

Version No. 001
Victoria Police Regulations 2014

S.R. No. 79/2014

Version as at
1 July 2014

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Objectives	1
2 Authorising provisions	1
3 Commencement	1
4 Definitions	2
PART 2—APPOINTMENTS	3
Division 1—Police officers	3
5 Criteria for appointment as a police officer	3
6 False statements	3
7 Seniority	4
Division 2—Protective services officers	4
8 Criteria for appointment as a protective services officer	4
9 False statements	5
10 Rank structure and seniority	5
PART 3—TRANSFERS AND PROMOTIONS	6
Division 1—Transfer and promotion of police officers	6
11 Filling positions	6
12 Application for reversion in rank	7
13 Advertising positions	7
14 Temporary promotion	7
15 Lapse of applications	8
Division 2—Transfer and promotion of protective services officers	8
16 Filling positions	8
17 Application for reversion in rank	9

<i>Regulation</i>	<i>Page</i>
18 Advertising positions	10
19 Temporary promotion	10
20 Lapse of applications	11
PART 4—POLICE DUTIES, POWERS, ENTITLEMENTS, PROTECTION AND LIABILITY	12
Division 1—Secondment of police officers to other police forces	12
21 Secondment of police officers to other police forces	12
Division 2—Long Service Leave	12
22 Application of Division	12
23 Nature of service	12
24 Computation of period of service	13
25 Computation of pay	15
26 Applications for long service leave—Former, incapacitated or deceased officers	15
Division 3—Exercise of powers by protective services officers at designated places	16
27 Designated place	16
Division 4—Remuneration of Assistant Commissioners reverting to former rank	16
28 Remuneration of Assistant Commissioners reverting to former rank	16
PART 5—DRUG AND ALCOHOL TESTING	18
Division 1—Testing directions	18
29 Definition	18
30 Testing directions	18
Division 2—Persons authorised to take samples and conduct preliminary on-site screening	19
31 Persons authorised to administer breath tests	19
32 Persons authorised to take samples of urine, hair, oral fluid and buccal swabs	20
33 Persons authorised to conduct preliminary on-site screening of urine samples	20
Division 3—Taking of samples	21
34 Taking of a sample—General	21
35 Procedure for taking a sample of breath	22
36 Prescribed breath analysing devices	22
37 Procedure for taking a sample of urine	22

<i>Regulation</i>	<i>Page</i>
38 Procedure for taking a sample of hair	23
39 Procedure for taking a sample of oral fluid or a buccal swab	23
40 Procedure for taking a sample of blood	24
Division 4—Procedure after taking a sample	24
41 Procedure after taking a sample of urine	24
42 Procedure after taking a sample of hair, oral fluid or a buccal swab	25
43 Procedure after taking a sample of blood	27
Division 5—Certificates to be completed after taking a sample	28
44 Certificate to be completed after taking a sample of breath	28
45 Certificate to be completed after taking a sample of urine, hair or oral fluid or a buccal swab	29
46 Certificate to be completed after taking a sample of blood	30
Division 6—Analysis of samples	31
47 Analysis of a sample of urine, hair, oral fluid, a buccal swab or blood	31
48 Certificate of analysis of a sample of urine, hair, oral fluid, a buccal swab or blood	31
Division 7—Handling of information and confidentiality	32
49 Confidentiality of test results	32
Division 8—Annual reporting	33
50 Information to be included in Annual Report	33
PART 6—DISCIPLINE	35
51 Inquiries conducted by Chief Commissioner or authorised officer	35
52 Amending charges	35
53 Payment of penalties	35
PART 7—APPEALS AND REVIEWS	36
Division 1—Appeals	36
54 Requirements for an appeal	36
55 Procedure on an appeal	36
56 Decision of the PRS Board—Appeals	37
Division 2—Reviews	37
57 Applications for review	37
58 Action to be taken after lodgement of an application for review	38
59 Decision of PRS Board—Reviews	38

