

TASMANIA

POLICE SERVICE REGULATIONS 2023
STATUTORY RULES 2023, No. 78

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POLICE SERVICE REGULATIONS 2023

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Police Service Act 2003*.

Dated 20 November 2023.

B. BAKER
Governor

By Her Excellency's Command,

FELIX ELLIS
Minister for Police, Fire and Emergency Management

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Police Service Regulations 2023*.

2. Commencement

These regulations take effect on
25 December 2023.

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3. Interpretation

In these regulations –

Act means the *Police Service Act 2003*;

applicable force means any naval, military or air force raised –

- (a) in the United Kingdom, the Commonwealth of Nations or any British possession, for service in an applicable war or in an applicable warlike operation; or
- (b) in any country that is or was allied or associated with the Sovereign or the Sovereign's predecessors for service in an applicable war;

applicable war means –

- (a) a war in which the Sovereign becomes engaged after the commencement of these regulations; or
- (b) a war in which the Sovereign or any of the Sovereign's predecessors was engaged before the commencement of these regulations;

applicable warlike operation means a warlike operation, whether commenced before or after the commencement of these

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regulations, in which any naval, military or air forces raised in the United Kingdom, the Commonwealth of Nations or any British possession were or are engaged;

ex-service person means a person who –

- (a) was a member of an applicable force during any applicable war or applicable warlike operation; and
- (b) is suffering from sickness as a result of injuries received, or disease contracted, on active service during that war or warlike operation;

registered health practitioner includes the following:

- (a) a chiropractor;
- (b) a dental hygienist;
- (c) a dental prosthetist;
- (d) a dental therapist;
- (e) a dentist;
- (f) a medical practitioner;
- (g) a midwife;
- (h) an enrolled nurse;

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- (i) a registered nurse;
- (j) a nurse practitioner;
- (k) an optometrist;
- (l) an osteopath;
- (m) a pharmacist;
- (n) a physiotherapist;
- (o) a podiatrist;
- (p) a psychologist;

shift and penalty allowance means the shift and penalty allowance set out in the Police Award;

year of service, in respect of a police officer, trainee or junior constable, means a period of 12 months commencing on the day of the year on which the police officer, trainee or junior constable was first appointed to the Police Service.

PART 2 – LEAVE

4. Sick leave

- (1) A police officer, trainee or junior constable is entitled to be absent from duty on sick leave on full pay for a period not exceeding 410.4 hours in any one year of service.
- (2) Subregulation (1) does not apply to absence from duty as a result of an illness or injury contracted or sustained in the execution of duty.

5. Additional sick leave for ex-service persons

- (1) The Commissioner may grant sick leave to a police officer who is not appointed under an instrument of appointment under the Act, in addition to the sick leave to which that police officer is otherwise entitled, if that police officer is an ex-service person.
- (2) Every police officer who is not appointed under an instrument of appointment under the Act and who is an ex-service person accrues, from the day of appointment as a police officer –
 - (a) 9 weeks' initial sick leave credit; and
 - (b) 3 weeks' cumulative sick leave.
- (3) In addition to the initial sick leave credit and cumulative sick leave referred to in subregulation (2), an ex-service person who is not appointed under an instrument of

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appointment is entitled to a further 3 weeks' cumulative sick leave for every completed year of service after 31 December 2003, but so that the maximum cumulative sick leave entitlement, together with cumulative sick leave under subregulation (2)(b), does not exceed 9 weeks at any one time.

- (4) A police officer, trainee or junior constable who is appointed under an instrument of appointment under the Act and who is an ex-service person is entitled to additional sick leave as specified in that instrument of appointment.
- (5) Sick leave granted under this regulation to an ex-service person is to be granted –
 - (a) firstly, from the person's initial sick leave credit until that is exhausted; and
 - (b) afterwards, from the person's cumulative sick leave.
- (6) If, at the end of a year of service, an ex-service person has exhausted the person's initial sick leave credit and is entitled to less than 9 weeks' cumulative sick leave, the person is to be credited with whichever is the lesser period of the following:
 - (a) a period of 3 weeks;
 - (b) a period equal to the difference between 9 weeks and the number of weeks of cumulative sick leave to which the person is next entitled.

