

## Authorised Version No. 015

# Police Regulations 2003

S.R. No. 6/2003

Authorised Version incorporating amendments as at  
28 November 2011

### TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
1 Objectives	1
2 Authorising provisions	2
3 Commencement	2
4 Definition	2
<b>PART 2—APPOINTMENTS TO SERVICE</b>	<b>3</b>
<b>Division 1—Members of the force</b>	<b>3</b>
5 Appointments	3
6 Appointment to specialist areas	3
7 False statements	4
8 Seniority	4
<b>Division 2—Protective services officers</b>	<b>4</b>
9 Appointments	4
10 False statements	5
11 Probation	5
12 Rank structure	5
13 Advertising vacancies	5
14 Obedience to orders	6
<b>Division 3—Secondment of members to other police forces</b>	<b>6</b>
15 <i>Revoked</i>	6
16 Secondment of members to other police forces	7
<b>PART 3—PROFESSIONAL STANDARDS</b>	<b>8</b>
<b>Division 1—Inquiries conducted by the Chief Commissioner or authorised officer in relation to breaches of discipline</b>	<b>8</b>
17 Inquiries conducted by Chief Commissioner or authorised officer	8
18 Amending charges	8
19 Payment of penalties	8

<i>Regulation</i>	<i>Page</i>
<b>Division 2—Inquiries into fitness for duty by the Chief Commissioner or authorised officer</b>	<b>9</b>
20 Notice of Inquiry	9
<b>PART 4—TRANSFERS AND PROMOTIONS</b>	<b>10</b>
21 Filling positions	10
22 Application for reversion in rank	10
23 Advertising positions	11
24 Notification of promotion or transfer	12
25 Temporary promotion	12
26 Lapse of applications	12
<b>PART 5—PROCEDURES FOR HEARINGS BEFORE THE POLICE APPEALS BOARD</b>	<b>13</b>
<b>Division 1—General</b>	<b>13</b>
27 Expenses	13
<b>Division 2—Appeals against promotion or transfer under sections 8AA and 118B of the Act</b>	<b>13</b>
28 Requirements for an appeal	13
29 Action to be taken after lodgement of an appeal	14
30 Pre-hearing procedures	14
31 Appearances in an appeal	15
32 Evidence before the Appeals Board	16
33 Decision of the Appeals Board	16
<b>Division 3—Reviews by the Appeals Board under Division 1 of Part IV or section 91F of the Act</b>	<b>16</b>
34 Requirements for a review	16
35 Action to be taken after lodgement of an application for review	17
36 Pre-hearing procedures	17
37 Chief Commissioner entitled to representation in reviews	18
38 Notice of intention to adduce certain evidence before the Appeals Board	18
39 Compelling certain witnesses to appear before the Appeals Board	18
40 Decision of Appeals Board	18
<b>PART 6—LONG SERVICE LEAVE</b>	<b>19</b>
41 Interpretation	19
42 Nature of service	19
43 Computation of period of service	19
44 Computation of pay	21

<i>Regulation</i>	<i>Page</i>
<b>PART 7—CONDITIONS OF APPROVED TRAINING</b>	<b>23</b>
45 Conditions of approved training	23
<b>PART 8—COMPLAINTS AND INVESTIGATIONS</b>	<b>24</b>
46 Direction to bring person held in custody before the Director	24
47 Director must report other matters to Special Investigations Monitor	24
<b>PART 9—TESTING FOR ALCOHOL OR DRUGS OF DEPENDENCE</b>	<b>26</b>
<b>Division 1—General</b>	<b>26</b>
48 Direction to furnish a sample of breath or urine or allow a sample of blood to be taken	26
49 Taking of a sample of urine or blood—general	27
<b>Division 2—Prescribed matters</b>	<b>28</b>
50 Prescribed breath analysing instrument	28
51 Prescribed persons to take urine samples	29
<b>Division 3—Breath analysis</b>	<b>30</b>
52 Procedure for breath analysis	30
53 Certificate of breath analysis	30
<b>Division 4—Taking blood samples</b>	<b>31</b>
54 Procedure for taking blood sample	31
55 Procedure after taking blood sample	32
56 Certificate of taking of blood sample	33
<b>Division 5—Taking urine samples</b>	<b>34</b>
57 Procedure for collecting urine sample	34
58 Procedure after collecting urine samples	34
59 Certificate of taking of urine sample	35
<b>Division 6—Analysis of urine or blood sample</b>	<b>36</b>
60 Analysis of samples of urine or blood	36
61 Certificate of analysis of sample of urine or blood	36
<b>Division 7—Handling of information and confidentiality</b>	<b>37</b>
62 Confidentiality of test results	37

<i>Regulation</i>	<i>Page</i>
<b>PART 10—EXERCISE OF POWERS BY PROTECTIVE SERVICES OFFICERS AT A DESIGNATED PLACE</b>	<b>39</b>
63    Definitions	39
64    Designated place	39
—————	
<b>SCHEDULES</b>	<b>41</b>
<b>SCHEDULE 1—Types of Service Prescribed for Purposes of Long Service Leave Entitlement</b>	<b>41</b>
1    Types of Service	41
2    Definition	42
<b>SCHEDULE 2—Agreement by Member of the Police Force Relating to Permission Given to the Member by the Chief Commissioner to Undertake Training</b>	<b>43</b>
<b>SCHEDULE 3—Direction to Bring a Person Held in Custody before the Director, Police Integrity</b>	<b>46</b>
=====	
<b>ENDNOTES</b>	<b>47</b>
1. General Information	47
2. Table of Amendments	48
3. Explanatory Details	49

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are—

- (a) to provide for the employment of members of the police force, protective services officers and police reservists and to provide for the operation of the Police Appeals Board;
- (b) to prescribe the form of a direction that may be given by the Director under section 86PE(2) of the **Police Regulation Act 1958**;
- (c) to prescribe other matters to be set out in a written report of the Director to the Special Investigations Monitor under section 86ZD(2) of the **Police Regulation Act 1958**;
- (d) to prescribe matters necessary for the testing of members of the police force for alcohol and drugs of dependence;
- (e) to prescribe designated places at which protective services officers may exercise all the powers and have all the responsibilities granted or imposed by section 118D(2) of the **Police Regulation Act 1958**.