<i>Regulation</i>	<i>Page</i>
Division 3—General	38
60 Witness expenses	38
PART 8—COMPLAINTS AND INVESTIGATIONS	39
61 Information to be provided by the Chief Commissioner to the IBAC	39
<hr/>	
SCHEDULE—Types of Service for Purposes Of Long Service Leave Entitlement	41
<hr/> <hr/>	
ENDNOTES	42
1. General Information	42
2. Table of Amendments	43
3. Explanatory Details	44

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are—

- (a) to prescribe matters necessary for the appointment, promotion and transfer of police officers and protective services officers; and
- (b) to provide for the operation of the Police Registration and Services Board; and
- (c) to prescribe matters necessary for the testing of members of Victoria Police personnel for alcohol and drugs of dependence; and
- (d) to prescribe designated places at which protective services officers may exercise all the powers and have all the responsibilities granted or imposed by section 52(2) of the **Victoria Police Act 2013**; and
- (e) to prescribe other matters necessary for the purposes of the **Victoria Police Act 2013**.

2 Authorising provisions

These Regulations are made under section 277 of the **Victoria Police Act 2013**.

3 Commencement

These Regulations come into operation on 1 July 2014.

4 Definitions

In these Regulations—

police officer, in Division 2 of Part 4, Part 5 and Part 6, includes a police reservist;

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

railway premises means railway premises within the meaning of the **Rail Safety (Local Operations) Act 2006** or the Rail Safety National Law (Victoria);

registered medical practitioner has the meaning given by section 82 of the Act;

specialist area means the Police Air Wing or the Technical Support Unit, Covert Support Division;

the Act means the **Victoria Police Act 2013**.

PART 2—APPOINTMENTS

Division 1—Police officers

5 Criteria for appointment as a police officer

- (1) For the purposes of section 27(2) of the Act, the criteria for appointment as a police officer are that—
- (a) the person is of good character and reputation; and
 - (b) the person is a citizen or permanent resident of Australia or entitled to that status under Commonwealth law, or is a New Zealand citizen who has a special category visa or is entitled to be granted a special category visa under the Migration Act 1958 of the Commonwealth; and
 - (c) the person has completed a medical examination to the satisfaction of a registered medical practitioner nominated by the Chief Commissioner; and
 - (d) the person has satisfied the Chief Commissioner as to their general intelligence and physical fitness.
- (2) Subregulation (1)(b) and (d) do not apply to a person who has the special qualifications or required expertise to perform in a specialist area.

6 False statements

The Chief Commissioner may refuse to consider a person for appointment as a police officer if the person has given false or misleading information—

- (a) during the selection procedure for appointment; or
- (b) to the PRS Board.

7 Seniority

- (1) Seniority as between police officers of the same rank is to be determined having regard to the respective dates of appointment or promotion to that rank.
- (2) If 2 or more constables are appointed on the same day, the Chief Commissioner may determine their respective seniority.

Note

The seniority of ranks is set out in section 13 of the Act.

Division 2—Protective services officers

8 Criteria for appointment as a protective services officer

For the purposes of section 38(2) of the Act, the criteria for appointment as a protective services officer are that—

- (a) the person is of good character and reputation; and
- (b) the person is a citizen or permanent resident of Australia or entitled to that status under Commonwealth law, or is a New Zealand citizen who has a special category visa or is entitled to be granted a special category visa under the Migration Act 1958 of the Commonwealth; and
- (c) the person has completed a medical examination to the satisfaction of a registered medical practitioner nominated by the Chief Commissioner; and

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- (d) the person has satisfied the Chief Commissioner as to their general intelligence and physical fitness.

9 False statements

The Chief Commissioner may refuse to consider a person for appointment as a protective services officer if the person has given false or misleading information during the selection procedure for appointment.

