So it would be in my reply submission and the documents that are in that.

PN294

MS LEONCIO: It's 335 to 339.

PN295

MR GOLDSWORTHY: Yes, that is correct. So 336 is the blue document.

PN296

THE COMMISSIONER: The blue top one, yes.

PN297

MR GOLDSWORTHY: And 335 is the plain spreadsheet we've just been through, a couple of red numbers follow.

PN298

THE COMMISSIONER: Okay, thank you. Thank you. I'm know where I am now, thank you. I'm catching up slowly.

*** SIOBHAN OWEN

XN MR GOLDSWORTHY

PN299

MR GOLDSWORTHY: That's it, for me, in relation to this witness.

PN300

THE COMMISSIONER: Thank you.

PN301

MR GOLDSWORTHY: The only thing I might as is, in relation to the cross-examination of the Victoria Police witnesses, if any clarity is sought around data it may be required that I recall her as a witness, back in November. Highly unlikely, but it would only be if there was some clarity sought.

PN302

THE COMMISSIONER: Well, we have raised this with the Commission, on the basis of the witnesses being here. So, you know what, I think that's fair enough.

PN303

Ms Leoncio, have you got an issue with that?

PN304

MS LEONCIO: Well, I have some - - -

PN305

THE COMMISSIONER: Perhaps you might - have you got any cross-examination?

PN306

MS LEONCIO: Yes. Yes.

PN307

THE COMMISSIONER: Okay. Perhaps we might finish with the witness and then work out whether he's - please, you cross-examine, that would be great.

CROSS-EXAMINATION BY MS LEONCIO

[10.33 AM]

PN308

MS LEONCIO: Just give me one moment.

PN309

Now, do you still have those two sheets in front of you?---Yes, I do.

PN310

Now, I appreciate you didn't prepare that report, the black and white table, it's got there, in the left-hand column, the number of sworn members, can you see that in the first and second column?---I can, yes.

*** SIOBHAN OWEN

XXN MS LEONCIO

PN311

And you'll see that that's the 2022/2023 and then the next column is 2023/2024. Are you aware, generally, of the number of FTEs across the

divisions, in the Eastern Region?---I wouldn't have the number off hand. It looks familiar but I can't - I can't confirm that that's exactly the number.

PN312

Would you accept that the numbers of sworn members are much larger in the first, Division 1 and Division 2 - - -?---Correct.

PN313

- - - than say, for example, Division 4?---Absolutely, yes.

PN314

And Division 4 is the second smallest division across this region?---It is, yes.

PN315

And you're aware of that generally - - -?---Yes, I am.

PN316

- - - without reference to the document?---Yes.

PN317

So when we look, then, at the blue spreadsheet, if you've got that in front of you. We there have, as Sergeant Goldsworthy has taken you through, the various percentages, in terms of the percentages of - the percentages of the approvals, in terms of the comparison between the divisions. Would you agree with me that because of the different sizes of the divisions it's very difficult to compare approval rates?---Yes, I would agree with that.

PN318

So that means that you might not necessarily expect to have the same approval rate in a large division as the approval rate in a small division?---Correct.

PN319

Would you also agree with me that, generally speaking, from a smaller division each application for leave, so each FTE that applies for leave, that that may have a more significant impact if it's a smaller division, as compared with, say, one of 700?---Yes.

PN320

Thank you, that's all of my questions.

PN321

THE COMMISSIONER: Re-examination, please.

PN322

MR GOLDSWORTHY: I do have some re-examination.

PN323

THE COMMISSIONER: Okay.

RE-EXAMINATION BY MR GOLDSWORTHY

[10.36 AM]

*** SIOBHAN OWEN

RXN MR GOLDSWORTHY

PN324

MR GOLDSWORTHY: So going on the plain white spreadsheet?---Yes.

PN325

If you could have a look at ED6 please, and the number of sworn members?---Yes.

PN326

At the top of the table, it's 271, in comparison to - in Division 6, in relation to ED4, 327. So ED6 is smaller by roughly 50 members, would that be correct?---Yes.

PN327

If I could take you to the other table - - -

PN328

THE COMMISSIONER: Hang on a minute, I'm having trouble with that. So please, are we on the blue table, which I think is a good way to put it, or the black and white one.

PN329

MR GOLDSWORTHY: Sir, on the white table.

PN330

THE COMMISSIONER: White table.

PN331

MR GOLDSWORTHY: Yes, the very top, it's got Eastern Region - - -

PN332

THE COMMISSIONER: Yes, the numbers, the number of sworn.

PN333

MR GOLDSWORTHY: Yes. So you do down to the highlighted line, which is Division 4, and if you look on the first table, column down, it's 2023/2024, 327 members.

PN334

THE COMMISSIONER: Okay, yes.

PN335

MR GOLDSWORTHY: If you drop down two rows, to Division 6, 271 members.

PN336

THE COMMISSIONER: Yes. Okay, I get it.

*** SIOBHAN OWEN

RXN MR GOLDSWORTHY

PN337

MR GOLDSWORTHY: So that's out the very east of the state. So if you go to the blue one, if you could have a look at the second table down, purchase leave for

Division 4, the grand total, on the right-hand side, was 25 weeks in June and if you go to ED6 it was 130 weeks were approved. So is that your understanding how many weeks were approved for ED6 and ED4?---Correct.

PN338

In October, after the approvals were finalised, if you go to the very bottom of the table, if you have a look at ED4 and go across to the grand total, we've already discussed, there were 9.37 weeks approved, is that correct?---Correct.

PN339

If you go down to Eastern Region Division 6, there were 113 weeks approved, is that correct?---Correct.

PN340

Okay, so a much smaller division with, let's see, 9.37 weeks in comparison to 113. What's that a 13,000 per cent increase, or something?---Maybe. I don't know, I'm sorry.

PN341

So 13 times, effectively. Sorry, 11, it would be 11 times, effectively, would that be correct?---Sounds right.

PN342

Okay, so a smaller division, by 50 people, but they're happy to provide their purchase leave at a rate of 113 weeks for that division?---Yes.

PN343

That's my re-examination concluded.

PN344

THE COMMISSIONER: Okay. Unless there's something further. Now, Ms Owen, I hate to do this to you, I think the applicant wants to - it's not certain that you might be coming back, it's contingent you might be back, so I think we're coming back on 27 and 28 November, is that right, Ruben?

PN345

THE ASSOCIATE: My understanding, that's correct, Commissioner.

PN346

THE COMMISSIONER: Okay. So just be prepared that you might have to come back. With that in mind, thank you for your evidence today and you're excused?---Okay, thank you very much.

<THE WITNESS WITHDREW

[10.40 AM]

PN347

THE COMMISSIONER: Okay, Sergeant, who's next?

PN348

MR GOLDSWORTHY: Commissioner, I'd like to call Sergeant Walter Larkin.

*** SIOBHAN OWEN

RXN MR GOLDSWORTHY

PN349

THE COMMISSIONER: Okay.

PN350

THE ASSOCIATE: Please provide your name and address?

PN351

MR LARKIN: My name is Walter Larkin, I'm a sergeant of police, I'm presently stationed at the Melbourne Police Station.

<WALTER LARKIN, SWORN [10.41 AM]

EXAMINATION-IN-CHIEF BY MR GOLDSWORTHY [10.41 AM]

PN352

MR GOLDSWORTHY: Sergeant, have you prepared a statement in relation to this hearing?---I have.

PN353

Do you wish to make any changes to that statement?---No, I don't.

PN354

I submit that the statement is evidence.

PN355

THE COMMISSIONER: All right. We're at A3, I think.

EXHIBIT #A3 WITNESS STATEMENT OF WALTER LARKIN

PN356

MR GOLDSWORTHY: Did you oversee the preparation of the draft leave roster for the 2023/24 period, that included the Wodonga Police Station?---Yes, I did.

PN357

How was that process undertaken, from a perspective of the Divisional Planning Office?---In relation to the Wodonga roster, or the whole PSA one?

PN358

Happy to go with the Wodonga?---So the Wodonga leave roster is prepared for like a multiple step process where we look at our service delivery needs, we look at requests from members, long service leave, purchase leave, that sort of thing, and then we try and spread it over the 52 weeks as evenly as we can.

PN359

Did you have any discussions, in relation to the preparation of that leave roster, with senior management?---Yes, certainly, at some stage during the period we always have discussion about it. There's detailed discussions, if you give me a clue what you're - - -

*** WALTER LARKIN

XN MR GOLDSWORTHY

PN360

Do you recall Senior Sergeant Martin, himself, going through the planned - sorry, the purchase leave, when preparing the leave roster for 2023/24, and trying to fit that into the roster, the leave roster?---Yes, certainly.

PN361

Can you just enlighten us as to how that - what is that process?---Okay. So we try to have the leave roster submitted for the financial year, by March. So to do that in March we like - we have to take everything into account, people's long service leave requests, their purchase leave requests, then we add that with the nine weeks leave and then spread it out over the year, so to fit evenly. We don't like to have too many people away at one time, particularly at high risk times, you know, around the fire season and that sort of stuff.

PN362

Right?---Sorry, I had a discussion after it. We'd plotted the whole thing for all the purchase leave we knew about. I had a discussion with Senior Sergeant Martin, and I think he might have gone back to a few members and asked them to change it, which they were happy to do, and we were able to work around it.

PN363

All right. Did you see a copy of the service delivery plan, in preparation for the leave roster?---No, I don't think so. I couldn't recall that. I - it doesn't ring a bell. I'm sorry for the full answer, but I don't remember it.

PN364

I'd like to show the witness a copy of an email from then Acting Superintendent Ashley Mason. I have copies of this for everyone. It was an email that was provided within my request for email documents, so it's been provided to the Commission already.

PN365

THE COMMISSIONER: Okay. Have you got a copy for me now, just for - - -

PN366

MR GOLDSWORTHY: I've taken the liberty to make some highlights on that, to make it - - -

PN367

THE COMMISSIONER: Right. Okay. Thank you.

*** WALTER LARKIN

XN MR GOLDSWORTHY

PN368

MR GOLDSWORTHY: So if you go halfway down the page, this is an email from then Acting Superintendent Ashley Mason, to Assistant Commissioner Tony Langdon. It talks about the overall process applied by ED4 has been - I'm not sure it's has been, annually the PSA Service Delivery Plans are developed so that we know a full demand picture, events, operations, divisional priorities, requirements, tasking, seasonal policing overlays and general rostering demands. You're saying that you didn't see a copy of that?---No, I don't recall seeing a copy of it, but they're all the things that are mentioned, they're all the things we take into consideration.

PN369

Are you aware of any document called the PSA Service Delivery Plan?---No.

PN370

Okay. The next dot point down, Divisional Planning Office, 'This is the process that's been applied to -' and once again I've highlighted it:

PN371

it's a centralised process in order to move more effectively to roster to demand, assist undertaking of demand, drivers, capacity and gaps; provides decision making framework for all HR applications: purchase leave, Fair Work, et cetera.

PN372

?---I see it.

PN373

Would you agree with that statement?---Yes.

PN374

I'd like to tender this email - - -

PN375

THE COMMISSIONER: He hasn't seen it. Ms Leoncio, it's a business record, isn't it?

PN376

MR GOLDSWORTHY: It's one that has been provided to the witness - - -

PN377

THE COMMISSIONER: Yes, I just want to hear what Ms Leoncio has to say.

PN378

MR GOLDSWORTHY: Sorry.

PN379

MS LEONCIO: Yes, I don't have any - - -

PN380

THE COMMISSIONER: Well, Mr Langdon can, what's his rank?

PN381

MR GOLDSWORTHY: Assistant Commissioner.

PN382

THE COMMISSIONER: Assistant Commissioner Langdon can identify it, if you don't - - -

PN383

MS LEONCIO: There's no objection to it being - - -

*** WALTER LARKIN

XN MR GOLDSWORTHY

PN384

THE COMMISSIONER: Okay, that will be A4.

EXHIBIT #A4 EMAIL

PN385

MR GOLDSWORTHY: Just moving on to the next question, have you seen a copy of the Eastern Region Division 4 event planning 2023 event resourcing matrix? This was a document that was provided in Superintendent Arbuthnot's statement?---Yes. I - you might have to explain the question again. We keep a matrix in our office, which we make up ourselves, and we discuss major events on the Tuesday resourcing meeting.

PN386

Okay?---Whether that's the one you're - I don't think that's the one you're alluding to, by the way.

PN387

I believe this is one that's kept by Tasking Coordination?---No, I haven't seen it. I know they do discuss certain events coming up, in our meeting.

PN388

What about the 2024 event plan, the risk resourcing matrix, wouldn't have seen that?---No.

PN389

Okay. Is it correct that in the last financial year, 2022/23, approximately 26 weeks of purchase leave were approved and catered for in the leave roster, for the Wodonga Police Station, in that I make a reference to those attachments that we discussed earlier?---Yes. Is that attachment, the planner that we generate?

PN390

Yes. So that's the 2022/23 leave roster, which if I may provide a copy. I've only got a single copy, I haven't been able to - - -

PN391

THE COMMISSIONER: I think we've got that.

PN392

MR GOLDSWORTHY: Yes, you - - -?---Yes, that's it.

PN393

THE COMMISSIONER: We have that. It was identified.

PN394

MR GOLDSWORTHY: So if I said that there were approximately 26 weeks of purchase leave that were granted in that period, would that be correct?---That'd be correct.

*** WALTER LARKIN

XN MR GOLDSWORTHY

PN395

In that same period were there approximately 223 weeks of temporary duties or upgrading of duties performed by sergeants at Wodonga, at locations other than the Wodonga Sergeant's Office?---If that's what that plan states, that's what it was. That's an accurate reflection of where all the resources were for that. If it's 223 it's 223.

PN396

Okay. Or at least that many. Do you recall how many weeks of purchase leave were included in the draft leave roster for the 2023/24 period?---The one that we discussed with Senior Sergeant Martin it was approximately maybe 30, a bit over 30 weeks or something like that.

PN397

Okay?---I don't have an exact number.

PN398

So in the draft purchase leave roster, so, again, part of my submission, for 2023, may I show that to the - - -

PN399

THE COMMISSIONER: Yes, please.

PN400

MR GOLDSWORTHY: If I said there were 23 weeks of purchase leave worked into the draft leave roster would that be correct?---Yes. Yes.

PN401

And acknowledging, are you aware of applications that were made for purchase leave that are not reflected in this, and I point to Constable, now Senior Constable Cleo Barwick(?) is one of those. She's not an employee on that list. There may have been 30 applications but only 23 were catered for on that roster?---Yes, I do recall some people withdrawing their applications.

PN402

All right, thank you. So, for the sake of clarity, there were 26 weeks of purchase leave approved in the last financial year, this year there was planning done for 23 weeks of purchase leave?---Correct.

*** WALTER LARKIN

XN MR GOLDSWORTHY

PN403

So you do agree. Is there anything else that you think is relevant to the purchase leave process, as applied in Region ED4, that the Commission should be aware of?---No, I think you've covered it okay. I mean purchase leave is one of the many things we take in to consideration when preparing a leave roster over 12 months. Some years we have may a large amount of long service leave requests, which impact, you know, the paternity leave regulations now and all that sort of stuff, they're all - which we can't plan for, over the 12 months, because of people's circumstances come upon during that 12 months, unplanned leave, that sort of stuff. Yes, but purchase leave is one that, if this makes sense, that's one that we can actually plan for, as opposed to a lot of the stuff. A lot of the other burdens on

the roster are in the unplanned element. So being prepared or pre-warned is better than not.

PN404

So I should have clarified at the beginning, how long have you been doing this role, in the Divisional Planning Office?---Since - I've been doing the DPO since its inception, which - you might be able to answer it, probably three years or something like that. Before that I was still a uniformed sergeant, still am a uniformed sergeant at Wodonga, we just did the - it was a roster portfolio, which was, you know, just prepared the roster for Wodonga Police Station, which was just say one or two days a fortnight, now it's a - you're doing the planning for the whole PSA and all the critical incident stuff, on boarders, all that sort of - - -

PN405

In your preparations for this year's leave, purchase leave roster and leave roster, do you believe it was achievable to provide the number of purchase leave - provide for the number of purchase leave weeks that were requested?---Well, I'd have to say yes, on the - we had - we had allowed for it and we had - so it's been - we've achieved it every other year. The actual impact that has at any given time on their baseline, you know, they're normal service delivery, it's hard to say, but it was allocated and we had catered for it.

PN406

So you raised BMSL there, has there been any occasion, to your knowledge, in the Wodonga PSA, where BMSL has not been achieved because there was nobody to roster for it?---No, and that's just the one band, which is the BMSL.

PN407

Yes?---We've always - every roster that's submitted for approval has achieved BMSL.

PN408

Yes. Right, that's it for the questioning at this stage, thank you, Commissioner.

PN409

THE COMMISSIONER: Ms Leoncio?

CROSS-EXAMINATION BY MS LEONCIO

[10.55 AM]

PN410

MS LEONCIO: I might just start with where we finished just now, which was talking about that BMSL point. Now, you would agree with me that there have been breaches of the BMSL, over the course of the last 12 months?---Certainly.

PN411

And there have been 261 occasions, or something to that effect, in the last 12 months?---Just Wodonga, Wodonga PSA or ED4?

*** WALTER LARKIN

XXN MS LEONCIO

PN412

Across the Division, across the - - -?---ED4, yes, there'd be 260. It's roughly 50/50 between the two PSA.

PN413

So that arises after the roster is posted?---Yes.

PN414

So if something occurs during the course of the roster that results in the BMSL not being reached?---Yes. In the interests of clarity, I know there has been an occasion, if you're talking about the whole ED4, there has been occasion, in Wangaratta, where they haven't been able to achieve BMSL, just when the roster's been submitted for approval, but not in Wodonga, no.

PN415

So some of the things that can cause that shortfall are unplanned leave, so things like if someone calls in for personal leave?---Certainly.

PN416

Or someone has WorkCover leave, or some kind - unpredictable thing that occurs?---Unplanned leave, to my knowledge, would be the biggest, which is sick leave or WorkCover, people get injured at work.

PN417

So, from your perspective, although when you're preparing a roster and you set it out and it looks like the BMSL might be able to be met, you can't be confident about that because of the unplanned leave frequency?---Yes. When you - there's particular days of the week where we have a lot of police available. There's other days of the week where we don't. We achieve BMSL when the roster is submitted, but there's not a lot of space to draw resources on certain days, particularly weekends, Thursdays but Monday or Tuesday we don't have too much trouble.

*** WALTER LARKIN

XXN MS LEONCIO

PN418

So if you had an application for purchase leave that was made, it's possible that - it's possible that it may be allowed for in the roster but, ultimately, in that roster period it could be the cause of the BMSL falling below the minimum service?---Sorry, I don't understand that part of it. So the purchase leave is just we - it gets thrown into the pool with long service leave and normal leave, and then we stretch it out over the 12 months. For example, probably around the Christmas period, around the Christmas period, follow up to New Year particularly, a lot of members put in request for leave. With our 60-odd ORs and 16 sergeants and others, we don't like any more than eight or nine away at one time. That guarantees that we can - we spread that out over the year. We normally have, on average, 20 to 25 applications for leave over the Christmas period. Then if the members don't get that request, if they request it, then they will put in for purchase leave for that same period and that's where it really gets particularly sticky. So we have to go back and speak to them and say, 'We can't go any further than this', and they might change their purchase leave request, or they might put in for long service leave, and they change the way they do it. But

it's a particularly sticky period and there are periods, over the 12 months, where our leave burden is particularly hard on the roster and we don't have a lot of leeway, regardless of the planning we've done in advance. So I think that answers your question.

PN419

To some extent. Just in terms of those tricky periods, what periods are they?---Well, anywhere where we've got excessive leave. We try to keep it down to, as I said, eight to nine, over the fire period. Then we'll have long service leave, which we're pretty much obliged to give, you know, per rank. Then there might be two or three unplanned leaves, people all of a sudden, or they've been injured at work, they put in an application for paternity leave or maternity leave that wasn't allowed for and all of a sudden that leave commitment, being in what shape or form, could be up to 14, 15 sometimes, of unavailable members, and that's where it gets - we don't have a lot of members after that to cover short-term, unplanned leave. That's where the BMSL breaches happen.

PN420

I suppose I'm trying to work out, if someone's on purchase leave at that time, so there's a shortage, there's a - - -?---I see, sorry. The thing is, when we take into account the purchase leave, will actually reduce the amount of just normal leave in that period. We always - so we're just (indistinct) the pool.

PN421

THE COMMISSIONER: So you can't go from one pot into another?---Yes, yes, that's it. We don't like to go, as I said, over the fire centre period, the old fire centre period and that sort of stuff. We try to keep it at eight or nine members and that would include purchase leave in that eight or nine. But that just means the burden goes further down the line.

PN422

MS LEONCIO: So if that person's available, so if they didn't take purchase leave, so they're rostered, that's an additional resources that's available?---Yes, it is. Certainly.

PN423

And the roster itself, when you're preparing the leave roster, there may be some additional other service demands such as, for example, the Highway Patrol, is that something that's factored into the leave roster?---No, not the Highway Patrol, but we do factor other stuff in.

PN424

And the same goes for, there's a shortage, I think, in Corryong - - -?---Sorry, when you say Highway Patrol, you mean the extra resources - - -

*** WALTER LARKIN

XXN MS LEONCIO

PN425

Yes?--- - - - that uniforms putting in there. Yes, that's not so much in the leave roster. When the leave roster is being prepared, if we've got that commitment, it's just - well, we just use what members are available, we can't actually allow that in

the leave roster, if you know what I mean. We still have - with the amount of members we've got and if you look at the planners that are going around, it's pretty much even across, there might be a few months where we're down to six or seven, but we're pretty much maxed out with our leave, across the board.