Reg. 1  
substituted by  
S.R. No.  
72/2005 reg. 3.

Reg. 1(c)  
amended by  
S.R. No.  
25/2008  
reg. 5(1).

Reg. 1(d)  
inserted by  
S.R. No.  
25/2008  
reg. 5(2),  
amended by  
S.R. No.  
130/2011  
reg. 5(1).

Reg. 1(e)  
inserted by  
S.R. No.  
130/2011  
reg. 5(2).

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## 2 Authorising provisions

These Regulations are made under sections 118, 118K, 120 and 130 of the **Police Regulation Act 1958**.

## 3 Commencement

These Regulations come into operation on 1 February 2003.

## 4 Definition

In these Regulations—

*the Act* means the **Police Regulation Act 1958**.

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**PART 2—APPOINTMENTS TO SERVICE**

**Division 1—Members of the force**

**5 Appointments**

A person is qualified for appointment to the force if the person—

- (a) is of good character and reputation; and
- (b) is a citizen or permanent resident of Australia or entitled to this status under Commonwealth law; and
- (c) has completed a medical examination to the satisfaction of a registered medical practitioner nominated by the Chief Commissioner; and
- (d) has passed the following tests set by the Chief Commissioner—
  - (i) a general intelligence test; and
  - (ii) a written examination; and
  - (iii) an agility test.

**6 Appointment to specialist areas**

Despite regulation 5(b) and (d), the Chief Commissioner may appoint a person with special qualifications or relevant required expertise to—

- (a) the Police Air Wing; or
- (b) the Police Bands; or
- (c) the Technical Support Unit, Covert Support Division.

Reg. 6  
substituted by  
S.R. No.  
155/2003  
reg. 4.

## **7 False statements**

If a person has given false or misleading information during the selection procedure for appointment to the force, the Chief Commissioner may refuse to consider the person's application to be a member of the force.

## **8 Seniority**

- (1) Seniority as between members of the force is to be determined having regard to—
  - (a) the order of rank in descending order referred to in section 8(1) of the Act; and
  - (b) within any such rank, the respective dates of appointment or promotion to the rank.
- (2) If 2 or more constables are appointed on the same day, the Chief Commissioner may determine their respective seniority.

### **Division 2—Protective services officers**

## **9 Appointments**

A person is qualified to be appointed as a protective services officer if the person—

- (a) is of good character and reputation; and
- (b) is a citizen or permanent resident of Australia or entitled to this status under Commonwealth law; and
- (c) has completed a medical examination to the satisfaction of a registered medical practitioner nominated by the Chief Commissioner; and

(d) has passed the following tests set by the Chief Commissioner—

- (i) a general intelligence test; and
- (ii) a written examination; and
- (iii) an agility test.

#### **10 False statements**

If a person has given false or misleading information during the selection procedure for appointment as a protective services officer, the Chief Commissioner may refuse to consider the person's application to be a protective services officer.

#### **11 Probation**

Every appointment as a protective services officer is subject to 1 year's probation.

#### **12 Rank structure**

The rank structure for protective services officers in descending order is—

- (a) protective services officer senior supervisor;
- (b) protective services officer supervisor;
- (c) protective services officer senior;
- (d) protective services officer first class;
- (e) protective services officer.

Reg. 12  
substituted by  
S.R. No.  
13/2009 reg. 4.

#### **13 Advertising vacancies**

(1) If the Chief Commissioner decides to fill a vacancy at or above the level of protective services officer senior, the Chief Commissioner—

- (a) must advertise the vacancy in the Police Gazette; and

Reg. 13(1)  
amended by  
S.R. No.  
13/2009 reg. 5.

r. 14

- (b) may transfer or promote any suitably qualified protective services officer to the position.
- (2) If no qualified person applies for the vacancy, the Chief Commissioner may—
  - (a) advertise the vacancy again in the Police Gazette; or
  - (b) appoint a protective services officer who has not applied.
- (3) The Chief Commissioner may require a protective services officer under consideration for promotion to undergo a medical examination to determine efficiency in relation to mental capacity and physical fitness for the discharge of the duties of the position.
- (4) The Chief Commissioner must cause the name of the protective services officer selected for appointment to a vacancy to be published in the Police Gazette.

#### 14 Obedience to orders

A protective services officer must obey any lawful instruction or order given by the Chief Commissioner or any person under whose control, direction or supervision the officer's duties are performed.

Pt 2 Div. 3  
(Heading)  
substituted by  
S.R. No.  
156/2005  
reg. 4(a).

#### Division 3—Secondment of members to other police forces

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Reg. 15  
revoked by  
S.R. No.  
156/2005  
reg. 4(b).

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**16 Secondment of members to other police forces**

A member of the force who performs duties in the Australian Federal Police or the police force of another State or Territory or of another country—

- (a) continues to be a member of the force; and
  - (b) must obey all lawful instructions and orders given by superior officers of the police force to which the member is seconded; and
  - (c) is subject to the laws of that police force and, as far as possible, to the Act, these Regulations and orders or directions of superiors in the Victoria Police Force.
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**PART 3—PROFESSIONAL STANDARDS**

**Division 1—Inquiries conducted by the Chief Commissioner or authorised officer in relation to breaches of discipline**

**17 Inquiries conducted by Chief Commissioner or authorised officer**

- (1) If a member of the force is charged with an offence under Part IV of the Act, the Chief Commissioner or authorised officer must give the member at least 7 days notice of the inquiry into the charge.
- (2) The Chief Commissioner or authorised officer may determine whether any person making a complaint against a member of the force which leads to a charge being laid may make a submission at the inquiry.
- (3) The Chief Commissioner or authorised officer may determine that an inquiry is not open to the public.

**18 Amending charges**

- (1) The Chief Commissioner or authorised officer may amend a charge under Part IV of the Act.
- (2) If a charge is amended by the Chief Commissioner or authorised officer, the member charged must be given reasonable notice to allow the member adequate time to respond to the amended charge.

**19 Payment of penalties**

A deduction from a member's pay under section 77(2) of the Act may be made as a lump sum or by instalments.

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**Division 2—Inquiries into fitness for duty by the Chief  
Commissioner or authorised officer**

**20 Notice of Inquiry**

A notice under section 83(1) of the Act must be given to the member at least 7 days before the inquiry.

