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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

Police Association of Tasmania
(T12148 of 2005)

POLICE AWARD

COMMISSIONER T J ABEY

**Award variation - expense related allowances - transfer expenses -
bereavement leave - defence service leave - approved - operative date ffpp
18/7/05**

ORDER BY CONSENT -

No 1 of 2005

AMEND THE **POLICE AWARD** IN THE FOLLOWING MANNER:

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1. By deleting Clause 11 – Expense Allowances, and inserting in lieu thereof the following:

11. EXPENSE ALLOWANCES

11.1 Camping and Sea Victualling Expense Allowance

11.1.1 Where, in the performance of duties, a member is either required to camp, and tents or other means of accommodation are provided, or if the member is required to proceed to sea, and is away from the member's normal place of residence overnight, the member shall be paid a camp or sea victualling allowance, as the case may be, in accordance with the following rates for each 24 hour period of absence:

Where a cook is provided:	\$25.80
Where a cook is not provided:	\$48.00

11.1.2 For a period of absence overnight involving less than a 24 hour period a minimum allowance of the following shall apply:

Where a cook is provided:	\$20.65
Where a cook is not provided:	\$38.35

11.1.3 The provisions of this clause shall not apply to any members engaged in a trainee constable's program, in-service training course or other activity deemed by the Commander, Human Resources to be a training activity and who are supplied with meals, either cooked or uncooked, by the Controlling Authority.

11.2 Incidental Expenses on Training Courses

11.2.1 A member, except trainees undergoing the trainee constable's program, required or authorised to attend a training course, conference or similar function where full board and accommodation is provided at no cost to the member and the member stays overnight, shall be paid incidental expenses at the rate of \$15.65 within Tasmania and \$21.80 outside Tasmania for each overnight stay.

11.3 Rental Expenses

11.3.1 Alonnah, Currie, Lady Barron and Whitemark

A member at Alonnah, Currie, Lady Barron and Whitemark police stations and residing in accommodation provided by the Controlling Authority, shall pay a rental for such premises not exceeding \$15.00 per week.

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11.3.2 Queenstown, Rosebery, Strahan, Waratah and Zeehan (Tarraleah removed)

A member at Queenstown, Rosebery, Strahan, (Tarraleah removed) Waratah and Zeehan police stations, and residing in accommodation provided by the Controlling Authority, not being single hostel accommodation in accordance with subclause 11.5 herein, shall pay a rental for such premises not exceeding \$20.00 per week.

11.4 Isolated Area Expense Allowance

11.4.1 The purpose of this allowance is to compensate for excess costs necessarily incurred by a member living in an isolated area and without limiting the foregoing includes partial reimbursement for STD phone calls, freight, fuel and depreciation costs.

11.4.2 Where a member is stationed permanently at one of the following stations he or she shall, on the determination of the Controlling Authority, be paid an allowance in accordance with the following rates:

(a) Alonnah, Currie, Lady Barron and Whitemark

A member with dependent relatives residing with him or her: \$3056 per annum

Other (no dependants): \$1525 per annum.

(b) Queenstown, Rosebery, Strahan, Waratah and Zeehan

A member with dependent relatives residing with him or her: \$1525 per annum

Other (no dependants): \$764 per annum.

(c) Gladstone

A member with dependent relatives residing with him or her: \$764 per annum

Other (no dependants): \$387 per annum

11.5 Single Accommodation Expenses at Remote Police Stations

11.5.1 A member at a police station identified at subclauses 11.3 and 11.4, residing in single hostel accommodation, shall pay a rental of no more than \$10.00 per week. In addition, members residing in such accommodation shall be entitled to receive a light and power subsidy of not more than \$500 in any one financial year.

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11.6 Meal Expense Allowance

- 11.6.1 Where the duties of a member, not being an officer is, required to travel from his or her usual station on authorised duty and the member is more than 60 kilometres therefrom between the fourth and sixth hours of the member's shift, the member shall be paid a meal allowance of \$9.15.
- 11.6.2 Where an officer is required to travel in the performance of duties and this officer is more than 60 kilometres from his or her usual headquarters station during a meal break of a shift the officer shall be reimbursed for reasonable actual expenses for a meal, provided the payment of this allowance is dependant on less than 24 hours' notice and expenses are actually incurred.
- 11.6.3 When a member, being a Constable or Sergeant, continues authorised duty for a period in excess of two hours' duration immediately following the member's rostered duty or two hours in excess of normal hours on a rostered day off, the member shall be paid a meal allowance of \$9.15.
- 11.6.4 The exception to this is where the excess work detailed above is performed over the full dinner period from 6.00pm to 7.30pm. In such cases the payment will be \$17.50.
- 11.6.5 Where an officer continues duty in excess of two hours' duration immediately following, or where an officer is required to commence duty two hours prior to rostered duty, or two hours in excess of normal hours on a rostered day off, the officer shall be reimbursed for reasonable actual expenses for a meal. Payment of this allowance is dependant on un-programmed and/or additional work and actual expenses being incurred.