PN426

THE COMMISSIONER: Right?---The higher that number goes up, the greater - the harder it gets to - you know, we've talked about BMSL, but we run to events, and that's above normal BMSL standards. It's baseline minimal service levels that we have to supply.

PN427

Yes, yes?---It's one band, we're not a one band town.

PN428

It's referred to about a thousand times in this paperwork?---Yes, I apologise. So, for safety reasons, we run more than one band on afternoon and nightshift.

PN429

Right, okay.

PN430

MS LEONCIO: So, in terms of that additional resource, that isn't on leave, so let's just say the purchase leave application is refused, that does mean that there's more shifts on the roster to meet the various demands at that time?---Yes, certainly.

PN431

And that could include things like Wodonga Highway Patrol, it could also include things like providing support to Corryong Station which - - -?---Yes, and Rutherglen at the moment.

PN432

And Rutherglen, yes. And it could also include providing that resource or deploying that resource to the neighbourhood policing shifts?---Yes, we have a commitment, we have to do five of those shifts fortnightly.

PN433

And those shifts, I understand, they're not currently consistently being able to be rostered, is that correct, every fortnight?---They are, I think. In the way that sometimes it's smoke and mirrors. You know, a van might be changed to the Neighbourhood Watch unit, you know, the second van, but most times it's a 9 o'clock unit. We have to commit - we have to commit five a fortnight, which is 10 members.

*** WALTER LARKIN

XXN MS LEONCIO

PN434

And in your - so, in your opinion, you think that's being met?---Look, you could probably prove me wrong, by the odd week. But consistently we try to achieve it and if we're not, we're just not recorded as a neighbourhood unit. The afternoon van, the 301 would become a Neighbourhood Watch unit.

PN435

And another potential way in which those shifts could be utilised is, for example, if an emergency management incident occurs?---Certainly. That's where we have to draw your resources. That's one of the unplanned things I was talking about.

PN436

And that does happen quite frequently, doesn't it?---It seems to be happening more than it used to, like fire, flood, all that stuff. Just this year.

PN437

And it can occur throughout the year, so things like missing persons, that can be pretty serious?---Certainly. Yes, definitely.

PN438

And would you agree that the resourcing, in ED4, that there are some pretty significant constraints at the moment?---Some what, sorry?

PN439

Significant constraints? It's resource poor at the moment?---Yes. We could always use more police officers.

PN440

So, in your view, just having regard to what those additional shifts could be - how they could be utilised, would you agree then that it might be reasonable to refuse a purchase leave application if it means that they can be deployed to do those extra service requirements?---I don't know whether I'm in a position to be able to say it's responsible to refuse them. My job is make this fit, so I go and make it fit, it's not my - I don't - I'm not at the decision making level for those sort of things. As I just said before, we make it fit and just get by with what we're using. So - but having said that, any extra shift we get is much appreciated and it makes our - makes everyone's life a bit easier.

PN441

It's not just about making life easier, it's also, you know, this - - -?---When I meant 'life easier', life easier for the other members. When we don't have enough resources and we're struggling it's pressure on the members. Yes.

PN442

Okay, thank you, Sergeant Larkin?---Thank you.

PN443

THE COMMISSIONER: Re-examination.

RE-EXAMINATION BY MR GOLDSWORTHY

[11.07 AM]

PN444

MR GOLDSWORTHY: Sergeant Larkin, you've seen an increase in the number of sworn members, at Wodonga, over recent years?---Sorry, I - - -

*** WALTER LARKIN

RXN MR GOLDSWORTHY

PN445

Have you seen a number of - an increase in the number of sworn members, at Wodonga?---Yes.

PN446

Do you know quantity wise as to - - -?---I think it was seven extra that we got, six or seven.

PN447

That's for other ranks, as in constables, senior constables - - -?---It was, constables and senior constables.

PN448

Okay. And how many sergeants, are you aware of, at the station?---Sixteen.

PN449

Yes. So of the ORs, you try to maintain the number on leave at any one period, between eight and nine, is that correct?---Yes, it gets up to 10.

PN450

And that's been the case over the last forever years, last 20 years?---Yes, as long as I've been around.

PN451

Right. So we've had an increase in numbers, so it's expected that there may be, you know, times you might have 10 people, and then the - - -?---Yes, it has crept up.

PN452

For sergeants, how many would you say are normally on leave at any one time?---So with the 16 sergeants, there's normally two or three on secondments, myself included. We try not to have more than three away at any one time. If you know about purchase leave and long service leave, we reduce the rec leave to two, to cover it.

PN453

Okay. To run the roster for the fortnight, to cover the minimum shifts of the custody sergeant and the 251 patrol, roughly how many sergeants do you need performing duties on the roster that aren't on leave or otherwise - - -?---Well, not on leave, it would need to be 12, normally about 12, I'd say, 11. It's on that plan. It depends what their commitment is. We normally run with two or three upgrades. We take acting sergeants most fortnights.

PN454

So that would also include those on leave, with 12, so normally you'd have eight or nine sergeants actually on the roster, working, at any one time?---Yes. Probably, yes, about that.

*** WALTER LARKIN

RXN MR GOLDSWORTHY

PN455

In relation to staffing for emergency management, how is that ordinarily undertaken?---So to prepare the readiness document it depends what the

circumstances are. We have to supply an ICC, which would be the merc, traffic, liaison, so there's four for that. Then we have to fill in IPOP(?), which is, depending on the levels, if it's 24 hours a day, that's at least eight in the IPOP, covering every element. So we draw those resources from everywhere. There's particular members qualified in other areas, be it operations, logistics or whatever cell in the IPOP, so we try to draw on them first. Then usually we have to draw everyone from anywhere, but it's learn as you go sort of stuff, but that is a huge drain on our resources, particularly when it pops up straight away and you've got to man it on nightshift and that sort of stuff.

PN456

So you draw members from the I&R units?---We do, yes. We draw them from everywhere.

PN457

Yes, and do you have members on overtime?---Pardon?

PN458

Do you get members in on overtime?---If it's approved, yes. Callbacks, they normally start with callbacks on rest days and then particularly big stuff, like bush fires, when they first took off, was recalling annual leave.

PN459

You recall members from leave?---Yes. I'd say we've done it once in the last 12 months or 18 months.

PN460

Okay. First of all, the number of core shifts per month, per year. So is it correct in saying (indistinct) around a day, afternoon, and nightshift are the core three shifts where BMSL is required? The start times may be different, but the core shifts are those?---Yes. So it's - it's six ORs, five ORs, so it's a van, two in the watch house and a driver, 251 driver. Then we need a custody sergeant and a 251 sergeant and then, if there's a 265, we put a driver on for him as well.

PN461

That's for a day shift, and in an afternoon shift you do the same?---Yes. Correct.

PN462

Then roughly, on the night shift, you do the same?---Correct.

PN463

So there's three distinct shift patterns within an average working day?---Correct.

PN464

So for a month, that would equate to roughly 90, depending on how many days there are in a month, that would be right?---Yes.

PN465

And in a year, so it would be 365 times 3, so like 1095.

*** WALTER LARKIN

RXN MR GOLDSWORTHY

PN466

THE COMMISSIONER: The breakdown is in that planner you've got in front of you.

PN467

MR GOLDSWORTHY: Yes. So if you had need for an additional 20 shifts of those 1095, how would you plan to resource an emergency and pick out the particular shift where that's going to occur, or where we may breach the BMSL in that - - -?---I couldn't answer that. I'd just say I'd use you where - and someone else would go on leave. It's be the same, three sergeants away.

PN468

So you can't actually roster for an emergency that you don't know is going to occur, is that correct?---That's correct. But we can, like over the fires, at least we can try and be a little bit more prepared. You know, you plan for the worse day, but you can't always, of course.

PN469

Are you aware when I actually applied for my purchase leave, the dates?---No, I'm not, sorry.

PN470

So if I said there were some in November and some in March?---Sorry, yes. Yes, I remember the date, yes, when you asked. I thought you meant when you actually submitted the request, sorry.

PN471

So are they particularly onerous periods for emergencies, that you're aware of?---Was it November and March?

PN472

Yes?---No, not particularly.

PN473

That's all the questions.

PN474

THE COMMISSIONER: Sergeant, I don't want to increase your torture, but I've got a question. So it must be a hell of a job preparing that. I mean the factors you've got to take into account and the imponderables, it must be almost impossible, is that right?---Yes, some days quite stressful, other days pretty cruisy.

PN475

Okay. So what your job is, you have the two things, the unplanned leave, long service leave, paternity leave, et cetera, you can't really factor that in, but the planned leave, your job is to smooth that out, over the financial year?---Yes.

*** WALTER LARKIN

RXN MR GOLDSWORTHY

PN476

So it could be a situation, irrespective of planning, irrespective of purchase leave, that the BMSL may not be complied with because of the amount of unplanned leave that's taken?---Well, that's pretty much when it is breached, the unplanned leave.

PN477

Would you say that the unavailability, due to purchase leave, was a significant factor in slipping below the BMSL?---No, it's not a significant factor at Wodonga in this year, I wouldn't have thought, the 24 weeks or whatever it was.

PN478

Thank you. Anything arising from either of you?

PN479

MR GOLDSWORTHY: No, Commissioner.

PN480

MS LEONCIO: Sorry, just one moment. No, thanks, Commissioner.

PN481

THE COMMISSIONER: Thank you, Sergeant Larkin, for your attendance, you're excused?---Thank you.

<THE WITNESS WITHDREW

[11.15 AM]

PN482

MR GOLDSWORTHY: Thank you, can I just grab those documents?

PN483

THE COMMISSIONER: Yes, please. My associate there, you can call upon him at any time if I may say so. So if you want him to get something, please ask him.

PN484

MR GOLDSWORTHY: Thank you. I call my next witness, Senior Sergeant Chris Parr.

PN485

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

PN486

MR PARR: Senior Sergeant Christopher Parr, (address supplied).

<CHRISTOPHER PARR, SWORN

[11.16 AM]

EXAMINATION-IN-CHIEF BY MR GOLDSWORTHY

[11.16 AM]

*** CHRISTOPHER PARR

XN MR GOLDSWORTHY

PN487

MR GOLDSWORTHY: Thank you for your attendance today. Could you please explain to the Commissioner your current role within Victoria Police?---Commissioner, I'm a senior sergeant of police. I'm the cluster

commander for what we call the Indigo and Towrong(?) clusters, in the Wodonga Police Service area. I have 10 stations under my responsibility, they range from Corryong through to Beechworth and down to Rutherglen and include the six one-person stations within that area.

PN488

Prior to undertaking this role where were you stationed?---I was the officer in charge of Wodonga Police Station, which is the 24-hour station, the big brother we call it.

PN489

In June of this year were you performing the role of the local area commander of the Wangaratta Police Service area?---Yes, I was.

PN490

On 1 June this year, did you participate in what's now been called the ED4 purchase leave panel?---Yes, I did.

PN491

Can you tell the Commissioner about this process?---Commissioner, I was asked to do the upgrading of Wangaratta. Obviously I was in the Wodonga Police Service area, so I travelled back and forth. When I first sat in the seat as the inspector, I was going through the emails for the inspector's email box. One I got was from the senior sergeant at Wangaratta and they said, 'Dear Chris, I'm waiting to push the button on approving all the purchase leave', and I said, 'No, don't do that yet, I haven't even looked at it, and I don't know what the process is just yet'. So I got the applications for the people in the Wodonga Police Service area who wanted purchase leave. I looked at those applications and I knew that Mr Henry was the local officer in charge of the process, he was going to write any report we needed to write. I emailed Paul and said, 'Seems like a bit job you've got, I've got eight applications here. If you'd like to get together one day we'll go through them and we can make some decisions'.

PN492

THE COMMISSIONER: Yes, okay?---I've provided that email.

PN493

MR GOLDSWORTHY: Were you given any explanation or information on the purchase leave panel process?---No.

PN494

Were you provided with any terms of reference for the purchase leave panel?---No.

PN495

Were any formal minutes of the meeting kept?---No.

*** CHRISTOPHER PARR

XN MR GOLDSWORTHY

PN496

Did you take any notes at the meeting?---I took some handwritten notes in my police diary, which I've provided.

PN497

Did you meet in person, or over Teams?---No, we met in person. It was a difficult day for me, Commissioner, because I was also what's called the East 150, I was the officer responsible for the Eastern Division. We had an explosion that morning, and an industrial accident where several people were injured from gas cylinders and we also had a running - a high risk missing person's search and I was responsible for both of those.

PN498

THE COMMISSIONER: Okay.

PN499

MR GOLDSWORTHY: So this is on the day of the panel, is that what you're talking about?---Yes, it is. We're calling it a panel, and we call it - it's sounding like a formal meeting, it wasn't. I organised a meeting with Mr Henry to discuss my applications and his applications. We didn't - it wasn't sitting down around the table and formally doing it, it was two inspectors discussing the problems they were having.

PN500

THE COMMISSIONER: I follow, thank you.

PN501

MR GOLDSWORTHY: So, just for the sake of clarity, who was actually present during that?---It occurred in my - I have an office, as senior sergeant, and I share that office with the DPO, it occurred in that office, with Mr Henry and a leading senior constable, I think Daniel is a leading senior constable, Daniel Grains(?), he's part of the DPO office. He was present because his desk is in there, but he also provided advice to me on the leave roster, as I was going through my applications.

PN502

Was Inspector Brad Sprague(?) present?---No, he wasn't.

PN503

Was he invited?---No, I didn't invite Brad to the meeting.

PN504

Okay. Did you go through each application individually?---I went through each of my applications individually and spoke to Paul about my concerns and how I was going to deal with them.

PN505

How were they assessed?---Well, they were just assessed by me, on each individual personal circumstances and I suppose, really, they were assessed on their personal circumstances and a couple I had a look at what resources I was pushing out of the Wangaratta uniform section to assist in other areas and whether I could overcome that.

*** CHRISTOPHER PARR

XN MR GOLDSWORTHY

PN506

How was the decision made?---The decision - I've made a decision on each of my applications. Mr Henry went through each of his applications and made his own decision on each of those. Then we bounced off each other how we felt we did that and if we thought we were being reasonable, without conclusions.

PN507

So what were the possible outcomes of any decision, for any applicant?---Well, the outcomes were they either got their leave or they didn't. In my case seven applications didn't get their leave and one person did, I asked for approval.

PN508

So you couldn't actually, ultimately, approve them? So if you said, 'Yes, this person should have purchase leave', was it your decision or somebody higher than you that would actually approve that, authorise it?---What I thought the process was going to be, Commissioner, is I would say I think this person should get leave, and these persons shouldn't get leave, and then they go to Mr Henry, he writes the report, which goes to our DLG, which is - - -

PN509

THE COMMISSIONER: Like a peer review process?---Yes. Yes, that type of thing, and then we come to a conclusion.

PN510

Yes.

PN511

MR GOLDSWORTHY: Great. Were the applications purchase leave assessed against reasonable business grounds?---I can't say that I did. I included personal reasons as well.

PN512

Did you receive a copy of Assistant Commissioner Langdon's email, from 13 June, that expressed his concern around the number of purchase leave applications that had been approved across the region?---No.

PN513

All right. One of the 10 stations that you're responsible for in your role as the Towrong and Indigo cluster senior sergeant, was Corryong. Can you explain what unfolded, in relation to the staffing at Corryong, around the May, June, July period?---I'll do my best. Corryong is a very difficult place to staff, it's very remote, you go past Tolanga(?) and it's another hour down the road. Yes, it's a lovely spot, but we can't get people there. I think what Sergeant Goldsworthy is referring to, and he'll assist me if I'm going off track, is that during that period we were down two staff members from Corryong. It's normally a sergeant and five, we had a sergeant and three, and one of those three ORs is not full-time. So we were having difficulty staffing the station and we pushed some people from the Wodonga uniform up to Corryong to assist with the - just to keep the station ticking over.

*** CHRISTOPHER PARR

XN MR GOLDSWORTHY

PN514

So, to clarify, during that period did you become aware that two of the members that were up there, they were a couple, were intending to leave and they did, in fact, transfer to another station at the beginning of July?---Yes. That was the case, a couple, and it happened very quickly.

PN515

Yes?---It left us quite short.

PN516

Were you aware, shortly thereafter, that there were two members who had previously been stationed there that were interested in returning to Corryong?---Yes, there was. They were a couple that wanted to come back.

PN517

Yes. So it was reasonably foreseeable that any provision of resources out of Wodonga would be short-term?---Yes.

PN518

All right. Has there been periods, in the past, where the numbers of members at Corryong have fluctuated?---Yes, often.

PN519

You know, you've spoken to the issues around attracting our staff to Corryong. How do members at Corryong handle during availability, because one of the issues that's been raised is fatigue management for them. Are you aware whether they prefer to do availability or they prefer not to?---So, Commissioner, this was a decision what we made together, as a staff. I have a management style that's inclusive, I don't really like just directing if I don't have to. So the staff up there, being so remote, each one of my other 16-hour stations, which is on availability, do it on a system where there's one person on availability. For example if I give you an example where Rutherglen, they have one person on availability. Beechworth has one person on availability. If there's a job that comes up after hours, that Wodonga can't - the Wodonga van can't go to, then those two are called out and they team up. It's a safety thing, but from each of those 16-hour stations it only affects one person. Corryong, because of their remoteness, they asked if they could work two-up on availability, which increases their availability hours quite considerably but I worked with them and said 'I'm prepared to put that forward to by DLG, very strongly, and get them to - as they to approve that, so that they work two-up'.

*** CHRISTOPHER PARR

XN MR GOLDSWORTHY

PN520

THE COMMISSIONER: Sorry, I'm having trouble with the acronyms?---I'm sorry. DLG is Divisional Leadership Group, it's the inspectors and the superintendent. We take our decisions - as a senior sergeant, I take it to them and say, 'This is what I'd like to do in my home base'. So the members at Corryong, we had a meeting, they took it very seriously, they produced to me spreadsheets, much like Sergeant Goldsworthy has produced to you, about the hours that they work, how it affects their personal life and the benefits that it brought to them, including the safety. So we ultimately agreed that they would work two-up on

availability, out of that station. It increased their hours, but I think, in my opinion, it decreased their stress levels and it improved their work/life balance.

PN521

MR GOLDSWORTHY: So overall, would you say that the current rate of doing availability at Corryong, members are predominantly happier to do it as it stands, rather than not?---I think they are and there has been no negative comment brought to me about it.

PN522

Okay. Changing tact a little bit here, you are also responsible for the Chilton area, in the Indigo Shire, in relation to the fatality that occurred on the Hume Highway, where four elderly people were killed when the driver of the car pulled out in front of a B-double truck. First of all, did you attend that scene?---Yes, I did, I attended the scene as the patrol supervisor, I was 265 on the day.

PN523

Okay?---265, sorry, Commissioner, it's a senior sergeant level and it's the officer in charge of the division in that area.

PN524

THE COMMISSIONER: Okay, right, thank you.

PN525

MR GOLDSWORTHY: All right. Are you aware that in those four people dying in that one incident that effectively doubled the fatalities in the Wodonga PSA for the last 12 months?---Yes.

PN526

Do you believe that there is amount of enforcement could have prevented that collision?---I don't think so, unless there was an officer sitting on the corner, Commissioner, it's not going to change anything.

PN527

That's all my questions for Senior Sergeant Parr at this time.

PN528

THE COMMISSIONER: Thank you. Ms Leoncio.

CROSS-EXAMINATION BY MS LEONCIO

[11.28 AM]

PN529

MS LEONCIO: Senior Sergeant, you were asked some questions about the discussion that you had with Inspector Henry, about the purchase leave applications?---Yes.

PN530

And you said that you'd considered the personal circumstances as well, when you were asked a question about reasonable business grounds. When you said 'as well', did you mean that you had considered other matters as well?---Yes.

*** CHRISTOPHER PARR

XXN MS LEONCIO

PN531

And that those other matters included things like the resourcing of - - -?---I'm having a little bit of difficulty hearing you, I'm sorry.

PN532

THE COMMISSIONER: Me too, if I may say so.

PN533

MS LEONCIO: Sorry, I'll speak up.

PN534

In terms of the other matters that you had considered, as well as the personal circumstances, they included the resourcing environment in your PSA?---Yes, they did.

PN535

Across the division, at that time you were aware of the resourcing pressures across ED4?---I was.

PN536

And you knew about that from discussions that you'd had, at the DLG level?---Yes, but - yes. The answer is yes.

PN537

Of course you had these particular resourcing constraints in Corryong, at that time?---Yes.

PN538

You were aware of the two that were about to leave, when you were going through the applications?---No, I didn't take Corryong into consideration because I was the Wangaratta inspector. I considered the Wangaratta applications.

PN539

In terms of the resourcing that would be required to go to Corryong, was that not something you had to think about because Wangaratta weren't promoting - - -?---It wouldn't have affected me as the Wangaratta inspector, Commissioner.

PN540

Did you expect it to have impacted the Wodonga PSA?---It would.

PN541

In terms of the consideration of the applications, so the purchase leave applications, for Wodonga PSA, that was largely Inspector Paul Henry's remit, is that right?---Yes.

PN542

So you bounced ideas off, but it was ultimately - - -?---We had a very robust conversation about how we were going to do it and, yes, we bounced ideas off each other, and our reasoning off each other.

*** CHRISTOPHER PARR

XXN MS LEONCIO

PN543

You may not have discussed, in detail, the resourcing pressures in that conversation, is it correct, though, that it was a well known fact that there were resourcing pressures, in ED4, that you didn't need to kind of itemise all of those issues in that discussion?---Yes.

PN544

And would you agree with me that part of the consideration that you had, in considering whether to approve or reject, was more about trying to improve my role, in terms of approving applications to make sure that, I guess, people were happy, is that part of the consideration?---No.

PN545

In terms of - so was - when you were talking about the personal circumstances, you were saying if they were significant then - - -?---No, if I was trying to make people happy I would have approved eight of eight, I approved one of eight.