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**PART 4—TRANSFERS AND PROMOTIONS**

**21 Filling positions**

- (1) A member of the force is liable to immediate transfer to any part of the State.
- (2) If a position is (or is expected to become) vacant, the Chief Commissioner may—
  - (a) fill the position by way of transfer of a member; or
  - (b) advertise the position and promote or transfer an applicant to the position; or
  - (c) in the case of a position of a constable (general duties) or senior constable (general duties), promote a member to the position without advertising the position.
- (3) The Chief Commissioner may promote a constable who holds a position to the rank of senior constable in the same position without advertising the position if the constable is qualified and otherwise able to satisfy the eligibility criteria for promotion to the rank of senior constable.

**22 Application for reversion in rank**

The Chief Commissioner may, upon the written application of a member of the force, approve a reversion in rank of that member.

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## 23 Advertising positions

- (1) The Chief Commissioner must advertise a vacant position in the Police Gazette except if—
  - (a) the Chief Commissioner intends to fill the vacancy by way of transfer of a member; or
  - (b) the Chief Commissioner intends to fill the vacancy on a temporary basis in accordance with regulation 25; or
  - (c) the vacant position is of a constable (general duties) or senior constable (general duties).
- (2) The advertisement must—
  - (a) identify the position and—
    - (i) summarise the duties, qualifications, eligibility criteria and key selection criteria relating to the position and any time-in-position requirements relating to the period to be served in the position approved by the Chief Commissioner; or
    - (ii) refer to the position description and set out where a copy of the position description may be obtained; and
  - (b) state any requirement for the holder of the position to reside in any particular premises; and
  - (c) state any requirements for on call and availability for duty rostering relating to the position; and
  - (d) include the closing date for receipt of applications.

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## **24 Notification of promotion or transfer**

The Chief Commissioner must cause the name of a member selected for promotion or transfer to a position to be published in the Police Gazette.

## **25 Temporary promotion**

- (1) The Chief Commissioner may, for a fixed term and for a particular purpose in each case, temporarily promote a member of the force.
- (2) At the conclusion of the fixed term referred to in subregulation (1), the member who is temporarily promoted will revert to the member's substantive rank.
- (3) Despite subregulation (2), the Chief Commissioner may, in accordance with the provisions of subregulation (1), again temporarily promote a member at the conclusion of the fixed term.
- (4) If a member was promoted to brevet rank in accordance with regulation 509(1)(b) of the Police Regulations 1992 as in force immediately before the commencement of the Police (Personnel) Regulations 1996, the member will immediately upon ceasing to occupy the position to which the member was promoted, revert to the member's substantive rank.

## **26 Lapse of applications**

- (1) If a member's application for a transfer to a position is successful, all other applications for transfer by the member lapse.
- (2) If a member's application for a promotion to a position is successful, all other applications for promotion or transfer by the member lapse.

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**PART 5—PROCEDURES FOR HEARINGS BEFORE THE  
POLICE APPEALS BOARD**

**Division 1—General**

**27 Expenses**

The expenses payable to witnesses appearing before the Appeals Board are the same as the allowances payable to Crown witnesses under the Evidence (Crown Witnesses Allowances) Regulations 1992.

**Division 2—Appeals against promotion or transfer under  
sections 8AA and 118B of the Act**

**28 Requirements for an appeal**

- (1) An appeal under section 8AA or 118B of the Act must—
  - (a) be in writing; and
  - (b) state the grounds of appeal.
- (2) Unless the Appeals Board otherwise determines, a person is not entitled to appeal against any promotion or transfer if the person—
  - (a) did not satisfy the qualifications, eligibility criteria or time-in-position requirements for the position; or
  - (b) did not apply to be promoted or transferred to the position; or
  - (c) is a person whose application for a transfer or promotion to the position has lapsed under regulation 26.

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## **29 Action to be taken after lodgement of an appeal**

- (1) An appellant under section 8AA or 118B of the Act must send a copy of his or her appeal to the Chief Commissioner and to the person who was promoted or transferred within the period within which the appeal must be lodged.
- (2) The Appeals Board must, as soon as practicable, after the expiration of the time within which an appeal may be lodged, advise the Chief Commissioner of the name of the appellant.
- (3) The Appeals Board must advise the appellant, the person who was promoted or transferred and the Chief Commissioner of the time and location of the hearing of the appeal.

## **30 Pre-hearing procedures**

- (1) If the Chief Commissioner has received advice under regulation 29(3) of the hearing of an appeal, the Chief Commissioner must cause to be lodged with the Appeals Board not less than 72 hours before the time fixed for the hearing of the appeal—
  - (a) a copy of any relevant personnel selection documentation; and
  - (b) a written statement of the grounds on which the selection for promotion or transfer was made.
- (2) The person who was promoted or transferred and the appellant must each cause to be lodged with the Appeals Board not less than 72 hours before the time fixed for the hearing of the appeal a written statement as to why the person or the appellant believes he or she should be promoted or transferred to the relevant position.

(3) The Appeals Board must—

- (a) cause a copy of the personnel selection documentation, a copy of the statement of the grounds on which the selection for promotion or transfer was made and a copy of the appellant's statement lodged under subregulation (2) to be made available to the person who was promoted or transferred for a reasonable period, being not less than 48 hours, before the hearing of the appeal; and
- (b) cause a copy of the personnel selection documentation, a copy of the statement of the grounds on which the selection for promotion or transfer was made and a copy of a statement of the person who was promoted or transferred lodged under subregulation (2) to be made available to each appellant for a reasonable period, being not less than 48 hours, before the hearing of the appeal.

**31 Appearances in an appeal**

At the hearing of an appeal before the Appeals Board—

- (a) the Chief Commissioner may be represented by any person, other than a legal practitioner; and
- (b) the person who was promoted or transferred may appear personally before the Appeals Board; and
- (c) the person who was promoted or transferred is not entitled to be represented by any person before the Appeals Board.