PROVIDED that the officer is not entitled to a meal allowance or meal expense when the officer continues to work on programmed and/or normal work.

- 11.6.6 Where a member works a further period of authorised continuous overtime duty beyond that outlined in paragraph 11.6.4 above, he or she shall be paid a meal allowance of \$9.15 for each additional five hours' overtime worked.
- 11.6.7 Where a member commences authorised duty in excess of two hours before the commencement time of his or her normal rostered duty, he or she shall be paid a meal allowance of \$9.15.
- 11.6.8 Meal expenses in excess of or at variance with the rates set out in this clause may be paid if, on the determination of the Controlling Authority, special circumstances exist which justify the excess or variation.
- 11.6.9 This clause does not apply to members receiving an allowance under subclause 11.1 - Camping and Sea Victualling Expense Allowance and subclause 11.9 - Overnight Expense Allowance.

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11.7 Motor Vehicle Expense Allowance

11.7.1 A member:

- (a) authorised or directed by a duly authorised senior officer to use; or
- (b) on approved leave in an area which in the opinion of the Controlling Authority is distant from his or her usual place of residence and is directed to interrupt such leave for purposes associated with the member's service and is authorised to return to use his or her private motor vehicle in the performance of the member's police duties, or to the member's home centre in the member's private motor vehicle,

shall be paid an allowance for use of the member's private motor vehicle in accordance with the following rates:

Annual	Rate A	Rate B
Kilometreage	2.00 Litres	Less Than
Travelled on Duty	or more	2.00 Litres
	Cents per km	Cents per km
First 10,000 km	43.78	37.65
Any additional kms	23.21	20.14

11.7.2 This clause is to operate in respect of kilometreage travelled in any one financial year.

11.7.3 These rates shall be adjusted in accordance with the kilometreage rates contained in the General Conditions of Employment Award of the Tasmanian Industrial Commission.

11.8 Out of Pocket Expense Allowance

11.8.1 A detective or a member performing duties within the CIB and Licensing Squad, or any other member approved by the Controlling Authority, shall be paid \$1591 per annum for out-of-pocket expenses that are regularly incurred as part of the requirements of the duties performed.

11.8.2 Notwithstanding paragraph 11.8.1, a member may be reimbursed additional out-of-pocket expenses at the discretion of the Controlling Authority.

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11.9 Overnight Expense Allowance

11.9.1 Members travelling on duty who are required to remain away from their normal place of residence overnight shall be paid an allowance calculated in accordance with the following components:

Component	Within Tasmania	Outside Tasmania	Sydney
Overnight Absence from Normal Place of Residence	\$88.95	\$124.35	\$145.25
Breakfast (preceding or following an overnight absence) applicable hours 7.00am - 8.30am	\$14.55	\$14.55	\$14.55
Lunch (preceding or following an overnight absence) applicable hours 12.30pm - 2.00pm	\$12.95	\$12.95	\$12.95
Dinner (preceding or following an overnight absence) applicable hours 6.00pm - 7.30pm	\$27.60	\$27.60	\$27.60

PROVIDED that if the member so wishes, he or she shall be allowed advance payment of the estimated allowance payable for the period of travel in question.

11.9.2 In addition to the allowance available in accordance with paragraph 11.9.1 and provided the Controlling Authority is satisfied that the member did incur the expense claimed, a member shall be entitled to reimbursement of reasonable expenses incurred, as a result of his or her absence from the normal place of residence, for the following purposes:

- (a) a reasonable length telephone call to the member's spouse and children each 24 hours;
- (b) dry cleaning or laundry required as the result of an extended absence.

11.9.3 Notwithstanding paragraph 11.9.1 where the Controlling Authority is satisfied that no reasonable alternative accommodation is available, the member may be reimbursed for actual expenses incurred.

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11.9.4 Where a member travels with a Judge or a Minister or in a representative capacity for the State, or on special duties as determined by the Controlling Authority, and thereby incurs additional expense, the member may be paid such travelling allowance as may be determined by the Controlling Authority.