PN546

Yes. And part of the reason that you approved one of eight was because you thought that person had extenuating circumstances?---Yes.

PN547

But would you agree with me that in terms of all of the applications for purchase leave that there were resourcing reasons, or resourcing pressures that you could have relied on to reject all of the applications?---Yes.

PN548

You were asked some questions about Corryong, and I just wanted to make sure I understood this correctly. There were two that had - so there was a one sergeant and five other ranks, and then there were two other ranks that had told you they were going to depart, or they were going to leave, or you were aware that they were going to leave?---They were part of the five ORs, yes.

PN549

Yes?---Am I answering these questions as the Wangaratta inspector, or as the cluster senior sergeant?

PN550

Just in terms of your knowledge?---Okay. Well, that's good, because I've got a bit of it.

PN551

Yes, that's helpful?---I just wanted to make sure, that was all.

PN552

THE COMMISSIONER: We love knowledgeable witnesses here. We don't get it very often, if I may say so?---So Corryong is one sergeant and five ORs, and two of those - two of the ORs left rather quickly and it put a big dint in our resourcing.

*** CHRISTOPHER PARR

XXN MS LEONCIO

PN553

MS LEONCIO: Was there also an intention to resource, to obtain three additional resources, for fatigue management, around that time?---Are you talking about the SAM model, the staff allocation model that's increased Corryong's staff numbers?

PN554

I think I might be?---So recently, Commissioner, we've had what's called a staff allocation model brought to us and I've been informed that Victoria Police want to increase Corryong's staff numbers by three ORs. We've advertised - - -

PN555

THE COMMISSIONER: I think I've got some idea, what's an OR?---I'm going to try and stop doing that.

PN556

No, no, please, it's a par for the course, I think, in Vic Pol?---Three other ranks, sorry.

PN557

Other ranks, okay?---So anything under a sergeant we call other ranks.

PN558

Other ranks, okay, thank you. That's not what I thought it was, so thank you for that?---Anything else.

PN559

Other ranks, okay?---Yes. So we've been told that we'll get three more. Two of those had been advertised, no applicants from within Victoria Police applied for them. Now two applications are going to what we call a special category, which means that if someone applies for them they only have to stay for 18 months and they get what we call a free kick, to another station and jump the list.

PN560

Okay. So if they do the service a favour and go to a place that not many people want to go, they get a free kick after it?---That's what we call it, yes.

PN561

Yes. Right, okay. All right.

PN562

THE WITNESS: Was that the answer to your question?

PN563

MS LEONCIO: Yes, that's right. Are you aware that there was - around that time, so mid 2023, that May/June period, there was an original intention that there would be two members from Wodonga that would support Corryong?---In a nutshell yes, but it's not that simple. I can go into what our reasoning was, but the answer is yes.

*** CHRISTOPHER PARR

XXN MS LEONCIO

PN564

That was to fill that vacancy in that period, is that right?---Yes, but we were sending one person at a time, from Wodonga's strength, yes. And we were sending - I mean some of our members, Sergeant Larkin has got a terrible job with the roster because some of them are on 10-hours, some of them are on eight hours.

PN565

THE COMMISSIONER: Yes, I know. I just heard it, I can't imagine doing it myself?---He does a fantastic job and he's very inclusive with it, but we were sending the members that were on 10 hour shifts to Corryong, so that they got some travel time to and from Corryong, but still got to spend six or seven hours within the town, doing police work.

PN566

MS LEONCIO: Do you recall if that was one of the reasons that inspector Paul Henry thought that some of the purchase leave applications should be rejected, to make sure there was enough strength at Wodonga to support Corryong?---I think so, yes.

PN567

Do you agree that that's a reasonable basis?---Yes. Mr Henry has been very good to me, in my role as the cluster senior sergeant, he's very supportive of the other stations and he does push resourcing into those stations when I've got a difficulty with numbers.

PN568

All right, thank you, they were all my questions.

RE-EXAMINATION BY MR GOLDSWORTHY

[11.38 AM]

PN569

MR GOLDSWORTHY: Thank you. In relation to the resourcing requirements, when you make a decision at the purchase leave panel, what were those that were require for the Wangaratta PSA? Did you have a good knowledge of how many shifts or staff that you may need to fill, at that stage?---No, I was on - I was on the back foot, Sergeant, when I arrived in the chair. There hadn't - a lot of the applications hadn't been processed or progressed and I spoke to the previous acting inspector who said to me they hadn't been progressed, so I was on the back foot and I had to have a look at our resourcing, what was required, where numbers of individuals were going IR&R units, or to other stations, then then use some of that knowledge.

PN570

But primarily, the decision around whether to approve or not, purchase leave applications, was on the personal circumstances? In other words, if they were fully - if they were exceptional then you would allow it, but otherwise they were rejected?---Yes.

*** CHRISTOPHER PARR

RXN MR GOLDSWORTHY

PN571

Are you aware of a table which I produced in my original submission, that shows that the ongoing crime rate, over a number of years, within the four cluster sergeant stations of Beechworth, Corryong, Tallangatta and Rutherglen?

PN572

MS LEONCIO: Commissioner, I don't think this arises from - in re-examination, I'd object to that question.

PN573

THE COMMISSIONER: She's got a point, Sergeant.

PN574

MR GOLDSWORTHY: Okay, I'll redo it, if you're happy with that.

PN575

THE COMMISSIONER: Yes, please.

PN576

MR GOLDSWORTHY: The current crime rate for the last financial year, in Corryong, are you aware what the crime numbers are?

PN577

MS LEONCIO: Sorry, Commissioner, I don't see that that deals with the issue. We didn't discuss - - -

PN578

THE COMMISSIONER: You're restating the same question, I think.

PN579

MR GOLDSWORTHY: Okay. Is it justified to have a sergeant and seven or eight other ranks stationed at Corryong, given their crime rate or road trauma?---I will take every police officer that Victoria Police gives me.

PN580

THE COMMISSIONER: Of course?---My personal opinion is that the SAM, the staff allocation model, has increased the numbers at Corryong because of what I did with the availability for the members.

PN581

MR GOLDSWORTHY: And the repercussions for those members, up at Corryong, who are already there, if those positions were filled, how do you see that playing out?---There's no doubt that the availability will drop. So members will have less availability over a rostered period.

PN582

Is it potential that that may make it an even less describable location to transfer to?---There is a potential because the members would be earning less money.

PN583

All right. That's it for the cross, thank you.

*** CHRISTOPHER PARR

RXN MR GOLDSWORTHY

PN584

THE COMMISSIONER: I've got a question for you, Senior Sergeant. You said, when you were considering the purchase leave there were two considerations, one was the personal experiences, the personal circumstances, the other was the resources required. Did you go to anything or was it within your understanding, your knowledge of the ED4, or whatever? What was the resources required? What was the repository of knowledge you went to, to determine how that would be affected?---I looked at the roster for the division and looked at what resources Wangaratta uniform, the 24-hour police station, and the 16-hour stations were pushing into the areas with - that had needed more police, more numbers of police.

PN585

I understand. Is there anything arising? Thank you, Senior Sergeant, that was very helpful and you're excused. Thanks?---Thank you very much.

<THE WITNESS WITHDREW [11.42 AM]

PN586

MR GOLDSWORTHY: Now I'll call my next witness, which will be Leading Senior Constable Glen Allerdice.

<GLEN ALLERDICE, SWORN [11.43 AM]

EXAMINATION-IN-CHIEF BY MR GOLDSWORTHY [11.43 AM]

PN587

MR GOLDSWORTHY: Leading Senior Constable Allerdice, have you prepared a statement in relation to this matter?---I have.

PN588

Do you wish to make any changes to the statement?---No, I don't.

PN589

I submit this statement into evidence, Commissioner.

PN590

THE COMMISSIONER: That will be A5.

EXHIBIT #A5 WITNESS STATEMENT OF GLEN ALLERDICE

PN591

MR GOLDSWORTHY: Could you please explain your current role within Victoria Police?---I'm currently employed by Victoria Police, have been since 1999. My current role is the rank of leading senior constable, attached to the Wodonga High Patrol, based at the Wodonga Police Station.

PN592

How long have you been in this role?---I've been in this traffic role since 2003.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN593

Is it correct that on 29 May this year you had four weeks of purchase leave approved?---That is correct, yes.

PN594

On 18 July did you receive an email, from Inspector Sprague, advising you that the panel had not approved your purchase leave application?---Yes, I did.

PN595

I'd like to tender into evidence, if I may, that email, which I'll need to locate.

PN596

THE COMMISSIONER: So while - so you had two - you had the purchase leave you applied for, on the 4th, you had two lots. You took - you sought and had a lot of one purchase leave approved and then you had another one, or is this the same - - -?---No, sir, just the - I had one lot of purchase leave approved.

PN597

Okay. Thank you, sorry?---I can elaborate on that, if you like?

PN598

No.

PN599

MR GOLDSWORTHY: I have the email that he received, if I could tender that into evidence, if I may.

PN600

THE COMMISSIONER: Good, please. Ruben, can you - have you got copies for us, Sergeant?

PN601

MR GOLDSWORTHY: Unfortunately, I don't, I don't have a copy for myself. Leading Senior Constable Allerdice - - -

PN602

THE COMMISSIONER: If you have a word with my associate he can provide - do you have that?

PN603

MS LEONCIO: No. No, I don't.

PN604

THE COMMISSIONER: Ruben, can you go and - you just stay there. Look, we'll adjourn shortly for that to be copied for us.

PN605

MR GOLDSWORTHY: There's two emails there. There's two separate emails there, sir.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN606

THE COMMISSIONER: Okay. Thank you. Everyone sit down, I'll adjourn now and when he comes back I'll - we'll keep going.

<THE WITNESS WITHDREW [11.46 AM]

SHORT ADJOURNMENT [11.46 AM]

RESUMED [11.54 AM]

<GLEN ALLERDICE, RECALLED [11.54 AM]

EXAMINATION-IN-CHIEF BY MR GOLDSWORTHY,
CONTINUING [11.54 AM]

PN607

THE COMMISSIONER: So everyone is clear on where we're going?

PN608

MS LEONCIO: Yes.

PN609

THE COMMISSIONER: With that, we'll recommence the proceeding.

PN610

MR GOLDSWORTHY: Thank you, Commissioner. So just I re-established that on 29 May of this year you had four weeks of purchase leave approved?---That is correct, yes, I did have my purchase leave approved in separate ways, in many ways.

PN611

Okay. Do you recall the date on which you were told that your purchase leave would be reconsidered, and that was an email that commenced with Assistant Commissioner Langdon, and was sent by his staff officer?---Yes, I do. I did receive that email on 16 June.

PN612

All right?---From Assistant Commissioner Langdon.

PN613

Okay. Are you aware of an email that was sent, between then Acting Superintendent Mason, to Inspector Henry, Inspector Sprague, Superintendent Arbuthnot, Acting Inspector Hughes, and two other VPS staff, and it spoke about where ED4 was sitting, in relation to approved leave?---No, not until today, I was aware of that email.

PN614

I would like to put the framing of the words that are in that email to the witness, if possible?

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN615

THE COMMISSIONER: For what purpose?

PN616

MR GOLDSWORTHY: To get an indication of - well, to set the scene for you, in relation to the approval process, or the lack of process.

PN617

THE COMMISSIONER: Yes, but that's something this witness can't comment on. You can adduce that otherwise, and make submissions on that.

PN618

MR GOLDSWORTHY: No worries. All right. Thank you.

PN619

So it was on 29 May and then on 18 July you received an email, from Inspector Sprague, that said, 'The panel has not approved your purchase leave application for '23/24'?---That is correct, I did receive that email, yes.

PN620

Are you aware of when the panel made - sat to determine the outcome of your application?---No, I have no idea. I don't even know who the panel is, to be honest with you.

PN621

Okay. Just take note of the date, for the Commissioner's benefit, that it was 29 May it was approved, the only purchase leave panel that we're aware of that sat, didn't involve Inspector Sprague and they didn't discuss I&R matters, and that was on 1 June. Yet, here he is referring to the panel has not approved his application.

PN622

THE COMMISSIONER: So the first you were aware it was not approved was when?---On 18 July, I was notified by an email from Mr Sprague.

PN623

MR GOLDSWORTHY: But you were notified that it was being reconsidered, in the middle of June, is that correct?---That's correct, 16 June I received an email from the assistant Commissioner.

PN624

Okay. So the purchase leave panel sat on 1 June, yours had been approved, by Inspector Sprague, then you were told, on 16 June, that it was being reconsidered and then on 18 July you were told the panel had determined that - not to approve it?---Yes, that my - yes, not been approved.

PN625

That's the timeline, Commissioner.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN626

THE COMMISSIONER: Yes, okay.

PN627

MR GOLDSWORTHY: How would you describe the staffing numbers at the Wodonga Highway Patrol, in the recent past and currently?---In the past, I guess over the last six years, it's been challenging and difficult. We've had - over that six years we've had nine members on protracted unplanned leave for various reasons, which has been a challenge at some particular points in time. We've had three members, I think down to two at one stage, but generally three members actively on the roster. Currently - so that's in the past. Currently, we've had an uplift, in the last few months, that I can elaborate on, if you like.

PN628

So please explain the numbers for the Commissioner, because it has been under discussion around reasonable grounds for why purchase leave wasn't allowed in my application?---So recently - recently we've filled a sergeant's position that was unfilled. That had been vacant for the last two years, approximately, that's now been filled, as evidenced by a sergeant. We've had a position that has been vacant for the last two years, on WorkCover, that has now been filled. It's my understanding that on 26 November that will be filled. We've had another member that's been off for over two years, he's now on full-time duties, back at work. So the next roster, that I was just looking at earlier, we've now got seven people. All operatives back on the roster and our unit is gazetted strength one and nine. One sergeant and nine others.

PN629

In comparison to the last half a dozen years, one and seven, how does that make your office look?---Pretty good, yes. We're pretty excited about that.

PN630

Okay.

PN631

THE COMMISSIONER: So what were the numbers before?---So we've got a gazetted strength of one and nine and, as mentioned, over the previous six years, we've had a total of nine members over that time, on long term - unplanned leave, both protracted sick - personal leave, protracted WorkCover and suspensions, at different times, sometimes multiples would have been off work at one particular time and at times we were down to three members on the roster, which made it very difficult to operate the unit, but we still managed to operate, obviously, and maintain our work. As I said, recently we've had an improvement in uplift. Positions have now been filled.

PN632

Thank you, Senior Constable.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN633

MR GOLDSWORTHY: Has there been any intervention or could you describe any intervention, in relation to the numbers to support the Highway Patrol, over

that last couple of years, when you've been down at times, to three members?---Personally, from my position, I think it's been relatively poor intervention. There's been members brought over from general duties, rarely and sporadically. But other than that, to be honest, it appeared like there was nothing being done to raise those numbers within our unit, especially of late. We had a position that was made available in July, and it passed certain gazettes, and that position wasn't advertised yet, we're trying to get the numbers back up. But that's above my pay scale and outside of my responsibility. I can only let you my perception of how it's gone over the last six years.

PN634

Was it reasonably foreseeable, around the June period, that there was going to be an uplift in the numbers of the Highway Patrol, given that you had a long-term sergeant who had resigned and submitted their end of service documents, that you had a member fighting to get back onto the van, through WorkCover commitments, and you had another member who was transferring to - - -

PN635

MS LEONCIO: Commissioner, I appreciate that Sergeant Goldsworthy is self-represented, but the - if he could refrain from leading the witness that would be of assistance.

PN636

THE COMMISSIONER: I think that was leading, Sergeant. Yes, if you could reframe it.

PN637

MR GOLDSWORTHY: All right.

PN638

So in relation to the numbers, how foreseeable was it that there was going to be an uplift?---Very foreseeable, and that formed part of my disappointment as to why it was rejected. I've taken purchase leave, I think, for the last 12 years, I've enjoyed that condition, it's been wonderful for me and my family. This was part of my disappointment because everything was starting to look really good. We had a sergeant of 40-odd years that had retired, which is not abnormal in our organisation. That was going to be filled at some point, it's very attractive position, and a senior constable, one of the senior constables who'd been on long-term WorkCover that couldn't come back had finally managed to get his position within another unit, which opened up another position, which was fantastic. Once again, a very attractive position that's going to attract enough applicants to full it, put it that way. The other exciting matter that we knew in June, was another 40-year-old veteran, who'd been subject to WorkCover, was coming back to work, so everything was looking fantastic. So I guess that's why I was disappointed my application because all the figures were coming back and we were getting members back so all the more reason, I thought, from my position, for them to allow my purchase leave, and also the fact that I had it for the last 12 years. And we're in a better position now ever than before, in my opinion, with numbers.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN639

Do you have an opinion on why your purchase leave application was cancelled?---Yes, I do have an opinion on that and my opinion is that from what I heard, and from what I've seen in the rejection, is that it seemed there was just going to be a blanket ban across the division. That's my opinion, and that disappointed me extremely because I think, my opinion on clause 129 is we can apply for it but obviously they can reject that, and I didn't feel they articulated that or had the business grounds for everybody across the board, I think that was a very broad statement to make, that nobody is getting purchase leave, and that was disappointing again. I'm not sure that command understand the gravity of these individual decisions, and certainly, in my case, the gravity has been quite significant with me and my family, given what happened last year with the purchase leave.

PN640

All right. We'll again change tack a little bit here, I think you've answered most of my queries around that. Your normal patrol area in Wodonga PSA, which includes your - - -

PN641

THE COMMISSIONER: Sergeant, perhaps this infamous email, are you going to get to that?

PN642

MR GOLDSWORTHY: Only that it makes clear that there was, on Tuesday, 18 July, his purchase leave application was not approved and it refers to the panel making that decision and - - -

PN643

THE COMMISSIONER: Okay. Perhaps you could have the senior constable identify the 16 June email and the 18 July email.

PN644

MR GOLDSWORTHY: Okay. So you've got a document before you, from 18 July, and your own 16 June, could we please submit those into evidence?

PN645

THE COMMISSIONER: Yes. Are they emails you received?---They are the emails I received, yes.

PN646

Okay. The review email, which is 16 June, I'll mark as A5, and the - - -

PN647

MS LEONCIO: A6.

PN648

THE COMMISSIONER: A6? See, I'm lost already, A6. And the 18 July email is A7. Thank you.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

EXHIBIT #A6 REVIEW EMAIL DATED 16/06/2023

EXHIBIT #A7 EMAIL DATED 18/07/2023

PN649

MR GOLDSWORTHY: Thank you.

PN650

So we might move on to your role as a traffic enforcement expert. You normally patrol areas in the Wodonga PSA, which includes Wodonga Towrong and the Indigo council areas, the Chilton area in the Indigo Shire is within your response area. In relation to the fatality that occurred on the Hume Highway, where four elderly people were killed when the driver of the car pulled out in front of a B-double, do you believe that there is any amount of reinforcement that could have prevented that collision?---From what I know about the matter, no. I don't believe visibility or elevated enforcement could have prevented that accident from happening, Commissioner.

PN651

You attended that collision?---I did attend that collision.

PN652

Of the four fatality collisions in the past 12 months that have resulted in seven deaths in the Wodonga PSA, are there any that, in your expert opinion and knowledge, that could have been prevented by an increase in enforcement?---Sorry, can you ask that question again?

PN653

Yes. So between four fatal collisions in the past 12 months, in the Wodonga PSA?---Yes.

PN654

All right, that resulted in seven deaths, over all, so there were three that had a single fatality and then there was one where there was a quad. Are you - do you believe that any of those fatalities could have been prevented by an increase in law enforcement, traffic law enforcement?---It's a very difficult question and I don't know how to answer that. I think visibility is important and I think enforcement is very important. Without drilling down, because I'm not the investigating member for any of those, without drilling down, there's a potential that no, there would be nothing you could do for those fatalities, in relation to enforcement or visibility. A lot of the collisions that I do attend, and some fatal, sometimes enforcement and visibility simply won't prevent that from happening, as in my opinion the deaths in Chilton.

PN655

In your expert opinion have you seen, over the years, where a number of serious injury collisions and fatalities can fluctuate without rhyme or reason?---Absolutely. Yes.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN656

During the snow season this year the Wodonga Highway Patrol performed numerous hours of traffic compliance in the Mount Beauty and Falls Creek area, on checking snow chain compliance, are you aware of any fatalities in the Falls Creek area, due to snow chains not being carried or fitted?---No, I'm not.

PN657

When, if ever, is the Wodonga Highway Patrol tasked to patrol the Hume Highway?---Nowadays it's very rare. Most of our Hume Highway patrols are around busy holiday periods where a high flow is expected on the Hume Freeway, around Easter and Christmas, but it's very rare that we're tasked the Hume Freeway.

PN658

Where, predominantly, do the fatal and serious injury collisions occur, in the Wodonga PSA?---My understanding is it's high speed zones, 100 zones, and rural roads.

PN659

Are you able to nominate any particular areas?---No.

PN660

If I raised the issue around Rutherglen, Murray Valley Highway - - -

PN661

MS LEONCIO: Your - - -

PN662

THE COMMISSIONER: Sorry, what's the basis of the objection?

PN663

MS LEONCIO: Just the leading.

PN664

THE COMMISSIONER: The leading, yes.

PN665

MR GOLDSWORTHY: Does the Murray Valley Highway and Rutherglen have a high incident of - - -

PN666

MS LEONCIO: I think, Commissioner, we're in the same territory.

PN667

MR GOLDSWORTHY: How would you describe the Murray Valley, in relation to road traffic, serious injuries and fatalities?---It's one of our main high flow roads within our LGAs, which requires our attention to reduce the speeds.

*** GLEN ALLERDICE

XN MR GOLDSWORTHY

PN668

Any relation to the Corryong areas? Are there particular issues up there that you see, where fatalities and serious injury collisions?---The Murray Valley Highway

and the Murray River Road are our two areas of concern in that LGA, the Towrong LGA.