10 Rank structure and seniority

- (1) The rank structure for protective services officers, in descending order of seniority, 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.
- (2) Seniority as between protective services officers of the same rank is to be determined having regard to the respective dates of appointment or promotion to the rank.
- (3) If 2 or more protective services officers are appointed on the same day, the Chief Commissioner may determine their respective seniority.
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PART 3—TRANSFERS AND PROMOTIONS

Division 1—Transfer and promotion of police officers

11 Filling positions

If a position is (or is expected to become) vacant, the Chief Commissioner may—

- (a) without advertising, fill the position by way of transfer; or
- (b) without advertising, fill the position on a temporary basis in accordance with regulation 14; or
- (c) without advertising, fill the position by transferring a police officer to the position of a constable (general duties) or transferring or promotion a police officer to the position of senior constable (general duties); or
- (d) without advertising, fill the position by transferring a police officer under an expression of interest process agreed under an industrial instrument applying to police officers; or
- (e) without advertising, fill the position by promoting a constable who holds a position to the rank of senior constable in the same position if the constable is qualified and otherwise able to satisfy the eligibility criteria for promotion to the rank of senior constable; or
- (f) advertise the position and promote or transfer an applicant to the position.

12 Application for reversion in rank

The Chief Commissioner may, on the written application of a police officer, approve a reversion in rank of that officer.

13 Advertising positions

- (1) An advertisement for a position that is (or is expected to become) vacant must be published in the Police Gazette.
- (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.

14 Temporary promotion

- (1) The Chief Commissioner may, for a fixed term and for a particular purpose in each case, temporarily promote a police officer.

- (2) At the conclusion of the fixed term referred to in subregulation (1), the officer who is temporarily promoted will revert to the officer's substantive rank.
- (3) Despite subregulation (2), the Chief Commissioner may, in accordance with the provisions of subregulation (1), again temporarily promote an officer at the conclusion of the fixed term.
- (4) If an officer 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 officer will immediately upon ceasing to occupy the position to which the officer was promoted, revert to the officer's substantive rank.

15 Lapse of applications

- (1) If a police officer is selected for promotion under section 31 of the Act, any other applications for promotion or transfer by the officer lapse.
- (2) If a police officer is selected for transfer under section 34 of the Act, any other applications for transfer by the officer lapse.

Division 2—Transfer and promotion of protective services officers

16 Filling positions

- (1) If a position below the rank of protective services officer senior is (or is expected to become) vacant, the Chief Commissioner may—
 - (a) without advertising, fill the position by way of transfer; or

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- (b) without advertising, fill the position on a temporary basis in accordance with regulation 19; or
 - (c) without advertising, fill the position by transferring a protective services officer under an expression of interest process agreed under an industrial instrument applying to protective services officers; or
 - (d) advertise the position and promote or transfer an applicant to the position; or
- (2) If a position at or above the rank of protective services officer senior is (or is expected to become) vacant, the Chief Commissioner may—
- (a) without advertising, fill the position by way of transfer; or
 - (b) without advertising, fill the position on a temporary basis in accordance with regulation 19; or
 - (c) without advertising, fill the position by transferring a protective services officer under an expression of interest process agreed under an industrial instrument applying to protective services officers; or
 - (d) advertise the position and promote or transfer an applicant to the position; or
 - (e) if no qualified person applies for the position, appoint a protective services officer who has not applied.

17 Application for reversion in rank

The Chief Commissioner may, on the written application of a protective services officer, approve a reversion in rank of that officer.

18 Advertising positions

- (1) An advertisement for a position that is (or is expected to become) vacant must be published in the Police Gazette.
- (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.

19 Temporary promotion

- (1) The Chief Commissioner may, for a fixed term and for a particular purpose in each case, temporarily promote a protective services officer.
 - (2) At the conclusion of the fixed term referred to in subregulation (1), the officer who is temporarily promoted will revert to the officer's substantive rank.
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- (3) Despite subregulation (2), the Chief Commissioner may, in accordance with the provisions of subregulation (1), again temporarily promote an officer at the conclusion of the fixed term.