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### **32 Evidence before the Appeals Board**

- (1) Subject to subregulation (2), the Appeals Board may only consider as evidence matters stated in a document referred to in regulation 28(1) or 30(3).
- (2) The Appeals Board may consider as evidence matters not referred to in subregulation (1) if the Appeals Board is satisfied that the matters could not have been placed before the Chief Commissioner before the time the relevant selection for promotion or transfer was made.
- (3) A person who wishes to present as evidence a matter referred to in subregulation (2) must make details of that matter available to the Appeals Board not less than 72 hours before the hearing.

### **33 Decision of the Appeals Board**

The Appeals Board must give a copy of its decision to the Chief Commissioner, the appellant and the person promoted or transferred within 14 days after the decision is made.

## **Division 3—Reviews by the Appeals Board under Division 1 of Part IV or section 91F of the Act**

### **34 Requirements for a review**

An application for a review under Division 1 of Part IV or section 91F of the Act must—

- (a) be in writing; and
- (b) state the grounds for the application for a review.

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**35 Action to be taken after lodgement of an application for review**

- (1) As soon as practicable after an application for review has been lodged, the Appeals Board must advise the Chief Commissioner of the application and the name of the applicant.
- (2) The Appeals Board must advise the applicant and the Chief Commissioner of the time and location of the hearing of the review.
- (3) The Appeals Board must give the applicant and the Chief Commissioner at least 7 days notice of the hearing.

**36 Pre-hearing procedures**

- (1) As soon as practicable after receiving a notice from the Appeals Board, the Chief Commissioner must cause to be lodged with the Appeals Board within the time specified in the notice—
  - (a) a written statement setting out the details of the decision that is the subject of the review, including the reasons for the decision; and
  - (b) any files, records, documents or information specified in the notice.
- (2) As soon as practicable after receiving a notice from the Appeals Board, the applicant must cause to be lodged with the Appeals Board within the time specified in the notice—
  - (a) a written statement setting out the grounds for the application; and
  - (b) any files, records, documents or information specified in the notice.

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**37 Chief Commissioner entitled to representation in reviews**

At the hearing of a review under Division 1 of Part IV or section 91F of the Act, the Chief Commissioner may be represented by any person other than a legal practitioner.

**38 Notice of intention to adduce certain evidence before the Appeals Board**

A notice of intention under section 68E(3)(a) of the Act must—

- (a) be in writing; and
- (b) state the reasons why the Appeals Board should give leave.

**39 Compelling certain witnesses to appear before the Appeals Board**

An application under section 68F(1) of the Act to the Appeals Board for leave must—

- (a) be in writing; and
- (b) state the name of the witness to be summoned to attend to give evidence or to produce documents; and
- (c) if the witness is to be summoned to attend to produce documents, describe the documents to be produced; and
- (d) state the extraordinary grounds that the applicant believes exist that warrant leave being given.

**40 Decision of Appeals Board**

The Appeals Board must give a copy of its decision on a review to the Chief Commissioner and to the applicant within 14 days after the decision is made.

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## **PART 6—LONG SERVICE LEAVE**

### **41 Interpretation**

A reference to a member in this Part includes a reference to a protective services officer and a police reservist.

### **42 Nature of service**

- (1) The following periods of service entitle a member of the force to be granted long service leave on application by the member—
  - (a) any period of service as a member;
  - (b) any period of a type of service listed in Schedule 1;
  - (c) service with any Commonwealth Defence Force during the Vietnam war.
- (2) An application for long service leave may be made at any time within 3 months after the date the member dies, retires, is dismissed or has his or her services dispensed with or terminated.
- (3) If a member has died or is physically or mentally incapacitated, an application for payment in lieu of long service leave may be made by the member's legally appointed representative.

### **43 Computation of period of service**

- (1) The following periods of service are to be included when calculating long service leave entitlements—
  - (a) if the member's service is not continuous, the aggregate of all periods of the member's service; and

- 
- (b) any period in respect of which a pension under section 68(3) of the **Superannuation Act 1958**, section 20G(1) of the **Emergency Services Superannuation Act 1986** or section 83A of the **State Superannuation Act 1988** (as in force from time to time) was paid; and
- (c) any period during which the member was absent on—
- (i) authorised leave with pay; or
  - (ii) long service leave with full or half pay; or
  - (iii) sick leave without pay, if the member has a medical certificate in relation to that period; or
  - (iv) leave to undertake defence service within the meaning of the Defence Reserve Service (Protection) Act 2001 of the Commonwealth.
- (2) The following periods of service are not to be included when calculating long service leave entitlements—
- (a) any period which preceded an absence from a service duty referred to in regulation 42(1)(b) or (c), if the absence was for a continuous period of more than 12 months; or
  - (b) any period of leave without pay; or
  - (c) any period that the member was suspended or dismissed from service as a result of that member's actions.

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- (3) Subregulation (2)(a) does not apply to an absence from duty—
- (a) to which subregulation (1)(b) or (c) applies; or
  - (b) which resulted from retirement because of ill-health; or
  - (c) which resulted from retrenchment and which was for a period of less than 5 years; or
  - (d) which resulted from resignation and which was for a period of less than 5 years, if the Chief Commissioner is of the opinion that the resignation resulted from special circumstances including—
    - (i) a pressing personal or domestic necessity deserving compassionate consideration; or
    - (ii) changes in the work environment or career direction of a member which required an interruption to the course of that member's service.

#### **44 Computation of pay**

- (1) All pay received by a member of the force on long service leave must be calculated as if the member had remained on duty.
- (2) If a member is granted pay in lieu of the whole or part of any long service leave to which the member is entitled, the amount of pay is to be calculated using the following method:

##### Step 1—

Subtract from the period of service of the member for which he or she is entitled to long service leave any period of service in respect of which the member has been granted long service leave or pay in lieu of long service leave; and

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Step 2—

Express the remaining period in complete years and a fraction of a year on a daily basis; and

Step 3—

Divide this amount by 40; and

Step 4—

Multiply this amount by the member's annual pay at the time that the application for long service leave is made.

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**PART 7—CONDITIONS OF APPROVED TRAINING**

**45 Conditions of approved training**

Any member of the force authorised by the Chief Commissioner to take leave to undertake any external training course may, as a condition of attending the training course, be required to enter into a bonding agreement in accordance with Schedule 2.

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**PART 8—COMPLAINTS AND INVESTIGATIONS**

Pt 8  
(Heading and  
regs 46, 47)  
inserted by  
S.R. No.  
72/2005 reg. 4.