PN669

Do you patrol up that way?---I do, yes, regularly.

PN670

That's it for the evidence-in-chief from me, for this witness.

PN671

THE COMMISSIONER: Thank you, Sergeant. Ms Leoncio.

PN672

MS LEONCIO: Commissioner, I don't wish to delay things, but I do think it may be of assistance if this email that we have referred to, the 17 August email, if it's possible to have that printed. I don't have a hard copy.

PN673

THE COMMISSIONER: Okay. I might leave the Bench this time and you can adjourn it formally and we can get - so how long will it take, Ruben? Okay, we might leave momentarily. Ruben's already trying another associate to get it, so I'll adjourn it for two minutes. I'll go behind the door and come back out with the document and we can go from there.

<THE WITNESS WITHDREW [12.13 PM]

SHORT ADJOURNMENT [12.13 PM]

RESUMED [12.15 PM]

<GLEN ALLERDICE, RECALLED [12.15 PM]

CROSS-EXAMINATION BY MS LEONCIO [12.15 PM]

PN674

THE COMMISSIONER: Senior Constable, please. Ms Leoncio, your witness.

PN675

MS LEONCIO: Thank you, Commissioner.

PN676

Now, I have got here a copy of the 17 August email. I'm hoping, Commissioner, that you have a copy as well?

PN677

THE COMMISSIONER: I have it.

*** GLEN ALLERDICE

XXN MS LEONCIO

PN678

MS LEONCIO: Now, I can get this, I'm not sure - you've also got one as well, yes, great. So this is the - this is the email, dated 17 August, from Luke Rose, sent

to TPAV, or the Police Association, and it was forwarded to you, is that correct?---No, that's incorrect, I didn't receive this email.

PN679

Your statement suggests that it was forwarded to you, by Rachel Morris?---I received an email similar to this, from Rachel Morris. It looks like a very similar format, but it was missing all the other members.

PN680

I see, okay?---Plus missing all the dot points, in relation to other people. I think she's basically deleted all of the other member's details and just forwarded information relevant to me.

PN681

I see. Yes, okay. So then if we just go to the section that's relevant to you?---Yes.

PN682

So you'll see, on that page 2, I think, right at the bottom, there's a reference there to yourself, so Leading Senior Constable Glen Allerdice?---Yes, that's both of us, yes.

PN683

So you received this, in this form, with these dot points, is that correct?---Similar. It didn't have Senior Constable Guy Tinsley's name on that.

PN684

I see. How about this bullet point, so if you turn to page 3, and you'll see there, there's a summary of the vacancies, and this is in the Wodonga Highway Patrol, so:

PN685

Two ORs on long-term workers comp, one OR suspended, one OR on personal leave, one OR with physical injury. Return to work rehab duration not known at this time. One OR on return to work, expected to be fit for operational duties from September 2023.

PN686

So that was the person that you mentioned, was it, just in your evidence earlier, about someone returning from workers compensation or is that someone else?--- Would you like me to go through the dot points?

*** GLEN ALLERDICE

XXN MS LEONCIO

PN687

No, I just wanted to confirm, so do you agree that that's the current absence or vacancies, as at August?---No, that's incorrect. That - one of those dot points I found very interesting in the email from TPAV, 'One other on personal leave, indication he plans to submit WorkCover'. That was actually me, I was on personal leave. I hadn't had a conversation with anybody else, other than my doctor, in relation to my health challenge at that point. I was a little bit offended when I got that, because it indicated, 'He plans to submit WorkCover'. I never

spoke to anybody at all, apart from - well, I didn't even speak to my doctor about WorkCover, to be honest, so I was a bit perplexed by that one.

PN688

All right. Well, let's move on - - -?---A bit upset by that, actually.

PN689

THE COMMISSIONER: Can you identify the dot points? Are they the reasons that were given to you, were they the business grounds that were given to you?---Yes, they are. Yes. It looks slightly different. I'd have to retrieve that email that was sent to me, from TPAV.

PN690

MS LEONCIO: Yes, okay, but there was a general reference to current capacity restrictions?---Yes, there was. Yes. Yes.

PN691

It refers to Wodonga Highway Patrol, as supported by Wodonga uniform, by supply of one sergeant and irregular rostering of other ranks, when available?---Sorry, could you say that again?

PN692

I'm just reading that dot point there. So:

PN693

Given the current capacity restrictions being experienced, Wodonga Highway Patrol is supported by Wodonga uniform by the supply of one sergeant and irregular rostering of other ranks, when available.

PN694

?---No, that was incorrect. We had a member that had transferred from the city, and pretty much as soon as he hit Wodonga he was upgraded into the sergeant's position.

PN695

But that is the Wodonga uniform supply of one sergeant, is that the same - - - ?---No, that's incorrect. No, no, we had one of our others, so one of our other ranks - - -

PN696

The other ranks, yes?---- - - transferred from Melbourne, he obtained one of the positions that was vacant. As soon as he hit Wodonga, he was upgraded from the floor, from the other ranks, to - - -

*** GLEN ALLERDICE

XXN MS LEONCIO

PN697

THE COMMISSIONER: OR into - - -?---Acting Sergeant, correct, and he remained there. So it wasn't a sergeant from general duties, until recent. But that member relinquished, I think he did almost 12 months, but I'd have to look at the figures, but he did a lengthy time of upgrading, until recently, he relinquished that

and the current sergeant, actually from general duties, was acting in that role more recent than not. So, no, they hadn't supplied a sergeant for long-term.

PN698

MS LEONCIO: So you disagree, do you, that there was a sergeant from Wodonga uniform that was providing support as the sergeant, in the Highway Patrol?---Yes, what dates?

PN699

Let me see if I can - - ?---Because the majority of the time we had one of our others, Senior Constable Schmidt, upgraded to that role. So he wasn't from general duties he was from, and I could get you the dates that he was upgraded. I'd certainly be able to get those dates that he was upgraded, but it was a lengthy upgrading that didn't require general duties to supply a sergeant. So I disagree with that.

PN700

My understanding was that it was at the time, prior to the most recent gazetting, so I Understand there's now a sergeant that's been gazetted to fill that position, which was October, around the end of October?---Yes.

PN701

So my understanding is, prior to that there was a Wodonga sergeant, from - - - ?---Correct, the same - - -

PN702

There was a sergeant from Wodonga uniform who was - - - ?---Correct, but that wasn't for very long. He had only been there maybe a month. Don't quote me on the timeframes, but it was a very short amount of time because - so he basically did some - so he did some duties, from general duties, he was placed within our unit for a very short amount of time before he got the position. Prior to that, it was a member from our unit, Wodonga Highway Patrol, a Senior Constable Schmidt, had been upgraded for a lengthy period, into the sergeant's role.

PN703

Would you accept that in June of 2023 he was - the sergeant was being seconded?---Without looking at the rosters, potentially, June/July, yes. I'm sorry I don't have the dates but if I had have known I'd be questioning on that, it's quite easy to expose the actual dates though.

PN704

You'll see there, the next dot point talks about:

PN705

Whilst it can be anticipated that within the next couple of months the unit will have a gazetted sergeant, the number of other ranks absence from the workplace remains unknown and therefore decisions need to be made on the assumption that two, or possibly three, will remain on workers compensation, away from the office, and one will remain suspended for the foreseeable future.

*** GLEN ALLERDICE

XXN MS LEONCIO

PN706

Did you get a summary - a dot point of similar effect?---Yes. Yes, I did. Yes, and if we had two, which is what we've got, and one remaining suspended, that would be - we would be in a much stronger position than we have been for a very long time, to be honest with you there.

PN707

But is it correct that at the time, so I want to come back to June, because I understand that your application was refused a little bit later on, but earlier, in June, because that's the relevant period for this - for this - Sergeant Goldsworthy's application, that it wasn't known when this sergeant position would be filled?---That is correct. But generally, when a sergeant retires, you would hope that that position is advertised relatively quick. So I would have, at that point, assumed that that position would have been filled very quickly. Because once somebody retires you simply advertise it in the gazette, you get applicants, you have the boards, you select the - - -

PN708

Were you aware that around June 2023 there was an intention to provide other ranks from Wodonga PSA to the Highway Patrol?---That's been sporadic over the last six years, yes, they've put members in there to upskill them, provide support over the years, that's correct, yes. Very sporadic. Once again, the rosters would show that, if you wanted exact figures, which I don't have on the top of my head.

PN709

The next dot point there says,

PN710

The road trauma data, fatalities and serious injury collisions, demonstrate that the division needs as much coverage from road policing members as possible, as opposed to diminishing availability, attributed to purchase leave.

PN711

So, just stopping there, do you recall if that was part of the email that you received?---Yes, it was, yes.

PN712

And would you agree that the division needs as much coverage as possible, from a road policing perspective?---Absolutely, that's policing. That's nothing significant, that's ordinary, I think. Of course we need as much coverage as we possibly can all the time. Absolutely.

PN713

And particularly at that time, given the vacancies, that was within Wodonga Highway Patrol?---That's an ongoing thing with road policing and road trauma, to have as many operatives as you can, at any one particular time. Nothing's changed in relation to that. That's policing and it's challenges, I think. Over the years there's lots of challenges in policing and that's one of them, to get members out there.

*** GLEN ALLERDICE

XXN MS LEONCIO

PN714

You'd agree you're in a better position now, that you've got more - there's a greater strength within the Highway Patrol?---Yes, and I would say we knew that in - well, we certainly knew it in April/May because Inspector Sprague authorised the - my purchase leave so, yes, he was obviously of the opinion that we were in a position very well.

PN715

So comparing where we are now as where we were back in June, there was no certainty we were going to be where we are now, but back in June, that was a much less - that was a much more difficult resourcing position, in June?---Yes, and that's nothing new. That's, you know, that's nothing new. The history of my unit, certainly the last six years. But certainly in April, May, June, we knew better things were coming. Definitely.

PN716

Okay. Then in terms of those last two dot points, again, were they both included in the email that was sent to you?---Yes.

PN717

There's a reference - sorry, there's a reference to - - -?---Yes, they were. Yes, it was in a very different format when I received it. But, yes, that was in the email.

PN718

THE COMMISSIONER: Well, this is a problem, in that we're reading from an email - we thought we'd get the email from Mr Rose to this witness, we haven't got that. He's saying that various dot points don't correspond with what was put to him. These might be the internal - I mean I'm sure Mr Rose has cut and pasted this but insofar as this witness is concerned, his evidence is, 'It may not be the same'.

PN719

MS LEONCIO: I might need to call on that document then. It is his document, I don't have access to it. This is a document that went from the union to the witness.

PN720

THE COMMISSIONER: This document went to him? Sorry, let's sort this out. We're going into a grey area, it seems to me.

PN721

MR GOLDSWORTHY: If I may, the Senior Constable - - -

PN722

THE COMMISSIONER: Sorry, what are you - tell me where you're going?

*** GLEN ALLERDICE

XXN MS LEONCIO

PN723

MR GOLDSWORTHY: The dates are a month apart. So the email from Mr Rose was a month after he had already been notified, so they're two different emails, totally.

PN724

THE COMMISSIONER: All right, what do you say about that, Ms Leoncio?

PN725

MS LEONCIO: Well, this is an email that states the business grounds and we understand that this email, based on the senior constable's evidence that this email was forwarded to him, that's what the statement says. So if you look at - - -

PN726

THE COMMISSIONER: No, no, it says that, 'Luke Rose provided the stated business grounds for refusing purchase leave'. He said that it wasn't the document with everything in it, it was only his.

PN727

MS LEONCIO: Yes, to Rachel Morris, of the TPAV. So if you read the rest of the sentence it says, 'It was sent to Rachel Morris of the TPAV who forwarded it then to me'. So we understood that to mean that the email was forwarded to - - -

PN728

THE COMMISSIONER: Okay. Well, I haven't heard - I might be wrong, but I don't think I've heard this witness say he received this email.

PN729

MS LEONCIO: So he says that he received - he's now saying that he received a version of what was set out in this email, so that's what this is intended to convey. My - - -

PN730

THE COMMISSIONER: Hang on. It's a fairly easily understandable proposition. Did he receive this email with everything in it, the text in this email, did he receive?

PN731

MS LEONCIO: He said no, but he received a version of it. So that's what I've been trying to - that's what I've been trying to lead, in evidence, because we don't have that email in front of us, but I can call on that email.

PN732

THE COMMISSIONER: I don't know whether you've written an academic text, but between versions there is a lot of difference.

PN733

MS LEONCIO: Well, that is the reason why I'm calling on it, Commissioner.

PN734

THE COMMISSIONER: Okay. All right. So you're trying to assess whether or not the same or similar reasons were put to him?

*** GLEN ALLERDICE

XXN MS LEONCIO

PN735

MS LEONCIO: Commissioner, the statement says that the reasonable business grounds were stated to him in that email.

PN736

THE COMMISSIONER: Yes.

PN737

MS LEONCIO: We understand that to be a version of this. To ensure that we have - - -

PN738

THE COMMISSIONER: But when you say 'a version', do you mean a reasonable approximation, almost the same thing?

PN739

MS LEONCIO: Well, that's what I've been trying to understand, but it seems to me he is saying that it was in a different form so, to be fair to him, it's not exactly the same.

PN740

THE COMMISSIONER: I didn't mean to interrupt you, I just was worried where we were going.

PN741

Sergeant, are you comfortable with this?

PN742

MR GOLDSWORTHY: My only query would be as to do you actually have a copy of the email that you received?

PN743

THE COMMISSIONER: You do?---Yes, I do, sir.

PN744

On you now?---Yes, I do. Yes.

PN745

All right. Okay, look, so rather than - I hate to do this to you, I know it's half an hour to lunch, perhaps we might take a copy of that. I'll leave you, adjourn shortly, to take a copy of that and then there won't be any confusions about versions, approximations, who received what.

PN746

MS LEONCIO: Yes, Commissioner.

PN747

THE COMMISSIONER: So he didn't get a version of that, he got a segment of that, in an email. So to say it's a version of this is a bit misleading.

*** GLEN ALLERDICE

XXN MS LEONCIO

PN748

MS LEONCIO: I didn't intend to mislead.

PN749

THE COMMISSIONER: I know. It's not a version because it doesn't have everything in it.

PN750

MS LEONCIO: Well, it's a modified version. There's the substance - - -

PN751

THE COMMISSIONER: Well, you could say modified version, different email. Anyway, all will be revealed when we see the actual document.

PN752

Thank you, Senior Constable, my associate and I will adjourn shortly, we'll get a copy for everyone and then we'll be on a firm foundation.

<THE WITNESS WITHDREW [12.33 PM]

SHORT ADJOURNMENT [12.33 PM]

RESUMED [12.39 PM]

<GLEN ALLERDICE, RECALLED [12.39 PM]

CROSS-EXAMINATION BY MS LEONCIO, CONTINUING [12.39 PM]

PN753

THE COMMISSIONER: Ms Leoncio, I think your categorisation of it as being a version, to me it looks like the same, what Mr Rose seems to have done is cut and paste that part of it into the email to him, so it's - to me it looks exactly the same, other than - including the hollowed dot point.

PN754

MS LEONCIO: I mean I do note that the other member is deleted, so there's no longer reference to - - -

PN755

THE COMMISSIONER: Yes, but other than that, to call it a version was probably accurate, I apologise for - - -

PN756

MS LEONCIO: That was my - - -

PN757

THE COMMISSIONER: What I might do, if it's - Sergeant, I might just ask - given that it came from him, ask your witness to identify this document.

PN758

MR GOLDSWORTHY: Yes.

*** GLEN ALLERDICE

XXN MS LEONCIO

PN759

THE COMMISSIONER: At last we have the document that - it was - this is the document that you - when did you receive - you had this document, when did you receive this?---Sir, yes, sorry for the confusion, I apologise.

PN760

No, that's okay?---I received that at about 3 o'clock, on 17 August.

PN761

Okay, and you refer to this in your statement, is that right?---I do. Yes, that's correct. Yes.

PN762

The last - - ?---Yes.

PN763

So the document you received from Luke Rose, on that day, was this one?---That is correct. That is the exact email that I received.

PN764

I will mark this as A8.

EXHIBIT #A8 EMAIL FROM TPAV

PN765

I think where we're at is that counsel for the respondent is cross-examining you.

PN766

MS LEONCIO: Yes, apologies. I'm just trying to understand this email. So this is A8, I can see the top of the email was the same was what we were just looking at, in terms of it's from Luke Rose to TPAV. So was this then - is this part of a chain, is it?---This was forwarded to me, from the association, yes.

PN767

THE COMMISSIONER: All right.

PN768

MS LEONCIO: I see. Okay?---So she indicated that was a response from Victoria Police, in relation to - - -

PN769

THE COMMISSIONER: All right, so I mischaracterised it, it is an email from the TPAV to the respondent, which he identifies.

PN770

MS LEONCIO: It's an email from the respondent, to TPAV, which was forwarded to the witness.

PN771

THE COMMISSIONER: Yes, that's right. Sorry, I mean, yes.

*** GLEN ALLERDICE

XXN MS LEONCIO

PN772

MS LEONCIO: Yes, not the respondent.

PN773

THE COMMISSIONER: Yes, sorry. So let's be clear, so it's an email sent by Mr Rose to the TPAV, and the TPAV sent it to Senior Constable Allerdice and he has identified it.

PN774

MS LEONCIO: Yes.

PN775

THE COMMISSIONER: Okay, all right. We got there eventually.

PN776

MS LEONCIO: Right. So I'm just looking at those dot points again and it does seem that they are the same as they appeared in the original email, save that there's no longer a reference to the other member?---Yes. I can clarify a few of those points, if you'd like me to.

PN777

That's okay, I just needed to make sure that there wasn't any other matter that you had identified that was different?---No, but there is a bit of explanation around those members.

PN778

Okay. Well - - -?---For example - - -

PN779

I just wanted to - if you can just stick to the questions that I ask?---Yes.

PN780

Then there is a reference, so the bottom two dot points talk about the negative impact on service delivery?---Yes.

PN781

Then there's also a reference to:

PN782

In addition to the specific challenges faced by the Highway Patrol, ED4 has a number of resourcing challenges across the division, regularly rely upon additional state or regional resources to meet demands, including planned operations and events, dealing with protests, demonstrations and emergency management events.

PN783

So that was an additional reason that was relied on?---Yes, and that's the dynamic nature of policing all over the world, and law enforcement. I think that's nothing new, that's challenges year by year to be honest with you.

*** GLEN ALLERDICE

XXN MS LEONCIO

PN784

In ED4 that does happen. So in terms of emergency management events, that occurs throughout the year?---Every year, yes. That's the challenging nature of policing. I think all over the world.

PN785

And in terms of events and things like that, again that's something that occurs within ED4, throughout the course of the year?---That's correct. In the last 20 years there's events every year within our division.

PN786

Sorry, I'll just check - no further questions.

PN787

THE COMMISSIONER: Sergeant?

RE-EXAMINATION BY MR GOLDSWORTHY

[12.45 PM]

PN788

MR GOLDSWORTHY: Just you were looking to clarify some of the personal details before, I'm just wondering if you can provide the Commissioner with some of that clarity?---Yes, just in relation to the dot points he touched on. The second dot point from the top, 'One OR suspended, resolution timeframe not known', that's been roughly since 2019 that member's been out of our office, so that's a long-term. That's, I think, four years. Now, just clarity around that other, 'On personal leave, indicates plans to seek WorkCover' that was me. As I said, I received this email on 17 August, I had given my manager a medical certificate, with a return date of 27/08/23. It was clear, on that date, that I would be returning to work on that date, yet it was indicated that, 'One other on personal leave, indicated he plans to submit WorkCover'. That's incorrect, that dot point. The next dot point was, 'One other with physical injury following a workplace accident'. Now, that incident happened on 14 August, and he was back within the week.

PN789

Okay. Just a final question, in relation to staffing at the Wodonga Highway Patrol, how would you categorise the number of members that are about to be present on the roster, in comparison to the last six years?---Very good, yes. Very good. Our manpower has increased significantly, looking forward.

PN790

So would you categorise this as being the best your roster has been for a number of years?---Yes, I would, yes. It's probably the best it's been in six years, without having the data in front of me.

PN791

That's the end of my questioning.

*** GLEN ALLERDICE

RXN MR GOLDSWORTHY

PN792

THE COMMISSIONER: Okay. I don't think I have anything either, Senior Constable. So with that, you're excused, thank you for your time?---Thank you, sir.

<THE WITNESS WITHDREW

[12.47 PM]

PN793

MR GOLDSWORTHY: Commissioner, apart from myself giving evidence, that's it, in relation to my presentation. I'll just ask if we might have an adjournment for maybe five to 10 minutes?

PN794

THE COMMISSIONER: I think we'll be having lunch from 1 till 2 anyway, so perhaps we might return at 2.

PN795

MR GOLDSWORTHY: Sure.

PN796

THE COMMISSIONER: Is that - happy?

PN797

MR GOLDSWORTHY: That suits me just fine.

PN798

THE COMMISSIONER: Okay.

LUNCHEON ADJOURNMENT

[12.47 PM]

RESUMED

[2.01 PM]

PN799

THE COMMISSIONER: Now, Sergeant, I suppose there are ways of doing this, but I suppose the preference - it would be weird, for Ms Leoncio, for you to affirm your statement and give evidence from there, so if you would get into the witness box, and I'll (indistinct) there, if that's okay with you.

PN800

MR GOLDSWORTHY: It works for me, Commissioner.

PN801

THE COMMISSIONER: All right, if you could get in the witness box that would be great.

PN802

THE ASSOCIATE: Please state your full name and address, for the record?

PN803

MR GOLDSWORTHY: Larry Arthur Goldsworthy, care of 100 Hovell Street, Wodonga.