20 Lapse of applications

- (1) If a protective services officer is selected for promotion under section 40 of the Act, any other applications for promotion or transfer by the officer lapse.
- (2) If a protective services officer is selected for transfer under section 42 of the Act, any other applications for transfer by the officer lapse.
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**PART 4—POLICE DUTIES, POWERS, ENTITLEMENTS,
PROTECTION AND LIABILITY**

**Division 1—Secondment of police officers to other police
forces**

21 Secondment of police officers to other police forces

- (1) A police officer who is seconded to the Australian Federal Police or the police force of another State or Territory or of another country continues to be a police officer.
- (2) While serving as an officer or member of the Australian Federal Police or the police force of another State or Territory or of another country, the police officer—
 - (a) must obey all lawful instructions and orders given by superior officers of the police force to which the officer is seconded; and
 - (b) is subject to the laws applicable to that police force and, as far as possible, to the Act, these Regulations and, subject to section 54 of the Act, the orders or directions of superiors in Victoria Police, including Chief Commissioner's instructions.

Division 2—Long Service Leave

22 Application of Division

This Division does not apply to the Chief Commissioner or a Deputy Commissioner.

23 Nature of service

The following periods of service entitle a police officer or protective services officer to be granted long service leave on application by the officer—

- (a) any period of service as a police officer or protective services officer;

- (b) any period of a type of service listed in the Schedule;
- (c) service with any Commonwealth Defence Force during the Vietnam war.

24 Computation of period of service

- (1) The following periods of service are to be included when calculating long service leave entitlements—
 - (a) if the officer's service is not continuous, the aggregate of all periods of the officer'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 officer was absent on—
 - (i) authorised leave with pay; or
 - (ii) long service leave with full or half pay; or
 - (iii) personal leave without pay, if the officer 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—

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- (a) any period which preceded an absence from a service duty referred to in regulation 23(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 officer was suspended or dismissed from service as a result of that officer's actions.
- (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 an officer which required an interruption to the course of that officer's service.
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25 Computation of pay

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

Step 1—

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

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 officer's annual pay at the time that the application for long service leave is made.

26 Applications for long service leave—Former, incapacitated or deceased officers

- (1) An application for long service leave may be made at any time within 3 months after the date the officer dies, retires, is dismissed or otherwise ceases to be an officer.
- (2) If an officer has died or is physically or mentally incapacitated, an application for payment in lieu of long service leave may be made by the officer's legal personal representative.

Division 3—Exercise of powers by protective services officers at designated places

27 Designated place

For the purposes of section 52 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 rail premises;
- (d) any area on or adjoining rail premises used by other modes of transport including bus stops and taxi ranks;
- (e) any car park controlled by a Council (within the meaning of the **Local Government Act 1989**) that is adjoining or in the vicinity of rail premises;
- (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.

Division 4—Remuneration of Assistant Commissioners reverting to former rank

28 Remuneration of Assistant Commissioners reverting to former rank

The remuneration to which a person is entitled on reversion under clause 19 of Schedule 1 to the Act is to be determined as if—

- (a) the person had continued in the rank the person held immediately before the person's

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- first employment as an Assistant Commissioner; and
- (b) the person had been eligible for all increments in that rank during the period that the person held employment as an Assistant Commissioner.
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PART 5—DRUG AND ALCOHOL TESTING

Division 1—Testing directions

29 Definition

For the purposes of this Part—

member means a member of Victoria Police personnel.

30 Testing directions

- (1) A testing direction given under Part 5 of the Act to a member may be given orally or in writing.
 - (2) The direction must state—
 - (a) the grounds on which the direction is given; and
 - (b) the sample, or samples, (whether breath, urine, hair, oral fluid, a buccal swab or blood) that the member is required to give or allow to be taken; and
 - (c) that the member is required to remain at or to attend specified premises to give the sample or allow for the sample to be taken; and
 - (d) that the member should not consume alcohol or drugs before giving the sample or allowing the sample to be taken; and
 - (e) that the member should advise the person to whom the member is giving the sample, or who is taking the sample, of any prescription medication taken by the member in the 7 days preceding the date on which the direction is given; and
 - (f) that, if the member is a police officer or protective services officer and fails to comply with the direction, the member commits a breach of discipline under section 125 of the Act; and
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- (g) that the test results will be given to the Chief Commissioner and will otherwise remain confidential except for any disclosures authorised for the purposes of the Act.
- (3) If an oral direction is given to the member, it must be confirmed in writing given to the member as soon as practicable.