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- (7) An application for leave under this regulation for sickness suffered as a result of injuries received, or disease contracted, on active service during any applicable war or applicable warlike operation is to be accompanied by –
- (a) a certificate of a medical practitioner stating that the applicant is so suffering; and
 - (b) a certificate of an officer employed in, or attached to, the Commonwealth Department of Veterans' Affairs stating that the applicant, at the time of discharge from any applicable forces or at any subsequent time, was so suffering.
- (8) An ex-service person who has exhausted sick leave under this regulation is entitled to sick leave under other provisions of these regulations.

6. Medical certificates

- (1) If a police officer, trainee or junior constable is absent from duty on account of sickness –
- (a) for more than 7 consecutive days; or
 - (b) on more than 4 occasions in any one year of service –

the police officer, trainee or junior constable is to provide the Commissioner with a medical certificate signed by a registered health practitioner or a statutory declaration signed by the police officer, trainee or junior constable.

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- (2) If a police officer, trainee or junior constable is absent from duty on account of sickness –
 - (a) for more than 28 consecutive days; or
 - (b) on more than 4 occasions in any one year –

the Commander in charge of the district to which that police officer, trainee or junior constable is attached is to make a report in writing to the Commissioner.

- (3) The Commissioner may require a police officer, trainee or junior constable who is absent from duty on account of sickness to provide the Commissioner with periodical medical certificates from a medical practitioner in addition to the medical certificates required under this regulation.

7. Recreation leave entitlement

- (1) A police officer who is not appointed under an instrument of appointment under the Act and who is entitled to a shift and penalty allowance is entitled to recreation leave for a period of 228 hours in any one year of service.
- (2) A police officer, trainee or junior constable who is appointed under an instrument of appointment under the Act is entitled to recreation leave for the period specified in that instrument of appointment.
- (3) The Commissioner may determine –

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- (a) the manner in which an application for recreation leave is made; and
 - (b) the manner in which remuneration and allowances are to be paid; and
 - (c) the procedures that apply before, during and after the taking of recreation leave; and
 - (d) the records to be kept in respect of recreation leave.

8. Accumulation of recreation leave

- (1) Recreation leave under regulation 7 accumulates pro rata.
- (2) The total number of hours of recreation leave that may be accumulated by a police officer, trainee or junior constable is not to exceed the total hours of recreation leave to which the police officer, trainee or junior constable is entitled in a period of 2 years, unless the Commissioner determines otherwise.
- (3) A police officer, trainee or junior constable who retires or resigns or whose appointment is terminated is entitled to pro rata payment for recreation leave accumulated at the date of retirement, resignation or termination.
- (4) If a police officer, trainee or junior constable dies, that person's personal representatives, with the approval of the Commissioner, may be paid a

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pro rata payment in respect of any recreation
leave accumulated at the date of his or her death.

9. General provisions relating to recreation leave

- (1) Recreation leave is to be granted subject to the exigencies of the Police Service.
- (2) The Commissioner may direct a police officer to take recreation leave that is due to that police officer, whether or not the police officer has applied for that leave.
- (3) The Commissioner may require a police officer who is on recreation leave to resume duty.
- (4) A police officer who is required to resume duty under subregulation (3) may apply in writing to be credited with one day's recreation leave for any day on which the police officer was required to resume duty.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 29 November 2023.

These regulations are administered in the Department of Police, Fire and Emergency Management.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) make provision in respect of sick leave and recreation leave for police officers, trainees and junior constables; and
- (b) are made consequentially on the repeal of the *Police Service Regulations 2013* under section 11 of the *Subordinate Legislation Act 1992*.