PN804

THE COMMISSIONER: Ms Leoncio, you haven't got a problem with the sergeant taking in his witness statement in this matter?

PN805

MS LEONCIO: No. There may be some submissions that I make in closing, about the weight that you apply to some of the aspects of the statements, but I don't wish to - - -

PN806

THE COMMISSIONER: As far as relevance or whether it's evidence?

PN807

MS LEONCIO: Yes. I won't be asking you - - - -

PN808

THE COMMISSIONER: Well, that's common in these proceedings.

PN809

MS LEONCIO: Yes. I won't be asking you - - -

PN810

THE COMMISSIONER: And we're not bound by the rules of evidence here.

PN811

MS LEONCIO: Yes, of course.

PN812

THE COMMISSIONER: So perhaps you could leave it, as long as we get a copy of your statement?---Commissioner, I have a copy of my statement. I do wish to make one small alteration to it.

PN813

Okay. Perhaps you might - let's - Ms Leoncio, to save time, he could do it from there and then - I assume that I don't need to lead - you affirm this in the witness box, you can do that yourself. Okay, so tell us what the amendment is?---In the first paragraph, the first numbered paragraph, it's actually the second paragraph, 'In 2018 I first availed myself of the provision of the enterprise bargaining and purchased two weeks of leave'. I actually found a record and it was 2009 I did it and 2010, and then I re-availed myself in 2018.

PN814

So okay, so you did it in 2009, 2010 and then the rest follows at 2018 and 2019 and 2020?---Yes. As far as my recollection goes, yes. I didn't keep an accurate account.

PN815

No, of course not, and you would be weird if you did. Okay, Sergeant, if you could get in the witness box, please.

<LARRY ARTHUR GOLDSWORTHY, AFFIRMED

[2.04 PM]

EXAMINATION-IN-CHIEF BY THE COMMISSIONER

[2.04 PM]

PN816

THE COMMISSIONER: Sergeant, perhaps you can affirm that the witness statement you've put in this proceeding?---Yes, so I can affirm that this is an accurate account of my recollection of the issues before the Commission and tender that statement.

PN817

With the amendments that you've mentioned at the Bar table?---That's correct.

PN818

Okay. All right, I will - I think that's A10, isn't it?

PN819

MS LEONCIO: No, A9.

PN820

THE COMMISSIONER: Ruben, is it A10?

PN821

MS LEONCIO: I've got A9.

PN822

THE COMMISSIONER: A9. I'll get it right eventually, as I say.

**EXHIBIT #A9 WITNESS STATEMENT OF LARRY
GOLDSWORTHY**

PN823

All right, Sergeant, if there's anything in that you want to highlight or whatever or other evidence you want to give me, in chief, please do so? Sit, please?---So, Commissioner, I'm happy to, yes, the submission itself is accurate as it stands, when it was signed, which was on 13 September. There's no further evidence that I wish to add, in addition to what I've already submitted in my two submissions and this statement.

PN824

Okay. All right. Over to you, Ms Leoncio.

CROSS-EXAMINATION BY MS LEONCIO

[2.06 PM]

PN825

MS LEONCIO: Thank you, Commissioner.

PN826

So, Sergeant Goldsworthy, you commenced employment at the Wodonga Police Station, in 2002, is that right?---As a sergeant it was 2002, I first went there in 1998 and worked there from '98 until 2000 and I was promoted to Shepparton Police Station in 2000 and transferred to Wodonga in 2002.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN827

Yes, and you've been a sergeant this year and you were a sergeant last year at Wodonga PSA, is that right?---That is correct.

PN828

And in that role you didn't have responsibilities for rostering or in the Divisional Planning Office, is that correct?---That's correct.

PN829

And in terms of the Divisional Leadership Team, you didn't have to sit in meetings held by them?---No.

PN830

All right. I just wanted to take you to - you have a couple of folders there, there's a couple of folders in front of you there, if I could just take you to the first volume, I'm hoping you've got the first one on top there. Sorry, it's the second folder, so folder 2. You'll see a series of tabs down the side and there'll be some tabs that have got JA at the side, which are annexures to Superintendent Joy Arbuthnot's statement, and I wanted to take you to JA2.

PN831

THE COMMISSIONER: JA2?

PN832

MS LEONCIO: Yes, which I think is 520, page 520 of the Commission book.

PN833

THE COMMISSIONER: It's the Victoria Police Strategy 2023 to 2028?

PN834

MS LEONCIO: Yes, that's it. Now, Sergeant, are you familiar with that document?---I believe I've read it once. As to my recall on the entire document I couldn't recite on what it has, accurately.

PN835

Now, in terms of what it is, it's the Victoria Police's direction and focus for the next five years, would you agree with that description?---Yes.

PN836

At the top there you'll see, 'The role of Victoria Police is to serve the Victorian community and uphold the law, so as to provide a safe, secure and orderly society'. Do you agree that's the role of Victoria Police, am I right?---Yes, I've been doing it for years.

PN837

Yes. And in terms of the vision, do you agree that the vision of the Victoria Police is as stated there:

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN838

Everyone is safe and feels safe. Those affected by crime feel supported. Those who break the law are held to account. Police work with the community and our partners to prevent crime, reduce harm and build a better, safer Victoria.

PN839

?---Yes.

PN840

Then you'll see there the functions, sorry, 'Our functions of Victoria Police', it might be a bit hard to read there in the shading, but you'll see there, on the far left, the first little writing refers to, 'Patrol to provide a highly visible policing presence in the community, every day and night', you see that, yes?---That is written there, yes.

PN841

And you agree that that is one of the core functions of Victoria Police?---Yes, that mission statement is 'Preserve the peace, protect life and property, prevent offending and detect and apprehend those in need of assistance', and it's been the mission of Victoria Police for a long time. The definition that's ascribed to it, I haven't seen that before.

PN842

But you would agree that what I've just read out is a core function?---Yes.

PN843

Yes, and then - - -?---It's a reasonable expectation.

PN844

Yes. And you'll see there's also a reference to the - a bit of writing, just underneath where I was reading, says, 'Patrol to prevent crime and promote road safety, undertaking drug and alcohol testing, vehicle operations and engage with offenders and courts to prevent reoffending again', that's another core function of Victoria Police?---Yes.

PN845

And, 'Investigate offences', is referred to there, in the bottom right-hand corner, as well. And you agree that that is also a core function of Victoria Policing?---Yes.

PN846

You'll see, at the bottom, it talks about, 'For the next five years we will deliver our vision through our exceptional policing services, professional people and strategic partnerships', and, again, there's a reference to policing, 'Highly visible and responsive policing', can you see that there?---Yes.

PN847

And you agree that that is a particular focus for the next five years, for Victoria Police?---Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN848

Again, there's a reference to skilled people ready - sorry, not again, I withdraw that. There is a reference there to people and, 'Skilled people ready and able to respond', yes?---Yes.

PN849

And partnerships, which talk about, 'Strong partnerships across community, government and business' and, again, they are - you'd agree that they are key focus areas for Victoria Police, for the next five years?---Yes.

PN850

Okay. I wanted to then take you to 525, page 525, so a few pages over. The top of the page says, 'The next five years will bring changes in how we live, work and connect', are you on the same page?---Yes.

PN851

It talks about increasing population. So you agree that Victoria's population is increasing?---It is.

PN852

That that's going to impact the service delivery of Victoria Police?---Yes.

PN853

And one of the ways in which it's going to increase the service delivery demands is that, 'There are more people on the roads, bike paths and footpaths', which is that second dot point there, and then, in the second last dot point, 'More people in our regional centres', is another part of what happens when there's an increase in population?---Yes.

PN854

And you'll see, if you go to the section at the bottom, when it says, 'What this means for Victoria Police', the first dot point says, 'Changing community needs. We'll need new police responses'. The second dot point says, 'More people living in rural and metropolitan areas of Victoria will mean there is an increasing need for policing responses across the state'. Would you agree that that is a result of increasing population?---Yes.

PN855

Then I'll take you to the next couple of pages over, it's 527. This is titled, 'Exceptional policing services' and you'll see, at the top there, that the commitment, which is described as, 'Highly visible and responsive policing', which you've already accepted is one of the key parts of the service demands, or the key factors?---Yes, it does say that.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN856

If you go to the middle of the page, there's a heading there that states, 'Deliver exceptional services when and when they are needed' and the second sentence of the paragraph, just below that, says, 'The public can expect more visible and consistent policing services and an improved capacity to respond to the concerns that have the biggest effect on community safety'. Would you agree that that is a

part, or a key part, of Victoria Policing services?---Well, it's a statement made by Victoria Police. As to whether they can achieve it or not.

PN857

But do you agree that that is part of the policing services, is to have this visible and consistent policing services and improved capacity?---Visible police presence is important, yes.

PN858

Then I'll take you over to page 534?---Sorry, was that 534?

PN859

Four, yes, it's got the heading, 'Strategic partnerships', and there's a reference here to 'Our neighbourhood policing framework', can you see that there?---Yes.

PN860

It says, 'Victoria Police has always been engaged in community policing', but it refers to the fact that in 2022 Victoria Police launched the neighbourhood policing framework, that's correct, isn't it, that there was a new neighbourhood policing framework introduced in 2022?---That's correct.

PN861

That framework provides structured and consistent approach to community engagement, personal interaction and listening to people and addressing their concerns, is that an accurate description of that framework?---That's the desire of the framework.

PN862

The objective, if you skip down to the end of that paragraph, it says, the last sentence says:

PN863

t offers a clear purpose, defined structures and consistent processes to ensure prevention of crime and handling of issues that are important to the community are core business for all police.

PN864

So do you agree that that's one of the objectives of this framework?---Yes.

PN865

And you'll see there, again, there's a reference, so this will - so there's a series of dot points, in the middle of the page you'll see, again, there's a reference to:

PN866

Being highly visible and accessible', as one of the ways in which the neighbourhood policing framework will be used to achieve building trust and confidence with the community.

PN867

?---Yes.

PN868

Then if go across then to 536, the top of that page says, 'Collaborate with partners to enhance crime prevention and reduce harm', and there's a reference there to:

PN869

Reducing child abuse, gendered and family crime, and that gendered crime, it includes family violence and sexual offences, and it talks about the significant community harm that those crimes can cause and there's a recognition that crime prevention and harm reduction can only be delivered and sustained using a whole of government approach to address disadvantage, complexities and attitudes that support violence. We know that police are in a unique position to protect victims and reduce harm.

PN870

Would you agree with that last sentence?---Yes.

PN871

And you'll see then, again, at the bottom, there's a reference to 'Community approach to safer roads', and that 'Road safety is everyone's responsibility', and the third sentence there says, 'Victoria Police is dedicated to preventing road trauma, including through engaging with the community and to educate and influence road user behaviour', it talks about enhancing technology and, 'To better prevent, detect and enforce road safety offences and support referral pathways for drug and alcohol affected road users'. So you agree with that statement, that that's one of the things that Victoria Police is dedicated to?---Yes.

PN872

As you'll see in the next paragraph, 'As Victoria's population grows, we will see more vehicles on our roads', do you agree that having more vehicles on our roads is part of Victoria Police's approach to having safer roads?---I recognise that there will be more vehicles on the road, I'm not certain that that will create a safer road system.

PN873

Apologies, I misread that. That will result in more vehicles on the roads, which means that there's more chance of road trauma?---Yes.

PN874

All right. Now, I wanted then to take you to Annexure JA3, which is Commission book 541, it's just the next page over. You might have to turn it around because it's on a landscape. So this is the Eastern Region Action Plan, have you seen this document before?---I have.

PN875

This sets out the action plan for the 2023/2024 year, that's correct?---Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN876

And you'll see here that there is a reference, so if you just go to the bottom row, which is called, 'Policing', you'll see that in the middle column, which is the 'Best

practice', 'Improved safety and a reduction in crime and road trauma', so that's one of the key parts of the action plan, in the Eastern Region?---Yes.

PN877

Then there is also a reference, if you go to the second row that deals with partnerships, that, 'This focus on partnership will be achieved by the neighbourhood policing framework', which is referenced in that last column. Do you agree that that is one of the ways in which they achieve this focus area of partnerships, the neighbourhood policing framework?---It's an aim of this plan.

PN878

Yes. All right. I then want to take you to Annexure JA5, which is a couple of tabs over, and this is the Road Safety Action Plan for 2023, sorry, the third quarter of 2023. You'll see, in that top left-hand corner, it notes, '59 people have died on the roads in the Eastern Region in 20 - have you got the page there?---Yes, I do.

PN879

59 people have died on the roads in the Eastern Region in 2023, this is 40 per cent of the states road toll. Proactive intelligence led actions enhance road policing activities to minimising further trauma.

PN880

Do you agree with those - you don't have any reason to dispute those figures, around the 59 statistic?---I do not.

PN881

No. There are some references here, if you go to the second - actually, it's the third column, which talks about 'Safer roads', and then you go down to 'Enforcement', which is next page, you'll see there's a reference to divisional operations, 'To target black spot locations, in line with intelligence'?---Yes.

PN882

Do you agree that that's about using data to identify locations where there's an increased risk of road trauma and to make decisions about policing activities to address the road trauma problems in that particular location?---It does say that. I just haven't seen it in practice.

PN883

Okay. So just pausing there for a moment, having gone through some of those action plans, some of the strategic focus, would you accept that the matters that I've taken you through, and I'll list them in a moment, that the things that I have listed are key parts of Victoria's business, Victoria Police's business, sorry?---Yes. I do, but I'd also recognise that there are other sections to that. Like if you went back to that document, J3, the Eastern Region Action Plan, it talks about people, and 'We will focus on', and it's, 'Enhancing health and safety and wellbeing of our people in order to reduce exposure to trauma, physical injury and equity in the workplace'.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN884

Yes, so there are competing priorities, we would accept that, but some of the priorities which I've outlined, things like increasing police presence, reducing road trauma, the neighbourhood policing framework, crime prevention, references to investigation for family violence and sexual offences, they are - they have been identified as key priority areas for the next five years, for Victoria Police?---Yes, and they need to be balanced against the employees.

PN885

Okay. I just wanted to ask you - sorry, I just wanted to ask you some questions about ED4, so Eastern Region Division 4 - - -?---Sorry, am I able to put this down now?

PN886

Yes, of course, sorry. Now, ED4 is one of the six divisions in the Eastern Region, you accept that?---Correct.

PN887

Do you agree that each division functions differently?---Yes.

PN888

And that there are differing police service risks between the divisions?---There are differences but, in general, they - they are the same. Those documents that you referred to earlier, we're all, you know, preserving the peace and protecting life and property in our own particular patches. Depending on the age demographic, the geographic location, they do vary, but holistically, we're a homogenous organisation.

PN889

There are some particularly unique features about ED4, though, aren't there, in terms of, for example, the geography of ED4, so it is the division of the second largest geographical area, so you accept that?---Yes, it's larger than other areas, yes.

PN890

In terms of the FTE's or the human resource allocation, it's the second smallest division in the Eastern Region?---Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN891

Part of the - a consequence of that is that if a call is made, there are less people, not less people, but in terms of the distances, that officers might need to travel to respond to calls, because of the large geographic area that the division spans, that those calls may take longer to respond to than, say, in a smaller division, geographically smaller division?---No, not necessarily. It depends on the location and the working patterns of where they are. But if you look at ED6, there's some very remote stations there and they suffer from probably more emergencies than we do, in ED4. Certainly in Western Region there are vast distances to be travelled before you can get anywhere. I look at the likes of Robinvale, and that's a good 80 kilometres from Mildura and their only backup is from there. Manangatang is never going to come that way. So I'd say, across the

organisation, in the rural areas, there are very similar difficulties for stations. Very - - -

PN892

So there may be pockets where it's similar, but it does seem that it fits in that category of being a place where it's geographically - I'm not sure if the right word is sparse, or that there may be distances to travel?---The only station, or two stations, that would fit into that category would, potentially, be Walwa and Corryong. Every other station we can get to from Wodonga, probably within half an hour.

PN893

All right. And you'd agree that it can be, throughout the year, it can be a popular holiday spot, so not just kind of your peak periods but there are various events that occur throughout the year, where tourists are attracted to ED4, specifically?---Yes.

PN894

And that that, with that increasing population, tourism population, that that can also result in increasing demands on Victoria Police?---Yes.

PN895

And would you also agree with me that, in terms of the road - the road toll, that it has the second highest road trauma, I think that's in the last year, but let me just have a check if that's right. Sorry, yes. It's the second highest road death rate in the state. I think that's a current figure. Do you agree with that?---For the last 12 months the death toll in ED4 has been relatively high in comparison to other years, but as I've indicated earlier it really does fluctuate. Sometimes you can have no fatalities, and other times like this year you get a quad.

PN896

And so in terms of the road trauma, I mean that is one way you could distinguish this division compared with other divisions or even other regions?---I'm sorry, could you restate that.

PN897

Given that it's the second highest - sorry, it has the second highest road death rate in the state, that that is a particular risk in ED4, that is higher than in other divisions or even in other regions, bar the division that has the highest?---I accept that it may be higher in - or may be higher for ED eastern region, but as to whether there's an increased risk of death doesn't necessarily correlate.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN898

And you would agree with me that - I know you've got your table of crime statistics in your statement. On your statistics there is an increase in crime as compared with the long term average. I know we dispute whether or not it's significant, but you accept that there is an increase compared with the long term average?---Yes. So commensurate with what you've stated around an increase in population there would be an expectation that there would be an increase in crime to follow, and we have increased that population significantly both in New South

Wales and Victorian side. They do do figures on a per 100,000. I haven't seen those recently to give you a determination, whether there's been an increase per 100,000 population.

PN899

And when we talk about an increase in the workload that's caused by an increase in population, that's not just about responding to particular crime. There are a number of additional tasks or activities that the police need to undertake in order to service that bigger population. It's not just about responding - - -?---So policing has changed over time significantly. An example of that would be how we deal with pursuits. So in 2015 there was a change in our pursuit policy where we went from having roughly across the state of Victoria 2100 pursuits with no recorded, or no record of evades, where now we're down to around 200, just over 200 pursuits, but we have more than 3300 evades. So we no longer chase criminals. So paperwork has increased and the corresponding effectiveness of catching crooks has diminished. So things change all the time depending on the policies that are implemented.

PN900

I do just want to take you to that table just quickly. It's in the first volume of the folder. So it should be behind tab 6 and it's page 345 is the table of statistics that you have prepared. Now, I just wanted to - in terms of the sergeant figures, so you've got at the bottom the uniform members and you've got a reference to eight, and then you've got a reference to 16 in 2021 and 2022?---Yes.

PN901

And you've stated that that increase is 88 per cent?---From the initial - a long term average - if I can just scroll down.

PN902

I see?---Yes. So from eight to 16 would be 100 per cent increase.

PN903

Yes, of course. Yes, okay. So that's compared with the long term average?---Yes.

PN904

Would you agree with me that there's nothing in this table which establishes that the number of sergeants is adequate to service the crime or the population, in the table?---No. So you rely on the minimum profiles, minimum standard profiles for that information. Otherwise there's not a workforce plan that I'm aware of that would gauge how many sergeants you would need in a particular area, and we've always had difficulties with that, because New South Wales is just - you know, like we're on the border, and Albury has close to 60,000 people, and certainly the surrounding area would be more than that, and they quite often don't take into the fact that the crooks from Albury come across into Wodonga.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN905

We will talk about the minimum service profile in a moment. In terms of some other features about ED4 would you agree that because of the geographic nature

of ED4 in terms of the Alpine region, in terms of the rivers and lakes, that there's an increase in risk of floods and fires in ED4 as compared with a region or district that doesn't have that as a key part of their landscape?---I would say ED4 is at no greater risk than ED6. You only need to look at the fires at Mallacoota, the floods that go to Lakes Entrance. Yes. They have just as many issues, not more than us in ED4.

PN906

Okay. What about ED1 or ED2?---They're metropolitan areas, so they're less likely.

PN907

There can be emergencies that can occur throughout the year, so not just in those critical seasons of where there might be increased risk of fire or floods, but there are issues with missing persons that can occur in ED4?---Yes.

PN908

And that does happen quite frequently; is that correct?---We have a lot of missing people, but the overwhelming majority are DFFH clients who locally are provided accommodation by Junction Support Services. They're not at risk, they're called voluntary missing persons. They do not want to be located. We have the very occasional person that will wander off and get lost, but from my experience in policing in the alpine environment since 2005 the majority of people that we pick up out there they've got good phone reception. They're not actually missing, they just need to be assisted back into a safe environment. So they might have blown a knee or shoulder or something like that. They're generally not missing per se. So there are a couple of higher profile cases where there's a gentleman up at Mount Hotham who is still missing, and despite extensive efforts haven't been able to locate that person.

PN909

And that can involve quite a significant strain on the resources in terms of the number of people that then need to be deployed to respond to that incident or that event?---Yes. So you draw - our members for any prolonged search you certainly get search and rescue involved, but the focus has generally changed from a - quite often we're reactive - but from a proactive perspective it's generally very reactive, and so people will be called in to assist in that search. It's certainly - it's catered for within our local resources that if we need people from other areas we get them. From my experience we haven't - we haven't failed to find somebody because of a lack of resources.

PN910

No. The frequency of it means that you would need to have a number of resources available to service that demand?---I can only recall one incident where the person was genuinely lost and wanted to be found in the last 12 months that I've involved in. Granted there may have been others. There's some that might have dementia that would have some urgency around them. So, yes, I wouldn't say it's a high priority risk for us.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN911

I will just take you to annexure JA5. It will be in the second volume at 584 I'm told, the Commission book. This is a report that's been prepared which identifies some cases of missing persons, the number of resources that are allocated to it?---Yes.

PN912

And then some missing person land searches in the second half. Also some references to extreme weather events as well. You're not in a position to dispute that report?---No. I participated in the Lillian Ip missing person search; set up a forward command post and oversaw the members who ultimately found that person, and the Lucyvale aircraft incident and Christos Pittas, they're all beyond 12 months old now.