Division 2—Persons authorised to take samples and conduct preliminary on-site screening

31 Persons authorised to administer breath tests

The following persons are authorised to administer breath tests or conduct breath analyses for the purposes of Part 5 of the Act—

- (a) a registered medical practitioner; or
 - (b) an approved health professional; or
 - (c) a member of Victoria Police personnel who has successfully completed a course of instruction for sample collection and on-site screening, handling, storage and dispatch of samples; or
 - (d) a police officer; or
 - (e) a person who—
 - (i) has knowledge and expertise in standards and practices related to the administration of breath tests and conduct of breath analyses; and
 - (ii) is employed by a laboratory or drug testing service.
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32 Persons authorised to take samples of urine, hair, oral fluid and buccal swabs

The following persons are authorised to take samples of urine, hair, oral fluid and buccal swabs from members for the purposes of Part 5 of the Act—

- (a) a registered medical practitioner; or
- (b) an approved health professional; or
- (c) a member of Victoria Police personnel who has successfully completed a course of instruction for sample collection and on-site screening, handling, storage and dispatch of samples; or
- (d) a person who—
 - (i) has knowledge and expertise in standards and practices related to the taking and storage of samples; and
 - (ii) is employed by a laboratory or drug testing service.

33 Persons authorised to conduct preliminary on-site screening of urine samples

The following persons are authorised to conduct preliminary on-site screening of urine samples in accordance with regulation 37.

- (a) a registered medical practitioner; or
- (b) an approved health professional; or
- (c) a member of Victoria Police personnel who has successfully completed a course of instruction for sample collection and on-site screening, handling, storage and dispatch of samples; or

-
- (d) a person who—
- (i) has knowledge and expertise in standards and practices related to the taking and storage of urine samples; and
 - (ii) is employed by a laboratory or drug testing service.

Division 3—Taking of samples

34 Taking of a sample—General

- (1) The taking of a sample of urine, hair, oral fluid, a buccal swab or blood from the member must be conducted—
 - (a) in a respectful manner; and
 - (b) in circumstances affording reasonable privacy to the member.
 - (2) A sample 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.
 - (3) A person taking a sample from a member 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.
 - (4) A sample of blood must not be taken from a member who has been involved in a critical incident if either of the following persons is of the opinion that the taking of the sample would be prejudicial to the member's care and treatment—
 - (a) the registered medical practitioner or approved health care professional directed to take the sample; or
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- (b) the registered medical practitioner or approved health care professional primarily responsible for the examination and treatment of the member.
- (5) The sample must be adequate for the purposes of laboratory testing.

35 Procedure for taking a sample of breath

- (1) A person operating a breath analysing instrument—
 - (a) must not require the member to give 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) must provide a fresh mouthpiece for use by the member that, until required for taking the breath sample, has been kept in a sealed collection unit.
- (2) A member who is directed to give a sample of breath must do so by exhaling continuously into the breath analysis instrument to the satisfaction of the person operating that instrument.

36 Prescribed breath analysing devices

The breath analysing devices prescribed for the purposes of Part 5 of the Act are those prescribed for the purposes of section 53 of the **Road Safety Act 1986**.

37 Procedure for taking a sample of urine

- (1) A person taking a urine sample from a member for the purposes of Part 5 of the Act must ensure that the sample is given in a collection unit that is clean and dry and that has not previously been used.

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- (2) The sample may be subjected to a preliminary on-site screening process conducted at the place at which the sample was originally given.
 - (3) If the sample is subjected to preliminary on-site screening, this must be conducted in the presence of the member who gave the sample and that member must be notified of the result of the screening as soon as practicable.
 - (4) If the preliminary on-site screening of the sample returns a result indicating the possible presence of drugs of dependence, the sample must be dealt with in accordance with regulation 41.
 - (5) If the preliminary on-site screening of the sample returns a result indicating the absence of drugs of dependence, the sample must be disposed of as soon as practicable.

