

Fair Work Commission decides on the use of PDAs

In an *InBrief* published last month (14/13 of July 17), The Police Association reported that it had lodged a formal dispute notification with the industrial umpire, Fair Work Australia regarding the use of Professional Development Assessments (PDAs).

In particular, this dispute challenged a policy adopted by the Victoria Police Force requiring members to attach their two latest PDA entries with their application for a promotion or transfer.

The Police Association has always maintained that PDAs were never introduced for this purpose. Our clear understanding was that PDAs would only be used to address under-performance or to confirm a member's eligibility for incremental salary progression.

It was on this basis that this matter was referred to Fair Work for determination.

After hearing submissions from both parties, the Fair Work Commission, in a statement released on 23 August 2013, considered it "reasonable that applicants for promotion or transfer have their last two PDAs considered in the selection process."

Members can view the Fair Work Commission's full statement on this matter, which is attached to this newsletter.

A handwritten signature in blue ink, appearing to read 'Greg Davies'.

Greg Davies
Secretary



STATEMENT

Fair Work Act 2009
s.739—Dispute resolution

Police Federation of Australia

v

Victoria Police/Chief Commissioner of Police (C2013/5108)

COMMISSIONER BISSETT

MELBOURNE, 23 AUGUST 2013

Alleged dispute concerning Clause 63.3-4 of the Agreement.

[1] On 12 July 2013 the Police Federation of Australia (the Police Association) notified a dispute with the Victorian Police Force to the Fair Work Commission with respect to the proposed use of professional development and assessments (PDA) as part of the selection process for promotion or transfer.

[2] This matter has come to the fore due to changes to the *Police Regulation Act 1958* (Vic) (the Act) which seeks to improve efficiency in dealing with appeals relating to non-selection for promotion and transfer. The Act stipulates that, unless there are exceptional circumstances, the PRS Board will rely only on the selection file for the purpose of determining an appeal. This being so the PRS Board would not ordinarily have access to the PDA unless it is part of the selection file.

[3] I have carefully considered the provisions of the *Victoria Police Enterprise Agreement 2011*. I have taken into account the issues relevant to the resolution of this matter put by both the Police Association and the Victorian Police. I have taken particular note of the alteration to the *Police Regulation Act 1958* (Vic) which prohibits the lodgement of any additional material on appeal.

[4] In these circumstances I consider it reasonable that applicants for promotion or transfer have their last two PDAs considered in the selection process.