PN913

Yes. And when you go to the missing person land searches you will see there's a September 2019 and then there are quite a few instances that are dotted throughout; 19, 20, 21, 22 and 23. You would agree with me that in terms of the frequency that does seem to occur, this missing person incident does seem to occur quite frequently?---Sorry, what page are you on?

PN914

I was looking at page 587?---Sorry, 587, yes.

PN915

It's a missing person land searches?---Yes.

PN916

So the MP there I understand is missing person, and that's the date or the month and the year, and then the number of days that that person is missing?---So you're talking about the injured hiker. So that's what I'm saying. They're not necessarily missing persons. They seem to be recovered generally.

PN917

Okay. But that does happen quite frequently?---In the alpine environment generally, yes, but as you can see, you know, like they're quoting figures from 2019, 20, 21, 22.

PN918

But that is something that happens in ED4 that may not necessarily happen in other divisions or in other regions?---Look, without knowing the exact circumstances for each of those missing persons I would take a very educated guess on the fact that they're not actually missing persons. They're injured in the alpine environment. We go out and pick them up with the ambulance and the State Emergency Service and bring them back.

PN919

I want to take you then to a different topic and ask you some questions about rostering - - -?---Do I still need this open?

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN920

Let me just double check what - I'm taking you to volume 2. So, yes, I think you do still need that open, and it's JA6, 551 is the page number?---Sorry, 5 - - -

PN921

551?---Yes.

PN922

So this is the Chief Commissioner's instruction, and refers to the general duties rostering. So that's rostering for your position; is that right?---Yes.

PN923

And if you turn to 554, you will see there - - -

PN924

THE COMMISSIONER: The numbering in our court book is obscured by the heading. Is that the responsibilities and procedures page?

PN925

MS LEONCIO: The page I was going to take you to has got paragraph numbered 8?---'Service delivery requirements'?

PN926

'Service delivery requirements.' Yes.

PN927

THE COMMISSIONER: Yes, okay, no worries.

PN928

MS LEONCIO: Yes. So that's headed 'Service delivery requirements', and it talks about several inputs to rosters that must be considered to meet all service delivery requirements. And you will see there are three aspects that it refers to. The first aspect is the minimum station profile, and we've talked a little bit about that already, but that is, 'The minimum number of FTEs required to ensure the baseline service delivery.' Do you agree with that?---Yes, the Chief Commissioner's instruction does refer to that.

PN929

Yes. And there is a definition. So if you turn back over to the definition section, which is a couple of pages back, you will see there's a reference to minimum station profiles. It's defined as:

PN930

The minimum number of available full-time equivalent general duties, police resources required at a police station across each fortnight to ensure baseline service delivery.

PN931

And then it refers to:

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN932

Includes police response, supervision, management of persons in custody and neighbourhood policing activity.

PN933

?---That's correct.

PN934

So do you agree that that is what a minimum station profile is?---There is a further definition in the CCI for minimum station profiles and what it includes, from what I understand.

PN935

Yes, okay. I will take you to that document in a moment. For the purposes of this instruction that's how they define it. So do you agree that that is how it's defined in the instruction?---In that instruction it is, but as I say on page 562 there's a further definition that includes a few more dot points on that.

PN936

Yes, we will come to that in a moment?---Sure.

PN937

If we just go back to that paragraph service with the service delivery requirements at the top. So one component of service delivery requirements is minimum station profile. A second component is service demand forecasting?---Mm-hm.

PN938

And that's referring to - it says:

PN939

The management index to ensure appropriate resources are rostered to meet service demands.

PN940

And if you go back a couple of pages again back to the definition that talks about predicted daily staffing needs for a PSA, police services area based on computer aided despatch data. 'This information is available by a feature within the management index.' So that's a separate part of the service delivery requirements. Is that correct?---That's what the document says, yes.

PN941

And you agree with that, that there is a separate part of service delivery that's not just minimum station profiles, but it's about responding to demand depending on what the data tells you where those activities need to be directed?---That's what this document would have you believe. The CAD data is not always accurate.

PN942

But do you agree that there is a second element about service demand that's beyond just the minimum station profile?---It's listed within the definition, yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN943

I just want to understand your understanding - in the real world it's what's written in the document, but do you accept that in the real world that is also how it operates? It's not just about minimum station profile, it's also additional service demands on top of it?---I'm not privy to how calculation is done in relation to staffing numbers and the service delivery requirements. But I would say that the CAD data has little daily impact on how we police in Wodonga.

PN944

Okay. The third dot point then talks about other operational resourcing requirements as directed through TMCs and DLG, example search capacity and deployment?

PN945

THE COMMISSIONER: Sorry, where are we at?

PN946

MS LEONCIO: Sorry, I have gone back to paragraph 8 that has the service delivery requirements as a heading.

PN947

THE COMMISSIONER: So the three dot points there?

PN948

MS LEONCIO: The three dot points. I'm now at the third dot point which talks about other operational resourcing requirements as directed through TMC and/or the DLG, example search capacity and deployment. Do you agree that there is a third component which is other operational resourcing requirements?---Yes.

PN949

And that could include things such as for example Wodonga Highway Patrol as an area that's kind of additional to the minimum station profile. It says other operational resourcing requirements?---Yes. You would expect that they would get some data in order to task the highway patrol appropriately. I'm not convinced that that occurs.

PN950

So in terms of any need of the Wodonga Highway Patrol do you accept that that additional need, noting that Wodonga Highway Patrol doesn't have a minimum station profile, does it, there's no baseline that's - - -?---No. The minimum station profile wasn't developed for those sort of units.

PN951

Yes. So that's an additional thing that sits on top as a minimum station profile?---Sorry, could you say that again.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN952

It's an additional operational requirement that sits on top of the minimum station profile?---It's not - the numbers of the highway patrol are not accounted for in the MSP.

PN953

Yes, okay. So we will take you then to annexure JA7, which is that document I think - no, it's not, sorry, a different document. This is about the Chief Commissioner's instruction on the minimum station profiles. It's 560, but I think it might be obscured in your copy, but it says 'Minimum station profiles' up the top. This is where baseline minimum service level is defined. So if you go to the next page and you will see that definition heading. There is a definition of baseline minimum service level, and it says this:

PN954

The minimum service level numbers as agreed within the BPEC, Victoria Police's Best Practice Employment Commitment, and for a 24 hour police station - - -

PN955

Which is what Wodonga PSA is - it includes those three things. So primary response, patrol function available 24 hours seven days a week, which has to be performed two up, which means that there has to be two members, is that right, on the patrol?---Yes. So just for the sake of clarity it relates to a 24 hour police station, so Wodonga Police Station, not the PSA. The PSA is broader - - -

PN956

THE COMMISSIONER: Sorry, I know that it's into it, but can someone tell me what PSA actually means?

PN957

THE WITNESS: Police service area.

PN958

THE COMMISSIONER: Right. Thank you.

PN959

MS LEONCIO: Yes. So for Wodonga Police Station there's a primary response patrol function which has to be available 24 hours seven days a week, and that there are two members on that patrol?---That's correct.

PN960

And then the second aspect says that they will be open and accessible to the public 24 hours a day. Again the reception and the watch house will be performed two up, so there will be two members at the reception and the watch house?---That's correct.

PN961

And then it talks about patrol supervisors will be rostered to include a driver. So it will be both the supervisor and a driver in that patrol?---Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN962

Okay. And then we go to the MSP. So if you go to the station resource framework, which I think is just the next page, and MSP there which is part of the station resource framework:

PN963

This is the minimum number of available full-time equivalent general duties police resources required at the police across each fortnight to ensure baseline service to the group. This includes police response, supervision, management of people in custody and NHP activities.

PN964

And then it says:

PN965

The MSP for each station is informed by - - -

PN966

And it lists a number of things including purchase leave?---It does.

PN967

And then I will take you then to the next - - -

PN968

THE COMMISSIONER: Hang on a minute. Sorry, it's in the MSE, where is the purchase leave on that? All right, yes, it's the 1, 2, 3, 4.

PN969

MS LEONCIO: I just wanted to elaborate on it first. I'm not departing from that topic yet, but there's a further description of it in the next document which is the next page over, JA8, 567. Now, this has - at the top it says:

PN970

Minimum station profiles describe the minimum level staffing appropriate for that station and are informed by key inputs of response demand, including calls for assistance, reception duties, supervision requirements, crime prevention and community safety, as well as additional police tasks already factored into the SAM - - -

PN971

Which is the staff allocation method - model, sorry. It also acknowledges:

PN972

Additional demands for family violence or mental health related tasks and the need for the continuance of training and tasks in support of the criminal justice process.

PN973

Just pausing there for a moment. In terms of the reference to crime prevention there are you in a position to dispute that that crime prevention, that reference to crime prevention is really about the neighbourhood policing framework?---No, I wouldn't have made that assumption.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN974

And then in terms of additional demands for family violence or mental health related tasks do you accept that that's not about investigation as per the Family Violence Investigation Unit? That's about responding to particular calls for assistance that may have a family violence element, but is not an investigation of those?---Yes. So overwhelmingly family violence in Wodonga is dealt with by the general duties. There are only a select amount of cases that are dealt with by the Family Violence Unit, and I accept that the MSP does not state in this definition numbers for the Family Violence Investigation Unit.

PN975

And it wouldn't be referring - I think we've already mentioned this - but it's not going to be referring to any support that is required for say Wodonga Highway Patrol, or some additional support that you'd need to provide to say for example Corryong station?---In relation to Corryong station it does speak about loss of part-time and assignments, excluding non core assignment positions. So there could well be a component of the MSP that is based on the fact that there may be some relief duties provided to other areas.

PN976

So just skipping over to that section. So the MSPs are based on a shift framework, and then what you were just referring to there is member availability. Now, it does say there, and you would accept, that the formula to calculate the member availability is based on data over a three average. That's your understanding of it?---Yes, that's what - that's what they've stated they do that on.

PN977

Yes. And so it doesn't necessarily reflect the actual leave taken and rest days taken or non core assignment. For example for Corryong you couldn't have predicted a particular shortage in 2023?---Not the shortage, but what I would say is for Corryong when you look at the data it does state that they should have other rank profile of 7.146 members, which is in difference to the other 16 hour stations. There they're at five ORs. Sorry, Commissioner, that's on page 568 if you were interested.

PN978

THE COMMISSIONER: All right. Okay, great. Thank you.

PN979

THE WITNESS: So the MSP has catered for Corryong separately to other stations.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN980

MS LEONCIO: But in terms of Wodonga Police Station support that it provides that Wodonga MSP figure is not going to take into account the need to provide resources to Corryong?---At Corryong specifically, but what I'm saying is that if you have a look at the MSP are based on it does say, the sentence goes, 'A loss to part-time and assignments, excluding non core assignment positions.' So counted as part of the MSP. So I didn't make this document. I don't do a

determination. If you are asking me to interpret what that says I would just say that that's what it says.

PN981

All right. Now, if we go down to the PSA Wodonga numbers. So it's on the next page, and there's a row at the bottom. So you will see PSA Wodonga is listed second from the bottom. And then within that row uniform Wodonga is the last station. And you will see there that the total FTE is out of 62.789?---Yes.

PN982

And the total FTE is 55.762?---Yes.

PN983

So the difference between those figures, which I should say is seven - there's some rounding that happens there - but let's just say for the sake of argument that there are seven FTEs that are not part of the MSP calculation?---Yes.

PN984

Those seven are going to be allocated to the other part of the service delivery requirements, which we had talked about already. So there's this minimum station profile, and then if there's additional resources they may be allocated to other components of service deliveries that are not captured by the minimum service profile?---Look, they may well be, yes, cast your other roles. It would certainly be, still would be if we were fully staffed at the Wodonga Police Station. I should point out that that data's close to 11 months old now, and so there have been some changes in that.

PN985

Yes. But you would agree with me that it hasn't been such a significant change between November 2022 and now that would significantly change the difference between the FTE and the minimum FTE requirements?---Well, yes, there has been. The core positions FTE as at 30/11/2022 are listed down as 45, and we're now up over 50, and it's close to 53 to 54. So there has been a significant change.

PN986

And at the sergeant level - so we've got 15 FTE for 10.6?---Yes, that would be accurate.

PN987

Yes. And the MSP is 13.559. So again there is only really two above the MSP that can be utilised for other service delivery requirements?---Yes. So, you know, they take nine weeks leave out of 52. You're up to 43 weeks leave, so they've got 86 weeks that they can be tasked to something else.

PN988

Yes. But in terms of the absolute figure of two sergeants per fortnight would you agree that's a fairly narrow margin. There's not a lot there in terms of the additional to MSP that can be utilised to do - - -?---That's 20 shifts.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN989

So you disagree?---I do.

PN990

Okay. So - - -?---Like that's the entirety of what I'm asking for, for purchase leave, 20 shifts.

PN991

Yes, but that's - - -?---They can do it in two weeks.

PN992

And those shifts are being used for other service delivery requirements. They're not just sitting in the wings, not doing anything, they're actually performing other work that will be lost if you are allocated to purchase leave?---Generally, yes, doing either 251 shifts or custody shifts, and occasionally we get a portfolio shift. If you're on a 10 hour shift you don't get portfolio shifts.

PN993

And now you're saying those are not significant shifts?---Portfolios, no. You either do it during your shift or you try and achieve something. So, yes, it might be a corre group that you're working with, or if you've got a portfolio that requires a meeting you might go to a meeting.

PN994

So that's what the table provides for. You're not in a position to disagree with the number of breaches of the BMSL. So there is an average of 15 breaches of the BMSL, the MSP, per month?---So I have looked at that data, and, yes, I would agree that on average there's roughly 15, but apart from two incidents where we utilised the driver for the 251 for crime scene, one incident where they were used as a hospital guard, every other incident has primarily been due to unplanned leave, whether it be WorkCover or sick leave. Generally if there's any sort of notice the roster's able to be changed. I do work in that sphere if we need to do a last minute change, but by and large the non-compliance with MSP - sorry, BMSL, we always have the van on the road, sometimes we'll have two. We would have the option of trafficking somebody off that second van, but we choose not to because forever and a day we didn't have a driver. We all were used to not having a driver. What we do is we still attend jobs, but we risk assess. And so we're better to have two vans working than one van, one person doing corre and the sergeant with a driver, because they're not to get tied up as the primary response unit because you can't be a supervisor when you're being tied up with an interview or a family violence.

PN995

THE COMMISSIONER: I assume you mean correspondence, do you, by corre?---Yes. Sorry.

PN996

Right, okay.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN997

MS LEONCIO: Would you agree that given the frequency of the MSL breaches that it doesn't seem to be - this MSP doesn't actually seem to be forecasting what's required for the minimum service profile?---I would disagree with that.

PN998

Because the unplanned leave should be factored in, shouldn't it?---The issue we have is that members by and large aren't happy with the organisation, and so they're taking unplanned leave. Some people - you know, due to our lesson - certainly COVID is a thing around the north-east again, so people are taking sick leave, they're taking carer's leave, but in general it's a last minute thing. So I would say that if there was a happier workforce and a healthier one we wouldn't be having these issues as frequently.

PN999

Regardless of what the cause is, or what you say the cause is, the fact that the BMSL is constantly being breached means that it doesn't reflect - you know, it should take into account and it should forecast for that unplanned leave. The fact that it can't and it doesn't means that that MSP doesn't even allow the minimum response?---Well, they're still getting - there's no change in response in reality, because the serg are still attending, they're still supervising to ensure that these go ahead. Because by and large the driver certainly for most of the time doesn't actually drive because they're generally not four-wheel drive qualified, so they're the passenger, and generally they sit and do their paperwork. It's more of a correspondence shift than anything else. So whilst technically the BMSL may not be complied with I think quite often members said that, well there's a 251 driver, we'll just slot them into the position, I'm going sick.

PN1000

Sorry, I missed that last part?---That they say, well there's a 251 driver, they can be slotted onto the van, so there's no reduction in service level, so they go sick.

PN1001

Are you saying that you can have one person, is that what you're saying, in the van or - -?---No, you have two people in a van and 251, you know, dictates BMSL, you're supposed to have a driver. That's where the breaches are. As I said for 20 years I've worked without a driver and most of the members there are the same. So we just keep doing the job.

PN1002

I'm getting a bit confused. Are you saying though how many people are in that vehicle, is there - -?---If you're talking about 251, which is supervisor shift, BMSL we'd have - put two people in it.

PN1003

Yes. So when there's a breach are you saying that you would only have one?---That's because there's somebody's gone sick and the driver is being utilised in other areas.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1004

So does that mean that the response - are you saying that that means that the vehicle is not out, or is it - -?---No. What it means is - let's say there's a van on the road, or even two vans, somebody on that van goes sick, so that it would only have one person in it. We'll take the driver out of the - what's called the driver - out of the 251s vehicle and put them in the van, and they will now be working the van. So you'll still have a unit out in the road, and sometimes you'll have two units out on the road if it's an afternoon or nightshift. It just means the sergeant won't have a passenger/driver.

PN1005

And so it's one person. It's one person in the car; is that right?---For the 251, yes.

PN1006

Yes. So isn't the reason why they changed it to two because there was a fatal incident, a fatal shooting, where one member who was on their own was murdered?---Yes, that's been the driver behind - but the anomaly is, is that there are single member stations all around. You heard Chris Parr speak to the fact that he is in charge of 10 stations, and of that six of those are single member stations. They work one up. When there's - the other four stations in his area have anywhere between one sergeant and five members. More often than not they're working one up, sometimes two up. So what I'm saying is across the organisation we've got a BMSL that dictates he must be two up as a 251 supervisor, even though you're not going to jobs as a primary unit, but then you've got single member stations and other - non 24 hour stations going one up to incidents where they could come across the whole thing. So whilst the documentation talks to it in practice it does not happen.

PN1007

And the reason why it changed to two up was for safety reasons; is that correct?---That's correct.

PN1008

So you're saying that there's no difference between one or two?---There's no service delivery difference from a supervisor being one up or two up in general, and I'm not saying it doesn't occur, but generally.

PN1009

And in terms of the safe - so providing a safe service, so one has two people in the police car or vehicle. You don't think that's required?---No, I didn't say that at all. What I'm saying is as an organisation they've said that they want 24 hour stations, a van two up, and the watch house to be two up, and they are, but they - in the same breath they're allowing single member stations and what they call 16 hour stations to be one up going to jobs.

PN1010

So you're saying it's just made up; is that what you're saying, that you don't need the two people?---I'm saying the department says one thing and another thing happens.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1011

All right. Now, I wanted to just come back to that issue about the other operational requirements, and we talked about that earlier, and I wanted to just confirm with you that any available resources after the MSP may be tasked at the discretion of local management so they can be directed to do tasks?---Generally they would be tasked out of the divisional planning office and that would be in conjunction with the senior sergeant at Wodonga. So for instance we had 10 members on a bike patrol recently.

PN1012

And an example of that is at annexure JA22. It's page 660 and it's in volume 2. And you will see this is an email from Superintendent Joy Arbuthnot dated 21 May 2023. And you will see there in the email, and I appreciate that you're not a recipient of this email, but just in terms of your understanding of the way in which tasking can occur. Is this an example of where she's saying:

PN1013

Once you've achieved the MSL any spare resources are to be rostered to Wodonga Highway Patrol.

PN1014

And she mentions that 'ED4 are leading road trauma and this is a critical risk.' She also mentions that SOCIT and FBIU are also very short. 'That's the next priority.' Again appreciating that's not an email that you're involved in, but is that an example of the way in which a local management can direct the way in which additional MSP resources are rostered?---It's an example. I wouldn't say it's a good one. I would say that out of the tasking coordination meeting you should be deriving where the demand is and target those areas. This is more likely to be an email that's responding to broad statistics, that you raised a concern, and I wouldn't expect a superintendent to get involved with the day to day tasking of additional units. Ordinarily that should be done at a sergeant or senior sergeant level.

PN1015

Okay. I'm sorry I'm taking you to a different - back to a topic that we had discussed, sorry. There are just a couple of points that I just need to check with you. So this was about the BMSL breaches. I understand from your materials that you have suggested that overtime could be utilised or recalled for duty to deal with BMSL breaches?---Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1016

But do you accept that that is what they try to do? So if there is a BMSL overtime or recall would be attempted, but there are circumstances where there are still unresolved BMSL breaches?---It does occur. Generally we try and keep overtime to a minimum and say (indistinct), particularly for myself. I would rather have members go home than stay back - I'm talking about a dayshift - and have members stay back on nightshift and do four hours, knowing full well that all they're going to do is sit in a corner and probably sleep when I'll be doing my

paperwork and supervising whatever's required. So, yes, most sergeants will just go, 'Yes, it's okay, go home.'

PN1017

But this is talking about deliver team minimum service profile?---Yes.

PN1018

So we are talking about responding to calls. That's the - - -?---No, what we're talking about is the sergeant doesn't have a driver. The van is out there. We always make sure we've got a van on the road, and more often than not we try and make sure we've got two vans on the road, an afternoon and nightshift.

PN1019

Well, do you accept that that is running a reduced service?---I'll accept that there are less members and we're not in a technical compliance with BMSL, but I do not accept that there's a reduce service to the community. They would notice no difference.

PN1020

And in terms of the neighbourhood framework shifts, or NHP shifts, would you accept that they're not able to be consistently provided?---As was given evidence by Sergeant Larkin you can name things as you wish, and so if we name a second van as a neighbourhood policing unit and we're in compliance with the requirements - so it's just in a name.

PN1021

Okay. So you disagree with that?---I'd agree that if they're named neighbourhood policing shift then we're in compliance. As to whether they do anything different that's unlikely.