38 Procedure for taking a sample of hair

A person taking a hair sample from a member for the purposes of Part 5 of the Act—

- (a) must take the sample from as close to the member's skin as possible; and
- (b) must place the sample in a collection unit and seal the collection unit.

39 Procedure for taking a sample of oral fluid or a buccal swab

A person taking an oral fluid sample or a buccal swab must—

- (a) provide a fresh oral fluid or buccal swab collection unit for use by each person required to provide an oral fluid sample or buccal swab; and
- (b) use only an oral fluid or buccal swab collection unit which, until required for

- taking the oral fluid sample or buccal swab, has been kept in a sealed collection unit; and
- (c) must place the sample in a collection unit and seal the collection unit.

40 Procedure for taking a sample of blood

A registered medical practitioner or approved health professional who takes a blood sample from a member for the purposes of Part 5 of the Act must cleanse the site of the puncture with a swab taken from a collection unit which—

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

Division 4—Procedure after taking a sample

41 Procedure after taking a sample of urine

- (1) A person taking a urine sample from a member must ensure that—
- (a) the urine sample is placed in at least 2 dry collection units, each containing approximately the same amount of urine; and
- (b) each collection unit is fitted with a tamper-proof locking seal; and
- (c) each collection unit has attached to it a label bearing—
- (i) the signature of the person who took the urine sample; and
- (ii) the date and the time the sample was taken; and

-
- (iii) the name of the person who gave the sample; and
 - (iv) (if possible) the identification number or code enabling the sample to be identified by the laboratory or drug testing service.
- (2) The person who took the urine sample must ensure that the collection units 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 collection units for the presence of alcohol or a drug of dependence; and
 - (b) store the other collection unit 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 collection unit to be sent for analysis, at the member's own expense, to a registered medical practitioner, approved health professional or laboratory nominated by the member.

42 Procedure after taking a sample of hair, oral fluid or a buccal swab

- (1) A person taking a sample of hair or oral fluid or a buccal swab from a member must ensure that—
 - (a) the sample is placed in at least 2 dry collection units, each containing approximately the same amount of the sample; and
 - (b) each collection unit is fitted with a tamper-proof locking seal; and
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- (c) each collection unit has attached to it a label bearing—
- (i) the signature of the person who took the sample; and
 - (ii) the date and the time the sample was taken; and
 - (iii) the name of the person who gave the sample; and
 - (iv) (if possible) the identification number or code enabling the sample to be identified by the laboratory or drug testing service.
- (2) The person who took the sample must ensure that the collection units 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 in one of the collection units for the presence of alcohol or a drug of dependence; and
 - (b) store the other collection unit 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 collection unit to be sent for analysis, at the member's own expense, to a registered medical practitioner, approved health professional or laboratory nominated by the member.
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43 Procedure after taking a sample of blood

- (1) A registered medical practitioner or approved health professional who takes a blood sample must ensure that—
 - (a) the sample of blood is placed into 2 dry collection units, each containing approximately the same amount of blood; and
 - (b) each collection unit is vacuum sealed or sealed with a septum seal; and
 - (c) each collection unit in which the sample is placed bears a label stating—
 - (i) that the collection unit 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 collection unit; and
 - (d) each collection unit has attached to it a label bearing—
 - (i) the signature of the registered medical practitioner or approved health professional; 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

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- (iv) (if known) the identification number or code enabling the sample to be identified by the laboratory or drug testing service.
- (2) The registered medical practitioner or approved health professional must ensure that the collection units 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 collection units for the presence of alcohol or a drug of dependence; and
 - (b) store the other collection unit 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 collection unit to be sent for analysis at the member's own expense, to a registered medical practitioner, approved health professional or laboratory nominated by the member.