**46 Direction to bring person held in custody before the Director**

Reg. 46  
inserted by  
S.R. No.  
72/2005 reg. 4.

For the purposes of section 86PE(3)(a) of the Act, the prescribed form of a direction is the form in Schedule 3.

**47 Director must report other matters to Special Investigations Monitor**

Reg. 47  
inserted by  
S.R. No.  
72/2005 reg. 4.

- (1) For the purposes of section 86ZD(2)(e) of the Act, the following matters are prescribed—
- (a) if section 86ZD(1)(c) of the Act applies and the person attends the Director following a warrant to arrest issued under section 86PD(2) of the Act, whether the person was detained in police custody and if so—
    - (i) how long the person was detained; and
    - (ii) the place of detention; and
    - (iii) whether the person applied to a bail justice for discharge from custody;
  - (b) whether the person was given a written notice by the Director under section 86KA(2) of the Act;
  - (c) whether the person has been charged with an offence against section 86KA(3) of the Act;
  - (d) whether the person was brought before the Director under a written direction under section 86PE(2) of the Act;
  - (e) the duration of the attendance of the person on the Director;

- (f) whether the person was aged under 18 years and if so—
  - (i) whether a parent or guardian of the person or an independent person was present during the person's attendance; and
  - (ii) whether it reasonably appeared to the Director that the person exercised his or her right to confer with the parent, guardian or independent person (as the case may be) before providing any information, producing any document or thing or giving any evidence;
- (g) whether the Director believed the person to have a mental impairment and if so—
  - (i) whether an independent person was present during the person's attendance; and
  - (ii) whether it reasonably appeared to the Director that the person exercised his or her right to confer with the independent person before providing any information, producing any document or thing or giving any evidence;
- (h) whether the person had legal or other representation;

\* \* \* \* \*

Reg. 47(1)(i)  
expired by  
force of  
S.R. No.  
6/2003  
reg. 47(2).

- (2) Subregulation (1)(i) ceases to have effect on the day on which section 86KB of the Act ceases to have effect<sup>1</sup>.

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**PART 9—TESTING FOR ALCOHOL OR DRUGS OF  
DEPENDENCE**

**Division 1—General**

Pt 9  
(Heading and  
regs 48–62)  
inserted by  
S.R. No.  
25/2008 reg. 6.

**48 Direction to furnish a sample of breath or urine or  
allow a sample of blood to be taken**

Reg. 48  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (1) A direction under section 85B of the Act to a member of the police force to furnish a sample of breath or urine or allow a sample of the member's blood to be taken for the purposes of Division 4A of Part IV of the Act may be given orally or in writing.
- (2) The direction must state—
  - (a) the reason that the direction is given specifying whether it is believed that the member—
    - (i) has consumed alcohol or a drug of dependence with the result that he or she is incapable or inefficient in performing his or her duties; or
    - (ii) has been involved in a critical incident; or
    - (iii) ought be tested for the presence of alcohol or a drug of dependence for the good order or discipline of the force; and
  - (b) the sample (whether breath, blood or urine) that the member is required to furnish; and
  - (c) that, if a sample is not furnished in the circumstances specified in section 85D of the Act, a registered medical practitioner may be directed to take a sample of the member's blood; and

- (d) that the member is required to remain at or attend specified premises for the sample to be taken; and
  - (e) that the member should not consume alcohol or drugs before the sample is taken; and
  - (f) that the member should advise the person taking the sample of breath, urine or blood of any prescription medication taken by the member; and
  - (g) that failure by the member to comply with the direction is a breach of discipline for the purposes of section 69 of the Act; and
  - (h) that the test results will be given to the Chief Commissioner and will otherwise remain confidential save for any disclosures authorised for the purposes of the Act.
- (3) If an oral direction is given to the member, a notice in writing, specifying each of the matters in subregulation (2), must be given to the member as soon as practicable.

**49 Taking of a sample of urine or blood—general**

Reg. 49  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (1) The taking of a sample of urine or blood from the member must be conducted—
  - (a) in a respectful manner; and
  - (b) in circumstances affording reasonable privacy to the member directed to furnish a sample of urine or allow a sample of his or her blood to be taken.
- (2) A sample of urine or blood must not be taken from the member in the presence or view of a person whose presence is not necessary for the purposes of obtaining that sample and must not require—

- (a) the removal of more clothing than is necessary for the sample to be taken; and
  - (b) more visual inspection of the member than is necessary for the sample to be taken.
- (3) A sample of blood must not be taken from a member who has been involved in a critical incident if either—
- (a) the registered medical practitioner directed to take the sample; or
  - (b) the registered medical practitioner primarily responsible for the examination and treatment of the member—

is of the opinion that the taking of the sample would be prejudicial to the member's care and treatment.

#### **Division 2—Prescribed matters**

### **50 Prescribed breath analysing instrument**

The breath analysing instruments prescribed for the purposes of detecting the presence of alcohol in the breath of a member for the purposes of Division 4A of Part IV of the Act are the breath testing devices known as—

- (a) Alcotest 80/A;
- (b) Lion Alcolmeter SD-400PA;
- (c) Lion Alcolmeter SD 400;
- (d) Lion Alcolmeter 500;
- (e) Lion Alcolmeter S-D2;
- (f) Drager Alcotest 80A;
- (g) Drager Alcotest 6510;
- (h) Drager Alcotest 6810;
- (i) Alcolizer LE;

Reg. 50  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (j) Alcolizer HH1;
- (k) Alcolizer HH2;
- (l) Breathalyser Type II;
- (m) Intoxilyzer;
- (n) Intoximeter;
- (o) AlcoScan;
- (p) AlcoScan AL-2500;
- (q) AlcoScan AL-3500;
- (r) AlcoSensor;
- (s) Datamaster, AlcoMatePrestige;
- (t) AlcoHawk Precision;
- (u) AlcoHawk ABI;
- (v) Breathalyser L-6000;
- (w) ProLifeloc FC10;
- (x) Lifeloc FC10 Plus;
- (y) Lifeloc FC20;
- (z) Guth LabsAlcoTector.