PN1022

Just in terms of those options that we were talking about before in terms of overtime, do you accept that that does not promote a disconnect from work, to require the members to stay for overtime if the BMSL dips?---Once again it depends on the circumstances. If you're talking about a member on nightshift to stay back on overtime just to complete - comply with the BMSL, then I would agree with that statement. If you're talking about members who are on a dayshift or afternoon shift and stay back for overtime they're probably more than happy to do that, because it means money in their pocket for not much output.

PN1023

All right. Now, I want to take you to the first volume of the Commission book to page 11?---I'll just put down the first one, part 2.

PN1024

So this is your application in this Commission. I wanted to ask you some questions about the purchase leave application that you made last year. And you will see at page 11 that there's a reference to an email from Superintendent Joy Arbuthnot to you dated 9 June 2022, you and copying in others?---Mm-hm.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1025

And you will see here that you've extracted the email and it says:

PN1026

The ED4 are currently working through significant capacity issues which have resulted in the division receiving temporary deployments of resources from across the state. In reviewing and addressing our capacity issues ED4 needs to apply due diligence to anything impacting future capacity, including purchase leave.

PN1027

Do you agree that at that time, so June 2022, that there were concerns about the capacity issues of ED4?---Yes. Concerns raised by the superintendent?

PN1028

Yes?---I agree, there was concerns raised.

PN1029

And there's a reference there to:

PN1030

Factors relating to our current capacity - - -

PN1031

With some dot points.

PN1032

TPAV and members push for additional support and increased staffing capacity into ED4.

PN1033

And there was an acknowledgement and support by eastern region and further support applying 13 additional temporary staff to ED4.

PN1034

And there's a need to provide a sustained high level of community and member safety through frontline response.

PN1035

Now, do you accept that even with those additional resources there did continue to be a number of BMSL breaches, so therefore a drop in - there were still issues with meeting minimum service requirements?---I would agree that with the additional members, yes, there are still times when we don't technically meet the BMSL.

PN1036

Then on 30 June 2022, so this is on page 13, there is a response to your application for purchase leave from an Inspector Paul Hargreaves. There is an acknowledgement that you can take 50 per cent, which I think is two weeks, is what they had suggested at that time?---I took four weeks.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1037

Yes, but this email was talking about authorising 50 per cent?---Yes.

PN1038

So this email is authorising two weeks; is that correct?---Yes.

PN1039

And then you will note the reasons here. So there are things like staff shortages - so this is the reason why you didn't get your full four weeks. It talks about:

PN1040

Staff shortages, recently highlighted and supported by both TPAV in command; inability to satisfy the MSL on all shifts, factoring in workers' compensation leave, unplanned leave, ongoing requirements to satisfy both planned and unplanned events, including emergencies; ability to satisfy service delivery demand currently reflective of two frontline response units. This is supported by an additional temporary 10 staff allocated to ED4.

PN1041

But this is the additional resources that we were talking about just earlier. Some of the other reasons are:

PN1042

Ability to satisfy the ongoing demand and expectation of community; ongoing need to staff and safely manage prisoners at A category cells; the need to efficiently manage and support the division taking into consideration all local area commands, alpine duty secondments, operations, incidents and emergencies; and the need to return to a resourcing model that supports professional development of all staff.

PN1043

So do you accept that at that point in time there were these kinds of issues that were considered a resource pressure for ED4?---I accept that these were raised as issues in the email.

PN1044

And you disagreed with them; is that right?---I did, and I indicated that my cup was full and I was more than prepared to go to the Fair Work to argue the toss back then, and I was granted four weeks leave. And we managed to provide 26 weeks of purchase leave to members for sergeants to spend 223 weeks relieving in other areas in temporary duties, and we got through okay.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1045

But you accept that there was no email that was - or record to say, 'Actually we've rethought about the grounds that we stated. They're not actually genuine, you can take your leave.' There was no suggestion that there was a change in any of these issues that would enable you to take leave?---Not an email, no, but the inspector spoke to me and said he wanted - wanted me not to speak to other members about the fact that he was granting me four weeks and basically have a confidentiality

clause in the agreement that he would grant me four weeks, and he did that with a number of other members as well.

PN1046

Can I suggest to you that that was a matter of goodwill, and not - - -?---Sorry?

PN1047

Can I suggest to you that that was a matter of goodwill from that inspector, and not because that there were any changes to the business ground that he identified in the email?---You can suggest it, but I might discredit it.

PN1048

So you do disagree?---Yes. It was reasonably perceivable at this stage there would be additional resources provided and we wouldn't be short, and it turned out to be that case.

PN1049

Commissioner, I might seek to tender that application. I don't think the application has been identified, and these emails are not separately adduced in any of the materials. It's a bit of an unusual way in which to adduce them, but I understand that they are - - -

PN1050

THE WITNESS: I have no problems, and, yes, they're accurate.

PN1051

THE COMMISSIONER: I don't think there's any dispute you received them and you put them in your application?---I did, yes.

PN1052

All right. You don't mind if I mark that A, do you?---Be my guest, sir.

PN1053

All right. You're very accommodating. Someone needs to tell me what A number we're up to, A - - -

PN1054

THE WITNESS: Ten.

PN1055

THE COMMISSIONER: A10.

EXHIBIT #A10 APPLICATION BY THE APPLICANT TOGETHER WITH EMAILS

PN1056

MS LEONCIO: I then wanted to take you to tab 6(c), page 360. So this is the Wodonga PSA leave roster for that year, the 2022/2023 - - -?---That's correct.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1057

And your name appears at the top, helpfully?---Close. Yes.

PN1058

Yes, sorry, in the sergeants category your name is right at the top?---Yes.

PN1059

Am I correct that the 'P' signifies purchased leave?---That's correct.

PN1060

And you will see at the bottom, so you will see total sergeants on leave, that yellow highlighting though. You will see there that there are a couple of instances that are highlighted in red?---Yes.

PN1061

And you will see next to that it says 'Four maximum'?---Sorry, you see next to that it says what?

PN1062

Sorry. On the right-hand side of the page you will see 'Four maximum'?---'Four maximum.' Yes.

PN1063

And that's referring to - - -

PN1064

THE COMMISSIONER: Hang on a minute. I'm lost now.

PN1065

MS LEONCIO: We're in the middle of the page on the right-hand side - - -

PN1066

THE COMMISSIONER: Okay. So we're talking page 360?

PN1067

MS LEONCIO: We're talking about 360. We've got the totals - - -

PN1068

THE COMMISSIONER: All right. And then there's Sergeant Goldsworthy at the top and sergeants?

PN1069

MS LEONCIO: Yes. And then you will see this bright yellow row right in the middle.

PN1070

THE COMMISSIONER: Yes.

PN1071

MS LEONCIO: That's the total - - -

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1072

THE COMMISSIONER: Total sgts on leave, and you're referring to the two red - five?

PN1073

MS LEONCIO: Yes, that's right.

PN1074

THE COMMISSIONER: Yes, okay.

PN1075

MS LEONCIO: And you will see there that on the right-hand side it says 'Four maximum.' So the writing on the right-hand side of the page.

PN1076

THE COMMISSIONER: Yes, okay.

PN1077

MS LEONCIO: And that denotes that when rostering in order to achieve the right balance between people being on leave and people being on the roster they try not to roster above four sergeants on leave at any point in time; is that correct?---Yes.

PN1078

And so you will see there in those red dots that there are five sergeants on leave, and that part of the reason that five sergeants are on leave is because of purchase leave. So there's your purchase leave there March 26. I don't have the row number, but it's the column and it's March 2023, 26, 'P'. That's where you get five. And then you will see June 2023 18 weeks starting at the 18th. It's someone else's purchase leave, but that results also in a five. So would you agree with me that for that period when you were approved purchase leave that went outside the rostering requirements, and in fact you had more people on leave than would normally be acceptable?---It's more people than would normally be on purchase leave, but I would say is when you're on leave and somebody puts in a long service application they're inclined not to try and change that. So my leave would have - my purchase leave would have been rostered well in advance and that long service leave application was most likely not known at that stage. We also have members transferring in, and - yes, and sometimes their leave just falls in there. But I would say is that BMSL wasn't breached because five members were on leave. As I alluded to earlier we run the roster with eight, sometimes nine sergeants actively working and that covers all shifts. And so there is capacity to exceed the four at times, and that's why if you have a look at the roster and the amount of upgrading and secondments that are there that's why they're able to be complied with, because we do have a little bit of fat in the system.

PN1079

But the acceptable range is four?---We try not to exceed four.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1080

Now, I want to then move to 2023. You weren't part of the regional leadership team meetings as such, but in February 2023 would you accept that there was

widespread acknowledgement that the entire eastern region was operating in a resource poor environment?---Yes, I can't comment on that. I don't know. I can see that there are a number of members who were upgraded and seconded elsewhere. Quite a few of those upgrades were outside of the Wodonga PSA that were upgrading into the traffic advisers job at Wangaratta, Divisional Intelligence Unit or TMC, senior sergeant's job.

PN1081

And one of the difficulties with the unpredictable unplanned leave - now, I know you didn't accept the premise, but you've accepted generally that that tends to be the cause of the drop in the BMSL for example. That seems to be where the resourcing shortage - - -?---Generally not amongst the sergeants. There are occasionally unplanned leave shifts, but by and large the sergeants don't take much in the way of unplanned leave.

PN1082

Would you accept as a general proposition that if you're in a resourcing poor environment that one of the possible ways to regain shifts in order to meet your servicing requirements, your resourcing requirements, is to refuse purchase leave applications. That's one way that you could get more shifts into (indistinct)?---It is almost impossible to roster for that.

PN1083

But do you agree that it is one way in which you could, if you were in a resourcing poor environment, regain those shifts and therefore be able to provide significant services to the community?---You might gain resources and numbers of shifts, but you don't know where you're rostering them because emergencies occur and people go sick at the drop of a hat. The chances of actually rostering somebody in the correct shift is about one to 55.

PN1084

And in ED4 there was a particular concern about capacity, and that's why they undertook an expression of interest process. So are you aware of the expression of interest process where they ask people if they were intending on making an application for purchase leave?---Yes.

PN1085

And that part of that was to understand the demands - - -?---Yes.

PN1086

- - - because they were concerned about the impact that that might have on their service delivery requirement?---That's most likely why they requested it.

PN1087

And that was a genuine concern that they had though about the impact of purchase leave on resourcing. Would you agree with that?---No. I think it's been demonstrated with the statistics that have been provided that if all of the leave that had been requested for ED4 was complied with we would have still fallen under every other division within eastern region by a significant margin.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1088

All right. Would you agree that Inspector Paul Henry was the first point of contact in terms of your purchase leave application?---No. Shane Martin is the first point of contact. He is a senior sergeant.

PN1089

Okay. And then Inspector Paul Henry was the person that was looking at or considering whether or not to approve your application. Would you agree with that?---I would say knowing now what I know - back then I would say yes, but knowing now through the emails he didn't have the ability to approve my purchase leave application. He only had the ability to make a recommendation.

PN1090

Okay. And in May to early June 2023 did you have a number of discussions with Inspector Paul Henry about your purchase leave application just in passing?---In passing, yes.

PN1091

And do you agree that in those conversations you did not disclose any further details about the reasons for your purchase leave application, beyond what was stated in your formal application?---He may not have heard me. At one stage - well, he didn't acknowledge that in his statement that I've read of him, but I did actually provide a further comment to him. But I am of the belief that it's not a requirement to obtain purchase leave under the enterprise agreement to provide any personal circumstances. It's to be refused on business grounds only and not on the impact that it may be having. That's what I had to do last time with Paul Hargreaves, and it's demeaning and it's not something that the inspector has certainly articulated to me that he wants to go through again.

PN1092

And that's not covered in your statement either in terms of these further details that you say you discussed?---Yes.

PN1093

Do you agree that in those conversations Inspector Henry explained to you that because of the resourcing issues in ED4 the threshold considerations for purchase leave applications would be high?---Not in so many words, or not in those words, but, yes, I understood that that would be the party line.

PN1094

Now, I might just take you to Inspector Henry's email on 2 June. This is annexure PH6, which I think is in the second volume, at 792?---Sorry, it's PH what number?

PN1095

PH6.

PN1096

THE COMMISSIONER: 619 you said?

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1097

MS LEONCIO: No, apologies, 700.

PN1098

THE COMMISSIONER: 700 flat?

PN1099

MS LEONCIO: Yes. So it's annexure PH6, page 700.

PN1100

THE WITNESS: I've had a few pages come loose there.

PN1101

MS LEONCIO: Okay. Perhaps if you just set that up the top and we can - you've got it?---Yes, page 700.

PN1102

Yes. And again I appreciate you were not a recipient of this email, but you've seen it in the materials, and it refers to the recommendation, as you've put it, in terms of the purchased leave applications, and he says that he's declining your application, but he had proposed an exception of one week. Do you agree with that?---Yes, that's what the email reads.

PN1103

Yes. And you will see that some of the reasons that he's identified are the Wodonga Highway Patrol, Wodonga Sexual Offences Investigation team, Wodonga Family Violence Investigation Unit, and the Corryong Police Station. And then there are some further reasons on the next page that are elaborated on, and it talks about challenges across 2023 and 2024 financial year, which includes things like back filling, Wodonga Highway Patrol, Corryong, and investigative units. And do you agree that these are the kinds of - these are the reasons that he also refers to later on in his emails to you on 23 June, which I will take you to in a moment, but this does get restated to you directly at another point in time?---Yes, they're the reasons that he has articulated. What I would say is they're reasonably foreseeable that things would change, particularly during the period that I requested leave.

PN1104

There was a conversation that you had with Paul Henry on or around 10 June where he said to you that he was unable to give you a definitive answer about your purchase leave application, because ED4 was still forming its position on responding to members' applications for purchase leave, having regard to current resourcing and service delivery needs for the division. Do you recall him saying that to you?---In those words, no; the gist of it, yes.

PN1105

Now, there's an email chain that you refer to which is at annexure TL9. That's again in volume 2?---Sorry, TL9, is it?

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1106

Yes, at 425?---I have that.

PN1107

Again I appreciate you did not receive this email. So this is the email of 13 June 2023, and in this email from Assistant Commissioner Tony Langdon to superintendent in the eastern region, he raises this issue of purchase leave applications?---He does.

PN1108

And raises some concerns about that. Now, I understand in your materials you consider this to be part of a blanket rejection. Is that your interpretation of this email?---Yes, it is, because if you - what he doesn't provide is that the previous year there was a 25 per cent increase on that. So there's actually been - it was more than that. So there was more than 5000 shifts attributed to purchase leave in the prior year, and he doesn't say that anywhere, and he certainly in there identifies ED6 as a potential issue. And as we've already discussed with Siobhan Owen the contribution of ED4 at that time was miniscule in comparison to everybody else, and it got even worse.

PN1109

But you accept that what occurred after this - it's stated in this email what occurred after this email was a review of those purchased leave applications?---Well, it's sufficient enough in tone and indication for Inspector Henry to put out and say that there shall not be any purchase leave approved in ED4. So there was no mistaking the intent of this email.

PN1110

And no expressed terms that it should all just be blanket refused without consideration. There's no reference to that there in that email?---'The only way to manage this is to deny members recreational leave over these periods' - which I also find unacceptable - 'given some of our business decision making.' As I said if you read that email in its entirety I can fully understand what interpretation by the inspector was, there shall not be any purchase leave approved, and that was the result for all general duties members in ED4, in the Wangaratta and Wodonga PSA.

PN1111

But there were other PSAs where there was a review and their applications still remain approved?---Not only were there other areas where they approved, they actually increased (indistinct) eastern region division 2. They didn't reduce any, they increased it.

PN1112

But you would agree with me that not everybody interpreted this as a blanket cancellation?---Apparently not, but the acting superintendent at the time did, because he went at it with gusto.

PN1113

I then want to take you to PH14?---Sorry, was that TL14?

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1114

PH14 in volume 2, 729. Have you got that there? Yes?---I have.

PN1115

So if you turn a few pages in you will see there's the email 13 June from Inspector Henry - - -

PN1116

THE COMMISSIONER: Hang on, what page are we on now?

PN1117

MS LEONCIO: This page, so 732. So this is the 13 June email that comes from Inspector Paul Henry to you, and that says:

PN1118

Purchase leave applications shall not be approved within the 2023/2024 financial year.

PN1119

And you recall receiving that email?---Sorry?

PN1120

You recall this email that you've - - -?---Yes.

PN1121

Inspector Henry has now said in his statement that he had misunderstood the effect of Assistant Commissioner Langdon's email. But in any event he had, as you recall from the previous email, with the recommendations that he had in terms of your application had recommended a one week approval, and had identified reasonable business grounds?---Sorry, it's a bit hard to hear you at times.

PN1122

Yes, sorry. I was just saying that in terms of Inspector Paul Henry he said he misunderstood this email, that he thought - - -?---Yes, he did say that he misunderstood it.

PN1123

Yes?---And Superintendent Joy Arbuthnot also said he misunderstood it, and Assistant Commissioner Langdon said he will handle all communications after that. He was told he misunderstood it.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1124

And then on 23 June 2023, so a couple of pages back, 729, this is the email from Inspector Paul Henry to you, and this follows - sorry, I haven't done this in sequence - but this does follow your email of 14 June where you ask for the reasonable business grounds for which the application was rejected. And you will see there the dot points that he identifies, and there are things there like the Corryong Police Station, the Investigation Response Units, Wodonga Police Complex - sorry, that's the units working out of the Wodonga Police Complex. And he also refers to Wodonga Highway Patrol. And you accept that

they were - that's an elaboration on the stated grounds that he had identified in his earlier recommendation?---That is an elaboration on those grounds.

PN1125

And would you accept that this reference, the first dot point about 'Current resourcing at Wodonga Police Station is not able to satisfy or meet the full expectations of community safety and customer service demand', that that's talking about resourcing, and in particular the ability to meet baseline minimum service levels?---I recognise that that is a dot point. I do not agree with that. In any normal society there will be crime, and as been detailed earlier you can get more police. Every police station in the state will take them, but with what we've got we do okay.

PN1126

Yes, okay. And just to take each of those grounds one at a time. So we've heard a bit of evidence this morning about Corryong station. Now, at the time of your application for purchase leave Corryong had one sergeant and two other ranks. Do you agree with that?---No. No, I don't. They had one sergeant and five ORs, and they only had two ORs transfer, and I think it was either around 4 July or 4 June. It was one of those months. But when I put in my application in mid April there were no issues or indications at that time.

PN1127

And in June 2023, at the time of the refusal of your application?---So at that stage it had become aware that there were two members that were going to transfer out, but equally around that time we also became aware that the two members that had left that created the vacancies for the two members that were now leaving wanted to come back. So we knew that they were going to be filled.

PN1128

And did you also know that Corryong station had been identified as being in need of three additional staff for fatigue management?---I had seen that on the MSP document. I don't necessarily agree that that's the best allocation of staff within our PSA.

PN1129

Do you agree that the original intent, so around that June 2023 period, was for Wodonga PSA to support Corryong with two members for three shifts per week for a period of about 12 weeks while the positions were being filled?---That may have been the intent, and I certainly had discussions when I was acting senior sergeant and filling in for Chris Parr while he was (indistinct) around how we would assist Corryong. But the reality is there was one member went up there for three days one week, and another member went up there for three days the following week. So the overall resource commitment from Wodonga was fairly minimal.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1130

But that again sitting above MSP, so it's in that narrow margin between the FTEs and the MSPs that we were talking about in that other document. But that's pretty

significant actually when you think about the small numbers of other ranks that you're drawing from?---Yes, but as we discussed the FTE in November of 2022 is shy by about eight members at Wodonga, so there was capacity to do that.

PN1131

And it is correct that if you take leave then what happens is there's an upgrading. So someone from the other ranks acts up in your position, and then there's kind of a cascading effect. So to the extent that other ranks were going to be drawn or deployed to other areas that those other ranks there's now a smaller pool to draw from; is that correct?---No, it's not always correct. It can certainly occur, and as indicated by Sergeant Larkin in his evidence (indistinct) we had two to three members upgraded. When we're at full capacity and we aren't providing staff to all and sundry we have 16 sergeants, you have three to four on leave, so that takes you down to 12. And then you've got one permanently in the - which is Sergeant Larkin - in the divisional planning office. So you're down to 11. And so you only need eight to nine sergeants working to cover everything. So you've still got the capacity for two other members. So even if you had five on leave sometimes if we're at full capacity we're good for it.

PN1132

Would you agree with me that it might be that Corryong, the support you provide to Corryong Police Station, so the support that Wodonga PSA sends to Corryong Police Station, that that might be one of the first things to fall away, if for example there are other service requirements that need to be serviced in Wodonga?---As I've maintained it's reasonably foreseeable that the number of staff at Corryong was going to return to normal numbers, and so the expectation would be that it wouldn't be a long term proposition for relieving up at Corryong.

PN1133

Would you agree that filling a position would take about 12 weeks?---It depends on the circumstances. So the members who departed were on a special category and they left in a hurry, and so if the position is released in a timely manner then it could take less, but most positions would be filled within three months, yes.

PN1134

And if there is this cascading effect, which I acknowledge you don't fully accept that that occurs in all circumstances, but if that does occur such that the Corryong Police Station can no longer have that other rank that comes from Wodonga PSA would you agree that that is a significant loss to the ability to provide services in Corryong?---No, I wouldn't. So Corryong for many years coped with two to three staff, and as it turns out as of next week there's - or actually it might be this week - it might be this week they're at full capacity again.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1135

Sorry, in terms of the time that we are talking about where there is two people down my understanding there was only two other ranks?---Yes. So there's still one and three there. So they are still able to provide a service, and they're not inundated with crime. Like they did 104 crime reports for last year, and some of those being multiple incidents out of the one - multiple crimes out of the one

incident. In comparison to the workload for our members in other stations they've got a pretty easy gig.

