

1995—No. 71

POLICE SERVICE ACT 1990—REGULATION

(Relating to the abolition of the grade of constable 1st class within the rank of constable, and to certain annual and sick leave entitlements)

NEW SOUTH WALES



[Published in Gazette No. 18 of 24 February 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Police Service Act 1990, has been pleased to make the Regulation set forth hereunder.

Garry West
Minister for Police.

Commencement

- 1. (1)** This Regulation commences on the date of publication in the Gazette, except as provided by subclause (2).
- (2)** Clause 2 (a)–(h) commence on 1 July 1995.

Amendments

- 2.** The Police Service Regulation 1990 is amended:
 - (a) by omitting from clause 6 (1) the following matter:
* constable 1st class
 - (b) by omitting from clause 20 (a) the words “the constable 1st class course or other”;
 - (c) by omitting from clause 20 (c) the words “or 23 (as the case requires)”;
 - (d) by omitting from clause 21 the words “constable 1st class or” wherever occurring;
 - (e) by omitting from clause 21 the words “(as the case requires)” wherever occurring;
 - (f) by omitting clause 22 and by inserting instead the following clause:

Promotion to senior constable-service requirements

22. A recommendation for the promotion of a constable to the grade of senior constable is not to be made until the completion of a period of 4 years' service commencing from the date of the confirmation of his or her appointment as constable or the seniority date in respect of that confirmation of appointment determined in accordance with clause 17 or 19, whichever is the earlier.

- (g) by omitting clause 23;
- (h) by omitting from clauses 24 and 25 the words "or constable 1st class" wherever occurring;
- (i) by inserting after clause 26 the following clause:

Transitional arrangement for restructuring of rank of constable before 1 July 1995

26A. Despite any other provision of this Division, the Commissioner is to take such action as is necessary to give effect to clause 17 of the Police Service of New South Wales Non-Commissioned Police Officers' Enterprise Agreement (as registered under the Industrial Relations Act 1991 on 2 December 1994).

- (j) by omitting clause 75 (1)–(3) and by inserting instead the following subclauses:
 - (1) Annual leave on full pay accrues to a non-commissioned police officer at the rate of 30 working days per year.
 - (2) Annual leave on full pay accrues to a commissioned police officer:
 - (a) at the rate of 25 working days per year; or
 - (b) at the rate of 30 working days per year if the officer qualifies for 3 or more additional working days leave in accordance with subclause (5) and is regularly rostered to work shift work on Sundays and public holidays.

- (k) by omitting clause 76;
- (l) by inserting at the end of clause 77 the following subclause:
 - (2) Nothing in subclause (l) affects the entitlement of a police officer to accrue 2 years' annual leave.
- (m) by inserting after clause 77 the following clause:

Annual leave—limits on accumulation

77A. (1) Annual leave accrued and not taken by a police officer owing to the exigencies of the Police Service, or for any other

reason the Commissioner considers sufficient, accumulates up to a maximum of:

- (a) 60 working days in the case of a non-commissioned police officer; or
- (b) 50 working days in the case of a commissioned police officer (or in the case of a commissioned police officer referred to in clause 75 (2) (b)—60 working days).

(2) Subject to this clause, all annual leave accruing in excess of the relevant maximum number of working days is forfeited.

(3) The Commissioner may direct a police officer to take, at such time as is convenient to the working of the Police Service, annual leave accrued, but as far as practicable the wishes of the officer concerned are to be taken into consideration in directing the time for the taking of leave.

(4) If the Commissioner is satisfied that a police officer is prevented from taking an amount of annual leave sufficient to reduce the accrued leave below the relevant maximum number of working days, the leave accrued in excess of the relevant maximum number of working days is, if the Commissioner so directs, not to be forfeited.

(5) If the Commissioner has given a direction under subclause (4), the Commissioner is, at that time or as soon as practicable after that time, to give to the police officer a direction under subclause (3) in respect of the leave accrued in excess of the relevant maximum number of working days.

(6) If any such police officer does not take leave in accordance with any direction referred to in subclause (5), all leave accrued to that officer in excess of the relevant maximum number of working days is then forfeited.

- (n) by inserting in the heading to Division 8 of Part 6 after the words “police officers” the words “appointed before 1 January 1995”;
- (o) by omitting clauses 96 and 97 and by inserting instead the following clauses:

Application of Division

96. This Division applies to police officers appointed before 1 January 1995.

Sick leave—entitlements

97. Sick leave on full pay accrues to a police officer at the rate of 15 days each calendar year, and any such accrued leave which is not taken is cumulative.

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- (p) by inserting in the heading to Division 9 of Part 6 after the words “police officers” the words “appointed before 1 January 1995”;
- (q) by inserting in clause 101 after the word “employee” the words “, and includes a police officer appointed on or after 1 January 1995”.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to abolish the grade of constable 1st class within the rank of constable, and to make transitional provision relating to the restructuring of the rank of constable before that abolition so that existing constables 1st class are regraded before 1 July 1995; and
- (b) to stipulate new annual leave and sick leave entitlements for non-commissioned police officers.

These changes generally result from the recently registered Police Service of New South Wales Non-Commissioned Police Officers’ Enterprise Agreement.

This Regulation is made under the Police Service Act 1990, including section 219 (the general regulation-making power, in particular, section 219 (2) (c)).