**51 Prescribed persons to take urine samples**

A person who is—

- (a) a registered medical practitioner; or
- (b) a nurse registered under the **Health Professions Registration Act 2005**; or
- (c) a person who—
  - (i) has knowledge and expertise in standards and practices related to the collection and storage of urine samples; and

Reg. 51  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (ii) is employed by a laboratory or drug testing service—

may collect samples of urine from members for the purposes of Division 4A of Part IV of the Act.

### **Division 3—Breath analysis**

#### **52 Procedure for breath analysis**

- (1) It is a requirement for the proper operation of a breath analysing instrument that a person operating the breath analysing instrument—
- (a) does not require the member to provide a breath sample for analysis until the person is satisfied that the member has not consumed any alcohol for a period of at least 15 minutes before the analysis; and
  - (b) provides a fresh mouthpiece for use by the member that, until required for taking the breath sample, has been kept in a sealed container.
- (2) A member who is directed to furnish a sample of his or her breath must do so by exhaling continuously into the breath analysis instrument to the satisfaction of the person operating that instrument.

#### **53 Certificate of breath analysis**

The person operating a breath analysing instrument must, after taking a sample of the member's breath, complete and give to the Chief Commissioner a certificate that contains the following particulars—

- (a) the concentration of alcohol indicated by the breath analysing instrument to be present in the member's breath;
- (b) the serial number of the breath analysing instrument;

Reg. 52  
inserted by  
S.R. No.  
25/2008 reg. 6.

Reg. 53  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (c) the sample number;
- (d) the location of the test;
- (e) the name of the member whose breath is tested;
- (f) the name of the person operating the breath analysing instrument;
- (g) the results of the self test conducted by the breath analysing instrument before and after the member's breath is analysed;
- (h) the results of zero tests conducted by the breath analysing instrument before and after the member's breath is analysed;
- (i) the date and time the member's breath was analysed.

#### **Division 4—Taking blood samples**

##### **54 Procedure for taking blood sample**

If a blood sample is taken by a registered medical practitioner for the purposes of Division 4A of Part IV of the Act, the site of the puncture must be cleansed with a swab taken from a container which—

- (a) appears to be sealed against contamination; and
- (b) bears a label stating that the container holds an aqueous solution of chlorohexidine and cetrimide and no methylated spirits, alcohol, tincture of iodine or other substance containing alcohol.

Reg. 54  
inserted by  
S.R. No.  
25/2008 reg. 6.

Reg. 55  
inserted by  
S.R. No.  
25/2008 reg. 6.

### 55 Procedure after taking blood sample

- (1) A registered medical practitioner who takes a blood sample must ensure that—
  - (a) the sample of blood is placed into 2 dry containers, each containing approximately the same amount of blood; and
  - (b) each container is vacuum sealed or sealed with a septum seal; and
  - (c) each container in which the sample is placed bears a label stating—
    - (i) that the container holds a specific anticoagulant and preservative such as potassium oxalate and sodium fluoride; and
    - (ii) the name of the chemist, laboratory or pharmaceutical organisation that prepared the container; and
  - (d) each container has attached to it a label bearing—
    - (i) the signature of the registered medical practitioner; and
    - (ii) the date and the time the blood sample was taken; and
    - (iii) the name of the person from whom the sample was taken (or, if the name of the person is not known, sufficient information to enable the sample to be identified with the person from whom it was taken); and
    - (iv) (if known) the identification number or code enabling the sample to be identified by the laboratory or drug testing service.

- (2) If a blood sample is taken under Division 4A of Part IV of the Act and has, in accordance with this regulation, been placed in containers which have been sealed and labelled, the registered medical practitioner must ensure that the containers are transported to a laboratory or drug testing service for analysis.
- (3) The laboratory or drug testing service must—
  - (a) analyse the sample of blood in one of the containers for the presence of alcohol or a drug of dependence; and
  - (b) store the other container for a period of not less than 12 months.
- (4) The member from whom the sample was taken may, within 12 months after the taking of the sample, apply to the laboratory or drug testing service for the sample in the stored container to be sent for analysis at the member's own expense, to a registered medical practitioner or laboratory nominated by the member.

#### **56 Certificate of taking of blood sample**

A registered medical practitioner who takes a blood sample from a member must complete and give to the member a certificate stating—

- (a) the medical practitioner's full name; and
- (b) that the registered medical practitioner was the medical practitioner who took the sample from the member; and
- (c) the date and time that the sample of blood was taken; and
- (d) that a sufficient sample of blood was collected to enable the testing for the presence of alcohol or a drug of dependence; and

Reg. 56  
inserted by  
S.R. No.  
25/2008 reg. 6.

r. 57

- (e) (if known) the laboratory or drug testing service where the sample of blood will be sent for testing and the identification number or code enabling the sample to be identified by that laboratory or drug testing service.

### **Division 5—Taking urine samples**

#### **57 Procedure for collecting urine sample**

Reg. 57  
inserted by  
S.R. No.  
25/2008 reg. 6.

If a urine sample is collected from a member, the person collecting the sample must ensure that the sample is collected in a container that is clean and dry and that has not previously been used.

#### **58 Procedure after collecting urine samples**

Reg. 58  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (1) A person collecting a urine sample from a member must ensure that—
- (a) the urine sample is placed in 2 dry containers, each containing approximately the same amount of urine; and
  - (b) each container is fitted with a tamper-proof locking seal; and
  - (c) each container has attached to it a label bearing—
    - (i) the signature of the person who collected the urine sample; and
    - (ii) the date and the time the sample was collected; and
    - (iii) the name of the person from whom the sample was collected or, if the name of the person is not known, sufficient information to enable the sample to be identified with the person from whom it was collected; and

- (iv) (if possible) the identification number or code enabling the sample to be identified by the laboratory or drug testing service.
- (2) If a urine sample has, in accordance with this regulation, been placed in containers which have been sealed and labelled, the person who collected the urine samples must ensure that the containers are transported to a laboratory or drug testing service for analysis for the presence of alcohol or drugs of dependence.
- (3) The laboratory or drug testing service must—
  - (a) analyse the sample of urine in one of the containers for the presence of alcohol or a drug of dependence; and
  - (b) store the other container for a period of not less than 12 months.
- (4) The member from whom the sample was collected may, within 12 months after the taking of the sample, apply to the laboratory or drug testing service for the sample in the stored container to be sent for analysis, at the member's own expense, to a registered medical practitioner or laboratory nominated by the member.