PN1136

Well, without that comparison though, just looking at it in isolation, would you agree it's a significant - in terms of a proportion of the number of people that it's reduced down to, if you've got one less in a pool of three or four that that's pretty significant?---As a proportion of members losing two members out of six, yes, that's significant. In relation to the overall effect on the policing within the Corryong sub district I don't know that it had a huge impact.

PN1137

And then moving on to the Wodonga Highway Patrol. So that's a specialist work unit and there are one of three - it's one of three highway patrols in ED4; is that correct?---One of three in the division, yes.

PN1138

And the purpose of the Wodonga Highway Patrol is to drive reductions in road trauma and be the primary responder for investigations into death or serious injury. Sorry, I think that was meant to say reduced - no, drive reductions, I think that is correct. So it's intended to reduce the levels of road trauma and be the primary responder for investigations?---Yes.

PN1139

Do you agree that their usual strength is one sergeant and nine response members or other ranks?---Yes.

PN1140

Do you agree that around June 2023 there were only five members who were - sorry, there were five other ranks who were unable to perform operational shifts?---It was around that. I couldn't say convincingly. There were two on WorkCover, one was returning from WorkCover. There was one on suspension and one was doing temporary duties at Wodonga. I think at that stage we might have had somebody relieving over there for him. But once again that was an indication that they weren't really serious about the issue because they could have filled his vacancy quite quickly, and it's not until next week or two that that's being done.

PN1141

Do you agree that a sergeant from Wodonga PSA was temporarily backfilling at the Wodonga Highway Patrol?---Yes. Tony Chamberlain, he's from the Wodonga Police Station, and he was performing temporary duties there.

PN1142

Yes, sorry, police station. Are you aware that there was an intention for one other rank to provide support once that sergeant role was filled?---I am now from the submissions that I've read. That still hasn't occurred. I believe in the next roster they're going to send a member over there, one member for a few weeks.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1143

And in terms of that reduction down, so only having half the service, so nine plus one is 10, reduced down by half, that that's a significant reduction in the ability to perform the highway patrol services?---Yes, I would say it is a reduction, but it's been a reduction, it's been around for the last six or so years, and they've done nothing about it, nothing substantial about it.

PN1144

So there's an intention for Wodonga Police Station to provide the support to highway patrol; that that additional shift, or there's additional shifts that could be provided, would have a significant impact in a positive way at the highway patrol?---Sorry, can I get you to ask that question again.

PN1145

Sure. I am conscious of the time.

PN1146

THE COMMISSIONER: I know it's folly to ask a barrister this, but how long do you think?

PN1147

MS LEONCIO: I would say I still have another half hour, and I am conscious that we have been going for a period.

PN1148

THE COMMISSIONER: In your hands, Sergeant?---Let's do it.

PN1149

I'm with you.

PN1150

MS LEONCIO: Okay. So I was just referring to the fact that there would be an additional - so there was an intention for Wodonga Police Station resource to be sent across to the highway patrol. Now, that hasn't occurred yet, but my understanding is that that is still intending to occur at some point during this financial year?---Right.

PN1151

Do you agree with that?---Yes.

PN1152

And so if there is a need to - say for example if you took leave, purchase leave, and there was a need to backfill your role, it's possible that that would make it more difficult for them to be able to provide that resource to Wodonga Highway Patrol?---No, I disagree with that.

PN1153

And that's because the pool of other ranks would be reduced because one of those other ranks would be acting up in your role?---As I've discussed not necessarily. It doesn't always mean because a sergeant is not there that somebody is upgraded into their position.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1154

And in the circumstances where that does happen, where there is a cascading and they're not able to provide those additional shifts that that would be a significant loss in productivity and also have a negative impact on the service delivery in terms of the highway patrol?---There is no way that I would categorise it as a significant loss.

PN1155

That's even accepting the focus of Victoria Police on high visibility of reduction road trauma you don't think that an inability to provide additional shifts to that highway patrol would be significant?---Would make a significant difference, no, I do not, because more often than not you're sending a very junior member across the highway patrol who has next to no experience and is not qualified in radar, moving (indistinct). They can't drive the police vehicles. All they're doing is they're sitting there as the passenger.

PN1156

And it might be that that was sufficient, that that is the visibility that's required - - -?---It might be, but when you're talking about reducing road trauma on a significant level that's not it.

PN1157

So police cars on the road - - -?---Sorry?

PN1158

So having a police vehicle on the road you don't think that that has a significant impact on potential road trauma?---One police vehicle, no, I do not. I think it's well and truly been demonstrated that most people slow down when they see a police car, and they get just down the road a little bit, they speed up, and I'm pretty sure there's been studies on that.

PN1159

All right. Let's then move to the investigation unit. That was another reason that Inspector Henry relied on. Now, the Wodonga Family Violence Investigation Unit and the Sexual Offence and Child Abuse Unit, do you agree that around that June 2023 period that they had significant resourcing shortfalls?---No, I don't agree with that.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1160

And it was intended that Wodonga PSA would provide support to those units to build up their expertise and support succession planning?---There may have been that intention, but there was one member that went up to assist the Family Violence Unit, injured his leg within a week or so, and he sat there and did some stats for them. No. And I'm pretty sure that the Sexual Offences and Child Investigation team didn't have anybody go to assist them. And in relation to the Family Violence Unit as I indicated earlier predominantly most family violence issues are dealt with by the uniform section. They deal more with recidivist family violence offenders and their number within their teams has been pretty well maintained. They did have one member on WorkCover, and he's on a return

to work plan now. So very close, or close enough to capacity. And given the indication from Superintendent Arbuthnot there's no benchmarking between Family Violence Investigation Units, so it's a fallacy to say that they're understaffed, because there's no indication - - -

PN1161

And in terms of that succession planning, so trying to build up professional development, so exposing other ranks to those units, you don't see that that is a valuable - - -?---That would be a luxury and not an important consideration.

PN1162

And do you agree that part of the reason that that hasn't happened is because of the resourcing constraints in Wodonga PSA?---No.

PN1163

So you think there are people who are available to go and just have chosen not to?---Ordinarily there would be an exchange. So if somebody would go up to one of the I&R units somebody from up there would come down, so that we were not disadvantaged. That hasn't been occurring of recent times where they'd send, you know, the likes of a sergeant up to do upgrading or duties there, but they wouldn't send somebody down.

PN1164

And I understand that there were members in ED4 that had their leave approved, purchase leave approved that were from the I&R Unit; is that correct?---That's correct, three from the Crime Scene Services and one from the Intelligence Unit.

PN1165

Yes. And would you agree that those members, so they are in the Crime Scene Services and Divisional Intelligence Unit, that they have very specific specialist functions and aren't used for general duties to BMSL?---That's correct, they're not.

PN1166

All right. Now, they were a few of the items that were referred to in that email on 23 June and earlier. You in your email of 14 June, which we can go to, that's annexure PH9, raised a number of issues that you say were challenging the reasonable business grounds that were relied on by Inspector Henry. Would it assist to give you the reference to that?---We'll see how we go. Ask the question.

PN1167

One of the points was around a leave roster, that the leave roster had allowed for the purchase leave applications that you had applied for. Do you recall that?---Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1168

Do you accept that the leave roster doesn't take into account commitments where Wodonga PSA staff would be required to go to other units such as the Corryong station, Wodonga Highway Patrol?---If it were a long term commitment it would take that into consideration, but that wasn't indicated on the draft leave roster that was prepared.

PN1169

And do you also accept that it doesn't take into account any additional support that might be required for a PERMM event, which I've just forgotten the acronym for that?---PERMM?

PN1170

PERMM, yes. So do you agree that doesn't take into account additional support?

PN1171

THE COMMISSIONER: So what's that? It's late in the afternoon and I can't remember what I read at 10 o'clock last night.

PN1172

MS LEONCIO: I'm also struggling. Let me find it.

PN1173

MR ROSE: Protracted emergency management response.

PN1174

THE COMMISSIONER: Thank you, Mr Rose.

PN1175

THE WITNESS: That's a furphy, your Honour, in relation to raising that now. And certainly if you recall when we first spoke about this I was concerned that they would try and raise additional items that had reasons why they were refusing my purchase leave, and this is one of those. This has never been raised up until the submission from the respondent in October.

PN1176

THE COMMISSIONER: Stated grounds?

PN1177

MS LEONCIO: Yes.

PN1178

THE COMMISSIONER: They're not stated.

PN1179

MS LEONCIO: Well, they are stated in the sense - - -

PN1180

THE COMMISSIONER: Not stated to him.

PN1181

MS LEONCIO: No, but it does refer to resourcing, and this is an aspect of resourcing.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1182

THE COMMISSIONER: This is something I have got to take into account and hear submissions on, and you shouldn't be making submissions from the witness

box. I understand what you're saying, and on that basis I will allow the questioning.

PN1183

MS LEONCIO: So it doesn't take into account additional support under the - - - ?---You can't roster for it. You do not know when an emergency is going to occur. So you can't roster for it. A moot point. You couldn't put in there that's what we do, that's our daily job. You don't know what's going to happen. We attend emergencies all the time. A car accident is an emergency for somebody. Somebody's house being broken into is an emergency for somebody.

PN1184

Do you agree though that in an emergency management situation you do have to rely on the resources that you have on the ground?---No, far from it. You recall people, they (indistinct). You know, like you get people in, you call them in from other stations, whether they're in our PSA or in the division or in the neighbouring division. We have always managed it like that.

PN1185

But the PERMM requires you to be self-sufficient for the first 72 hours. Do you agree with that?---Yes, and you can't roster for it.

PN1186

All right. You had mentioned in your 14 June email some references to additional resources. I have made a few references to that. They were the 13 additional resources that were provided to the division, and eight went to the Wodonga PSA, correct?---Sorry, there are - - -

PN1187

There were eight that went - - -?---Yes, there were.

PN1188

THE COMMISSIONER: Perhaps you might take him to 711, because 711 is the document.

PN1189

MS LEONCIO: So it's PH9.

PN1190

THE COMMISSIONER: PH9.

PN1191

MS LEONCIO: Page 711?---I'm there.

PN1192

THE COMMISSIONER: Okay, good.

PN1193

MS LEONCIO: Okay. So there you will see sub-paragraph (f) talks about:

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1194

Eight positions have recently been allocated to the Wodonga Police Station and have provided a significant increase in personal resources that would more than cater for any and all requests across the PSA for purchase leave.

PN1195

And I just make the point that in terms of the additional resources that there were still continuing breaches of the BMSL even with the additional resources, and we discussed that earlier?---Yes, because people will still (indistinct).

PN1196

And would you agree that that's fairly rare to have this injection of resources into the division?---Yes.

PN1197

And it's not sustainable on an ongoing basis to move resources within the region, to respond to service delivery in that way?---From my understanding that wasn't something that came out of the eastern region, it was something that came out of the SAM model, but I may be incorrect on that.

PN1198

I just want to move to the topic of vacancies within the region. You're not in a position to dispute that across the eastern region there are approximately 213 sworn vacant positions?---No, I'm not.

PN1199

THE COMMISSIONER: How many is that, 215?

PN1200

MS LEONCIO: 213. And would you agree that the attrition rate is not keeping up with the vacancies?---No, I'm not in a position to agree with that, because from what I understand of recent publications they're saying that there are more going into the category than retiring, but I think it's probably line ball and it comes down to decisions like this. When you start removing entitlements from members they start going elsewhere.

PN1201

And in terms of the academy though that's quite - there might be an increase in the academy, but in terms of members who are actually able to be employed or appointed, gazetted - - -?---It takes time to get them through.

PN1202

Yes?--- Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1203

Do you accept that in Wodonga there's not currently a waiting list for staff in terms of - I understand that there are generally speaking waiting lists where people can express their interest in joining a particular PSA?---From what I understand that's correct. I'm not privy to that waiting list. I'm not in a position where that's something that I have to concern myself with. But what I am under the

knowledge of is that when eight positions were created they were filled and since that time the waiting list has gone. So we had at least eight people. There were more, but eight people that were in a position to take up the vacancy. Subsequent to that two positions were advertised. They did go so special CATS(?) because there wasn't anyone on there. I don't know if there's anyone on there at the moment. I am aware that there are a number of people in the Benalla and Wangaratta police stations that do want to come to Wodonga, but they're currently held to tenure. So when they're released from their tenure period they will be able to apply for positions at Wodonga.

PN1204

And are you aware that within this year there's been positions in Wodonga that have been classed as hard to fill, meaning they've been advertised twice without filling?---Yes, that's what I just discussed. So there's two spots that went to special CATS.

PN1205

I see. I just want to take you quickly to annexure JA15, which is again volume 2, 614. Now, this is annexed to Superintendent Joy Arbuthnot's statement, and I understand it's a recent publication that's been circulated by the Chief Commissioner on the intranet; is that correct?---Correct.

PN1206

Or by email, sorry, to the members of the force. And you will see there there's a reference to filling the vacancies at the station?---Yes.

PN1207

And you will see second paragraph - sorry, first paragraph:

PN1208

It's no secret that one of the biggest challenges facing Victoria Police at this time is filling the vacancies that currently exist at stations. We know many stations and working (indistinct) doing it tough. Members are being recalled to duty or offered overtime and frustratingly some shifts are going unfilled.

PN1209

Now, just pausing there, do you agree with that paragraph in terms of that occurring in ED4?---Yes, I do, and that's to do with the working conditions, and they'll have one more if things don't get settled.

PN1210

And it says that:

PN1211

There's nearly 800 more vacancies created by attrition, primarily due to member retirements since COVID restrictions have been lifted that have not been able to be filled through new recruits yet.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1212

You're not in a position to dispute that vacancy rate or the attrition rate there?---No. But what I would say is that due to decisions that are made at a higher level and change in legislation this is not the job that it used to be and we don't go out and catch crooks like we used to, and so the job has changed and people are very despondent with it, and so they're leaving.

PN1213

Whatever the cause is, the reasons why they're leaving, it appears that those vacancies aren't able to be filled?---Yes, because it's not an attractive job. Certainly if anybody asked me I'd say if you want to save a life go and join the ambulance service. If you want a good job join the firies, but don't come to Victoria Police. We used to be the best recruiters. Now I can't say that I know anybody that wants to go and actively recruit their family or their friends to come in the police force, because it's not the job it once was.

PN1214

All right. And there is that reference there to streaming the recruitment process - on the next page, sorry, the fourth paragraph down - but they tried to alter the processes so that people can - - -

PN1215

THE COMMISSIONER: Okay, where is that? The fourth paragraph. Right.

PN1216

MS LEONCIO: Yes. They're trying to speed up the process to ensure that they can get people through that process quickly?---Yes, they're trying to recruit people straight out of high school. You think that's not going to be admission in tragedy. You've got 18 year old kids who have got no life experience and they're going to be coming into our police force.

PN1217

Well, do you agree that this communication really reflects the resourcing poor environment - - -?---Yes.

PN1218

- - - of ED4?---No, not ED4. We had the oldest workforce in the eastern region from what I understand. So we attract people because of the lifestyle, and it's offered within the region predominantly around the natural environment. So in general we don't suffer from that, but I fully acknowledge that there are stations, particularly in Melbourne, that are doing it very hard.

PN1219

Now, there was some reference before earlier this morning about comparative approval rates. I might just take you to that document so you've got it in front of you. It's in volume 1, and it's one of the big tables, but I will take you to the small version. So it's tab 5(a), page 335?---They would be the three documents I provided earlier that may be easier to (indistinct) this.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1220

Yes, they're the large documents. They were identified. So it's the blue document I was going to take you to?---Yes.

PN1221

A blue table?---So the ones that I provided at A3 are slightly different, because I have percentages down by the sides that they're - the figures are the same.

PN1222

THE COMMISSIONER: I think my eyes - would you be assisted by - I've drawn a bit on this, it may be not appropriate to give - I'm just offering it if it's no problem.

PN1223

MS LEONCIO: Okay. No, that's all right, I've got one.

PN1224

THE WITNESS: I can actually see it.

PN1225

THE COMMISSIONER: Even with my multifocals I have a problem. I need a microscope now. Okay.

PN1226

MS LEONCIO: Sorry, just one moment. I just want to make sure - we were talking about comparative rates earlier. I think that is the black and white table that has the application approval rates. Is that in front of you there?---Yes.

PN1227

So you've got percentage of applications approved. That's close to the middle.

PN1228

THE COMMISSIONER: That's the one at 334, is it?

PN1229

MS LEONCIO: Yes, that's right. And you've identified there that ED4 has 26 per cent of applications approved?---On those figures that were provided which I don't believe are an accurate indication.

PN1230

It's 13.8. Is that the figure you rely on?---Yes, it is, just because that's how many applications I tabled between - from the emails that were provided, that there are 26 applications. To my knowledge it was only four that were approved, hence the reason why those figures are in red. I was hoping that Siobhan Owen would be able to enlighten us, but she wasn't.

PN1231

And if you compare it in particular to division 1 or division 2 you will see that those look like 68 per cent, 76 per cent, 71 per cent?---Yes.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1232

But would you agree that because there's not an even distribution of members across these divisions that you wouldn't necessarily expect to see the same percentage, the same approval rates?---I would agree that the numbers within each division is different. The reason why I went for percentages is so that you could compare one area to another, and if you compare the north-west metro, southern division and western you get an indication of where all their approval rates are at, and the average across those. You know, we're talking above 70 per cent as an average. When you go down to 13.8 per cent for ED4 you could see that there's an issue there.

PN1233

And in terms of the single applications would you agree with me that one application out of - sorry, if a member in ED4, which is a smaller division, that that application - that that person may have greater impact as compared with division 1 where there are many FTEs, so that single FTE in eastern region division 1 for example may have a lesser impact. So approving someone in division 1 - - -?---I understand what you're asking - - -

PN1234

Apologies, I haven't phrased it - - -?---But I don't necessarily agree with that, because the reason why there aren't more members is because there's a greater need. And so there are more stations with higher member, number of profile, and so that loss of a member in ED1 would have a similar impact to ED4 or ED6.

PN1235

And there is an increase - we were talking earlier about ED6, when you were leading evidence from Ms Owen about ED6, and you will recall that ED6 was the subject of review, and that there was a particular concern about the applications. It does appear that there were a number - going to the blue graph, you might recall that it was decided that only applications with a three week or four week purchase leave period would be part of the review, and any purchase leave that was one or two weeks would not be part of the review. So in ED6 for example there's quite a significant amount in that one week two week, and if you move across to the three week four week comparing June with October that there is a reduction. So for example if you look at June 2023 16 have four weeks leave approved. That's halved by October. So that goes down to eight?---And correspondingly the number from the two weeks from 26 goes up to 37.

PN1236

In the one week two week. So the focus was on the three week four week once it had gotten through this process. So that explains why there are still comparatively higher approval rates in ED6 despite it being also a smaller division?---I don't see there's much of a difference between 130 weeks being approved and 113 weeks. You've still only got a reduction of 13.1 per cent overall during that period. If they only targeted three and four week applications then they'd still have an issue, if it is an issue, in comparison to ED4 where we were monstered.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1237

Yes. And that was you recall Assistant Commissioner Langdon was particularly concerned about the approval rates in ED6 given the size of that division?---Yes.

PN1238

Yes, okay. All right. I have got maybe five more minutes - - -

PN1239

THE COMMISSIONER: Okay.

PN1240

MS LEONCIO: - - - if that's convenient. Apologies. I will try and short circuit this.

PN1241

THE COMMISSIONER: I told you it was folly.

PN1242

MS LEONCIO: I don't know when I gave that estimate, but I'm pretty sure it was (indistinct). In terms of the leave entitlements under the agreement do you accept that you have an entitlement to recreational leave which is nine weeks?---Yes.

PN1243

And the purchase leave is an additional four weeks that may, you may apply for it, but that it's not a guarantee in the same way that nine weeks of recreational leave is?---Well, it can only be refused on reasonable business grounds.

PN1244

Yes. Do you agree with me that having regard to the resourcing pressures that I've outlined this afternoon, in ED4 specifically, that your purchase leave application to take four weeks, that that would have likely resulted in a significant loss in productivity, having regard to the types of activity that I've identified, that those hours could be diverted to?---As much as I'd like to think that I make a significant impact on this organisation I fully recognise I do not. If I'm not here for four weeks it will make no difference.

PN1245

And in terms of the key functions of Victoria Police, which have a focus on highly visible police presence, which is a key part of Victoria Police's function, that the loss of other ranks that may be pulled into or upgraded, that that does have a significant impact on the way in which the community perceives police presence in terms of the way in which the community's interests are served?---So I recognise that you made a statement, but I don't agree with it.

PN1246

Okay. Thank you, Commissioner, they were all my questions.

PN1247

THE COMMISSIONER: I have been in your situation and I know it's hard to re-examine yourself, but is there anything out of cross-examination that you want to elaborate on or - - -?---I wouldn't put you through it, Commissioner.

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

PN1248

Are you sure?---I think there's been a very select drawing of - - -

PN1249

Yes, I don't want a submission, I mean evidence?---Yes, okay. I would point back to those - every document that have been indicated early in the cross-examination, to say that there are equally documents that talk to the health and wellbeing of members. And that's it.

PN1250

Perhaps that might be something I have submissions on later. Thank you, everybody. I think you're excused from that role, thank you, Sergeant Goldsworthy?---Thank you.

<THE WITNESS WITHDREW

[4.32 PM]

PN1251

I think this is going to be pretty transgressive as far as the resourcing of the Commission is concerned, but I'm going to be applying for a five day transcript in this matter, and the five days is notionally, usually it's six or seven. If you were to apply to my chambers for a transcript it will probably be favourably received.

PN1252

MS LEONCIO: Thank you, Commissioner, much appreciated.

PN1253

MR GOLDSWORTHY: Thank you.

PN1254

THE COMMISSIONER: The matter is adjourned. Thank you.

ADJOURNED TO A DATE TO BE FIXED

[4.33 PM]

*** LARRY ARTHUR GOLDSWORTHY

XXN MS LEONCIO

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