Division 5—Certificates to be completed after taking a sample

44 Certificate to be completed after taking a sample of breath

The person operating a breath analysing instrument must, after administering a breath test, 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; and

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

45 Certificate to be completed after taking a sample of urine, hair or oral fluid or a buccal swab

A person who takes a sample of urine, hair, oral fluid or a buccal swab from a member must complete and give to the member a certificate stating—

- (a) the full name of the person who took the sample; and
 - (b) that the person was the person who took the sample from the member; and
 - (c) the date and time that the sample was taken; and
 - (d) that a sufficient sample was taken to enable the testing for the presence of alcohol or a drug of dependence; and
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- (e) unless paragraph (f) applies, the laboratory or drug testing service where the sample will be sent for testing and the identification number or code enabling the sample to be identified by that laboratory or drug testing service (if known); and
- (f) if the sample is a urine sample that is subjected to preliminary on-site screening and the screening does not indicate the presence of a drug of dependence, that the sample is to be disposed of as soon as practicable in accordance with regulation 37(5).

46 Certificate to be completed after taking a sample of blood

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

- (a) the medical practitioner's or approved health professional's full name; and
- (b) that the registered medical practitioner or approved health professional was the medical practitioner or approved health professional 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 taken 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 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 6—Analysis of samples

47 Analysis of a sample of urine, hair, oral fluid, a buccal swab or blood

A laboratory or drug testing service that receives a sample of urine, hair, oral fluid, a buccal swab or blood for the purposes of Part 5 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.

48 Certificate of analysis of a sample of urine, hair, oral fluid, a buccal swab or blood

- (1) As soon as practicable after a laboratory or drug testing service has analysed the sample of urine, hair, oral fluid, a buccal swab or blood, 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 collection unit holding the member's sample—
 - (i) was received at the laboratory or drug testing service; and
 - (ii) was sealed, labelled and marked in the manner specified in regulation 41, 42 or 43; and
 - (d) that the seal of the collection unit was unbroken; and
 - (e) the name of the laboratory or drug testing service where the sample was analysed; and

- (f) the approved laboratory identification number of the sample; and
 - (g) the date when the analysis was conducted; and
 - (h) the results of the analysis of the sample; and
 - (i) the signature and name of the person or persons who conducted the analysis; and
 - (j) 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

49 Confidentiality of test results

- (1) All records that relate to or include any of the following must be kept in a secure location —
- (a) a testing direction given to a member under Part 5 of the Act or a direction given in the circumstances set out in section 86(2) of the Act;
 - (b) any sample given or taken for testing for the presence of alcohol or drugs under Part 5 of the Act;
 - (c) the result of any testing of a sample under Part 5 of the Act.
- (2) A person must not disclose to any other person any information revealed by the testing of a sample under Part 5 of the Act unless—
- (a) that information is already publicly known; or
 - (b) disclosure of that information is necessary or authorised under Part 5 of the Act; or

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- (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 Victoria police personnel solely for the purposes of—
 - (i) research and development of the health of Victoria Police 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 Victoria Police; 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 gave the sample.

Division 8—Annual reporting

50 Information to be included in Annual Report

In respect of each financial year, the Chief Commissioner must include the following information in the report prepared under section 12 of the Act—

- (a) the number of tests involving taking of samples conducted during the relevant year; and
- (b) the number of persons tested; and

r. 50

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- (c) the number of those tests that indicated the presence of a drug of dependence or alcohol in a person's body.
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PART 6—DISCIPLINE

51 Inquiries conducted by Chief Commissioner or authorised officer

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

52 Amending charges

- (1) The Chief Commissioner or authorised person may amend a charge under Part 7 of the Act.
- (2) If a charge is amended by the Chief Commissioner or authorised person, the police officer or protective services officer charged must be given reasonable notice to allow the officer adequate time to respond to the amended charge.

53 Payment of penalties

A deduction from a police officer or protective services officer's pay under section 133(2) of the Act may be made as a lump sum or by instalments.

PART 7—APPEALS AND REVIEWS

Division 1—Appeals

54 Requirements for an appeal

- (1) An appeal under section 141 or 142 of the Act must—
 - (a) be in writing; and
 - (b) state the grounds of appeal.
- (2) Unless the PRS Board otherwise determines, a police officer or protective services officer 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 to apply for the position; or
 - (b) is a person whose application for a transfer or promotion to the position has lapsed under regulation 15 or 20.