### **59 Certificate of taking of urine sample**

A person who collects a urine sample from a member must complete and give to the member a certificate stating—

- (a) the authorised person's full name; and
- (b) that the person was the person who collected the sample from the member; and
- (c) the date and time that the sample of urine was collected; and

Reg. 59  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (d) that a sufficient sample of urine was collected to enable the testing for the presence of alcohol or a drug of dependence; and
- (e) (if known) the laboratory or drug testing service where the sample of urine will be sent for testing and the identification number or code enabling the sample to be identified by that laboratory or drug testing service.

#### **Division 6—Analysis of urine or blood sample**

##### **60 Analysis of samples of urine or blood**

A laboratory or drug testing service that receives a sample of urine or blood for the purposes of Division 4A of Part IV of the Act must analyse the sample for the presence of alcohol or a drug of dependence and provide a report on the analysis of that sample to the Chief Commissioner.

##### **61 Certificate of analysis of sample of urine or blood**

- (1) As soon as practicable after a laboratory or drug testing service has analysed the sample of urine or blood of a member, the laboratory must give a certificate to the Chief Commissioner.
- (2) The certificate must state—
  - (a) the full name of the member from whom the sample was taken; and
  - (b) the date when the sample was received in the laboratory or drug testing service for analysis; and
  - (c) that a container holding the member's sample of urine or blood—
    - (i) was received at the laboratory or drug testing service; and

Reg. 60  
inserted by  
S.R. No.  
25/2008 reg. 6.

Reg. 61  
inserted by  
S.R. No.  
25/2008 reg. 6.

- (ii) was sealed, labelled and marked in the manner specified in regulation 55 or 58; and
  - (d) that the seal of the container was unbroken; and
  - (e) the approved laboratory identification number of the sample; and
  - (f) the date when the analysis was conducted; and
  - (g) the results of the analysis of the sample; and
  - (h) the signature and name of the person who conducted the analysis; and
  - (i) any factors which may have affected the analysis results.
- (3) The Chief Commissioner must provide a copy of the certificate to the member from whom the sample was taken as soon as practicable.

## **Division 7—Handling of information and confidentiality**

### **62 Confidentiality of test results**

- (1) All records that relate to or include—
- (a) a direction to a member under section 85B of the Act; or
  - (b) any bodily fluid samples collected or taken for testing for the presence of alcohol or drugs under Division 4A of Part IV of the Act; or
  - (c) the result of any testing of a sample of breath, urine or blood of a member under Division 4A of Part IV of the Act—
- must be kept in a secure location.

Reg. 62  
inserted by  
S.R. No.  
25/2008 reg. 6.

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- (2) A person must not disclose to any other person any information revealed by the testing of a sample of breath, urine or blood of a member under Division 4A of Part IV of the Act unless—
- (a) that information is already publicly known; or
  - (b) disclosure of that information is necessary under Division 4A of Part IV of the Act; or
  - (c) disclosure of that information is necessary for the investigation of any offence; or
  - (d) the member consents; or
  - (e) disclosure of that information is to members of police personnel solely for the purposes of—
    - (i) research and development of the health of the police force as a workplace; or
    - (ii) the management, supervision and support of the member in the workplace; or
    - (iii) the investigation of alleged breaches of ethical standards and other misconduct in the police force; or
  - (f) the disclosure of information is solely for the purposes of compiling reports and statistics and that information does not include information that may be used to identify the member who provided the sample.
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**PART 10—EXERCISE OF POWERS BY PROTECTIVE  
SERVICES OFFICERS AT A DESIGNATED PLACE**

Pt 10  
(Heading and  
regs 63, 64  
inserted by  
S.R. No.  
130/2011  
reg. 6.

**63 Definitions**

In this Part—

*municipal council* has the same meaning as  
*Council* has in the **Local Government Act  
1989**;

*rail premises* has the same meaning as it has in  
the Transport (Conduct) Regulations 2005;

*railway premises* has the same meaning as it has  
in the **Rail Safety Act 2006**.

Reg. 63  
inserted by  
S.R. No.  
130/2011  
reg. 6.

**64 Designated place**

For the purposes of section 118D of the Act, a  
place on or within any of the following places is a  
designated place—

- (a) railway premises;
- (b) rail premises on or adjoining railway  
premises including any car parking area on  
the rail premises;
- (c) any roadway or other thoroughfare giving  
access to the rail premises;
- (d) any area on or adjoining the rail premises  
used by other modes of transport including  
bus stops and taxi ranks;
- (e) any municipal council controlled car park  
adjoining or in the vicinity of rail premises;

Reg. 64  
inserted by  
S.R. No.  
130/2011  
reg. 6.

Police Regulations 2003

S.R. No. 6/2003

Part 10—Exercise of Powers by Protective Services Officers at a Designated  
Place

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**r. 64**

- (f) any privately owned or managed land used for a car park or other public transport purposes adjoining or in the vicinity of rail premises.
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## SCHEDULES

### SCHEDULE 1

Reg. 42(1)(b)

#### TYPES OF SERVICE PRESCRIBED FOR PURPOSES OF LONG SERVICE LEAVE ENTITLEMENT

##### 1 Types of Service

Service with—

- (a) a Government Department of the Commonwealth or of a State or Territory;
- (b) the Australian Defence Force; or
- (c) the public service of the Commonwealth or of a State or Territory; or
- (d) the teaching service of the Commonwealth or of a State or Territory; or
- (e) an authority of the Commonwealth or of a State or Territory; or
- (f) a local governing body that is established by or under a law of a State or Territory; or
- (g) a body set up by legislation primarily and exclusively to achieve a Government purpose and on which Government has substantial control or influence beyond the usual level of scrutiny of Government funded bodies.

## 2 Definition

In this Schedule—

***authority*** means an authority, whether or not incorporated, that is constituted by or under a law of the Commonwealth or a State or Territory for a public purpose.