55 Procedure on an appeal

- (1) The PRS Board must send a copy of the appeal to the Chief Commissioner and to the person who was selected for promotion or transfer within 1 business day.

Note

Section 156 of the Act provides that as soon as practicable after an appeal or an application for review is lodged, the PRS Board must notify the Chief Commissioner.

- (2) The PRS Board must advise the appellant, the person who was selected for promotion or transfer and the Chief Commissioner of the time and location of the hearing of the appeal.

(3) The PRS Board must—

- (a) cause 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 application for the promotion or transfer to be made available to the person who was selected for promotion or transfer for a reasonable period, being not less than 48 hours, before the hearing of the appeal; and
- (b) cause a copy of the statement of the grounds on which the selection for promotion or transfer was made and a copy of the person selected's application to be made available to the appellant for a reasonable period, being not less than 48 hours, before the hearing of the appeal.

Note

Section 158 of the Act provides that the appellant, the person selected and the Chief Commissioner may appear on an appeal but only the Chief Commissioner may be represented by another person.

56 Decision of the PRS Board—Appeals

The PRS Board must give a copy of its decision on an appeal to the Chief Commissioner, the appellant and the person selected for promotion or transfer within 14 days after the decision is made.

Division 2—Reviews

57 Applications for review

An application for review under section 146 of the Act must—

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

58 Action to be taken after lodgement of an application for review

- (1) The PRS Board must advise the applicant and the Chief Commissioner of the time and location of the hearing of the review.
- (2) The PRS Board must give the applicant and the Chief Commissioner at least 7 days notice of the hearing.

59 Decision of PRS Board—Reviews

The PRS 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.

Division 3—General

60 Witness expenses

The expenses payable to witnesses appearing before the PRS Board are the same as the allowances payable to prosecution witnesses under the Criminal Procedure Regulations 2009.

PART 8—COMPLAINTS AND INVESTIGATIONS

61 Information to be provided by the Chief Commissioner to the IBAC

- (1) For the purposes of section 169(2) of the Act, the prescribed details of the complaint are—
- (a) the date and time the complaint was received; and
 - (b) the details of the person or persons making the complaint; and
 - (c) the details of the person or persons against whom the complaint is being made; and
 - (d) the date, time and location of the incident; and
 - (e) the nature and details of the incident; and
 - (f) the details of any witnesses or persons present at the incident; and
 - (g) the details of any action taken by Victoria Police in response.
- (2) For the purposes of section 169(3) of the Act, the prescribed details of the investigation are—
- (a) the date and time the complaint was received; and
 - (b) the details of the person or persons making the complaint; and
 - (c) the details of the person or persons against whom the complaint is being made; and
 - (d) the date, time and location of the incident; and
 - (e) the nature and details of the incident; and

Victoria Police Regulations 2014
S.R. No. 79/2014
Part 8—Complaints and Investigations

r. 61

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- (f) the details of any witnesses or persons present at the incident; and
 - (g) the details of any action taken by Victoria Police in response.
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SCHEDULE

Regulation 23

**TYPES OF SERVICE FOR PURPOSES OF LONG SERVICE
LEAVE ENTITLEMENT**

Service with—

- (a) a Government Department of the Commonwealth or of a State or Territory; or
 - (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, whether or not incorporated, that is constituted by or under a law of the Commonwealth or a State or Territory for a public purpose; 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 purpose of the Government of the Commonwealth or of a State or Territory and in relation to which the Government of the Commonwealth or of a State or Territory Government has substantial control or influence beyond the usual level of scrutiny of Government funded bodies.
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ENDNOTES

1. General Information

The Victoria Police Regulations 2014, S.R. No. 79/2014 were made on 24 June 2014 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under section 277 of the **Victoria Police Act 2013**, No. 81/2013 and came into operation on 1 July 2014: regulation 3.

The Victoria Police Regulations 2014 will sunset 10 years after the day of making on 24 June 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Victoria Police Regulations 2014 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

No entries at date of publication.