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**SCHEDULE 2**

Reg. 45

**AGREEMENT BY MEMBER OF THE POLICE FORCE RELATING  
TO PERMISSION GIVEN TO THE MEMBER BY THE CHIEF  
COMMISSIONER TO UNDERTAKE TRAINING**

This Agreement is made on [*insert date*] between [*insert name*], (the member) and [*insert name*], (the surety) and the Honourable [*insert name*] in his or her capacity as Minister for [*insert relevant portfolio*] (the Minister).

RECITALS:

1. The member is a member of the Police Force of Victoria (the Force).
2. The Chief Commissioner of Police (the Chief Commissioner) has authorised the member to take leave to undertake an external training course at [*insert name of training organisation*] (the training organisation).
3. The Minister's approval to undertake the training has been given to the member subject to the condition that the member and the surety enter into this Agreement with the Minister.
4. The member has requested the Minister—
  - (a) to pay on behalf of the member the fees charged by the training organisation in respect of the member for the said training;
  - (b) to pay to the member all money paid by the member in respect of books and other materials purchased by the member for the training;
  - (c) to continue to pay to the member while the member is undertaking the training the salary and allowances applicable to the rank of the member—each of which the Minister has agreed to do.

**Sch. 2**

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THE PARTIES AGREE as follows:

1. The member will diligently undertake and complete the training unless prevented by illness, accident or other cause outside the member's control.
2. Upon completion of the training, the member will remain in the Force for a period of [*insert number of years*] years (the period of service).
3. If the member fails to complete the training and the Minister is of the opinion that the cause of the failure was within the member's control, the member and the surety or one of them will on demand by the Minister pay into the Consolidated Fund of the State of Victoria—
  - (a) the amount which the Chief Commissioner certifies to be equal to the salary and allowances paid to the member while undertaking the training; and
  - (b) all fees which the Minister has paid to the training organisation on behalf of the member in respect of the training; and
  - (c) all money which the Minister has paid to the member in respect of books and other materials purchased by the member for the training.
4. If the member fails to complete the period of service for any cause, other than death or physical or mental incapacity, the member and the surety or one of them will on demand by the Minister pay into the Consolidated Fund of the State of Victoria—
  - (a) the amount which the Chief Commissioner certifies to be equal to the salary and allowances paid to the member while undertaking the training; and
  - (b) all fees which the Minister has paid to the training organisation on behalf of the member in respect of the training; and
  - (c) all money which the Minister has paid to the member in respect of books and other materials purchased by the member for the training—

less a proportion of that amount equal to the proportion of the period of service completed by the member.

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5. For the purposes of determining the period of service under clause 2, unless the Minister otherwise determines, any leave of absence granted to the member after the commencement of the period of service (other than recreation leave or sick leave to which the member may be entitled as a member of the Force) is not to be taken as part of the period of service.
  6. The liability of the member and the surety will not be discharged by reason of—
    - (a) any time or other indulgence which the Minister may grant to the member by which the time or mode of payment by the member of the whole or any portion of any amount payable to the Consolidated Fund of the State of Victoria under this Agreement or the time or mode of performance by the member of any of the other provisions of this Agreement may be extended or altered; or
    - (b) the dismissal or acceptance of the resignation of the member from the Force.

Signed by

the member in the presence of—

Signed by

the surety in the presence of—

Signed by

The Minister in the presence of—

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Sch. 3

Sch. 3  
inserted by  
S.R. No.  
72/2005 reg. 5.

**SCHEDULE 3**

Regulation 46

**Police Regulation Act 1958**

Section 86PE

**DIRECTION TO BRING A PERSON HELD IN CUSTODY BEFORE  
THE DIRECTOR, POLICE INTEGRITY**

To: *(insert name of person in charge of place where person is held in custody)*

at *(insert name of place where person is held in custody)*

Under section 86PE(2) of the **Police Regulation Act 1958**

I direct that *(insert name of person in custody)* born on *(insert date of birth)*

who is detained at *(insert name of place where person is held in custody)*

be delivered into the custody of *(insert name of member of police force)*

to be brought before me

at *(insert address)*

on *(insert date)* at \*a.m./p.m.

to provide information, produce a document or thing or give evidence as required by the summons issued under section 17 of the **Evidence Act 1958** for the purposes of an investigation under Part IVA of the **Police Regulation Act 1958** and directed to the person who is the subject of this direction.

**Take note:** If the person who is the subject of this direction is under the age of 16 years at the date this direction is given, the direction is of no effect and the person is not required to attend the Director.

Dated:

Director, Police Integrity

\* Delete if inapplicable

## ENDNOTES

### 1. General Information

The Police Regulations 2003, S.R. No. 6/2003 were made on 22 January 2003 by the Governor in Council under sections 118, 118K, 120 and 130 of the **Police Regulation Act 1958**, No. 6338/1958 and came into operation on 1 February 2003.

The Police Regulations 2003 will sunset 10 years after the day of making on 22 January 2013 (see section 5 of the **Subordinate Legislation Act 1994**).

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## 2. Table of Amendments

This Version incorporates amendments made to the Police Regulations 2003 by statutory rules, subordinate instruments and Acts.

Where a provision has expired, the provision has been omitted and an explanatory sidenote included.

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Police (Amendment) Regulations 2003, S.R. No. 155/2003

*Date of Making:* 16.12.03

*Date of Commencement:* 1.1.04: reg. 3

Police (Amendment) Regulations 2005, S.R. No. 72/2005

*Date of Making:* 28.6.05

*Date of Commencement:* 28.6.05

Police (Special Constables Revocation) Regulations 2005, S.R. No. 156/2005

*Date of Making:* 29.11.05

*Date of Commencement:* 30.11.05: reg. 3

Police (Testing for Alcohol or Drugs of Dependence) Amendment Regulations 2008, S.R. No. 25/2008

*Date of Making:* 15.4.08

*Date of Commencement:* 16.4.08: reg. 3

Police Amendment (Protective Services Officers) Regulations 2009, S.R. No. 13/2009

*Date of Making:* 18.2.09

*Date of Commencement:* 19.2.09: reg. 3

Police Amendment (Powers of Protective Services Officers) Regulations 2011, S.R. No. 130/2011

*Date of Making:* 22.11.11

*Date of Commencement:* 28.11.11: reg. 3

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### 3. Explanatory Details

<sup>1</sup> Reg. 47(2): Section 86KB of the Act was repealed on 5 December 2008.