11.9.5 A travelling allowance in excess of or at variance with the rates set out above may be paid if, on the determination of the Controlling Authority, special circumstances exist which justify such excess or variation.

11.9.6 A member required to travel in the performance of his or her duties:

- (a) within Australia or Papua New Guinea or New Zealand - by ship, aircraft, railway train, or other means of conveyance, where he or she is provided with meals and sleeping quarters, that member, while so travelling, shall be paid a travelling allowance at the rate of:

Rates per Day

(i) Within Tasmania \$15.65

(ii) Outside Tasmania \$21.80

- (b) outside Australia, Papua New Guinea or New Zealand - that member, while so travelling, shall be paid a travelling allowance at such rate as the Controlling Authority has approved.

11.9.7 The allowance prescribed in this clause shall not be paid beyond three weeks unless the Controlling Authority is satisfied that the member did in fact incur the expenses claimed.

11.9.8 The rates in this clause will be adjusted in accordance with the travelling allowance rates contained in the relevant clause of the General Conditions of Employment Award of the Tasmanian Industrial Commission.

11.10 Plain Clothes Expense Allowance

11.10.1 A member required by the Controlling Authority to perform duties necessitating the wearing of Plain Clothes, including members who are pregnant and the Controlling Authority approves wearing of plain clothes, shall be paid as prescribed in the following categories:

- (a) Members, as the Controlling Authority determines, who are regularly required to wear plain clothes due to the nature of their duties will be paid \$1835 per annum.
- (b) Members who are provided with protective clothing will be paid \$1170 per annum.

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- (c) Members required by the Authority to wear plain clothes on an occasional basis will be paid \$7.20 for each day they are required to wear plain clothes.
- (d) Members on permanent transfer to plain clothes duty in category (a) above may be paid an initial advance payment of \$917.
- (e) Member's carrying out close personal protection duties in a secondary role may be paid an initial advance payment of \$205 to assist with the purchase of appropriate clothing to carry out those duties.

11.10.2 Notwithstanding anything in this clause, the Controlling Authority may approve the plain clothes expense allowance upon application by a member in special circumstances.

11.11 Relieving Expense Allowance

11.11.1 A member absent from his or her usual station, and required to reside away from his or her normal place of residence for a period in excess of seven days relieving or assisting another member, shall be entitled to the following:

- (a) Where full board and lodgings are provided by the Controlling Authority:
 - (i) Rate per day for the first six weeks of duty: \$15.65;
 - (ii) Thereafter such rate as the Controlling Authority may determine.
- (b) Where only accommodation is provided by the Controlling Authority:
 - (i) Rate per day for the first six weeks of duty: \$50.15
 - (ii) Thereafter such rate as the Controlling Authority may determine.

PROVIDED that Relieving Expenses at variance with the above rate may be paid if, on the determination of the Controlling Authority, special circumstances exist which justify such variation.

PROVIDED FURTHER that if while relieving or assisting at another station, a member is required to pay a retention fee for the accommodation the member rents while attending his or her usual station, the amount of that retention fee shall be paid in addition to any amount otherwise payable pursuant to this clause. Provided that the cost of such retention has been certified by the officer-in-charge at the member's usual station.

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11.12 National Common Police Services and National Development Programs

11.12.1 National Common Police Services

A member required to perform duty outside Tasmania as a seconded member of a national common police service may be entitled to one return economy fare each year to his or her station. This applies to the member and dependants of the member travelling with that member.

11.12.2 This entitlement is not cumulative, each year shall stand alone.

11.12.3 A member shall be eligible to receive payment for the return economy fares as prescribed in paragraph 11.12.1 provided that member has completed three months' continuous service with the National Common Police Service.

11.12.4 A member required to perform duty outside Tasmania as a seconded member of the Australian Bureau of Criminal Intelligence or the National Crime Authority shall be charged rental of not more than \$20.00 per week while occupying accommodation of a standard approved by the Controlling Authority.

11.12.5 A member required to perform duty outside Tasmania as a seconded member of a National Common Police Service shall be paid at a minimum of Constable Level 11 as provided at subclause 8.1 - Salaries, or the member's substantive rank, which ever is greater, for the period of the seconded duty, and shall be subject to the allowances normally received.

11.12.6 National Development Programs

Where a member attends an interstate development program, approved by the Controlling Authority, of at least seven weeks' duration, that member will be reimbursed one economy return air fare for the purpose of a reunion visit within the duration of the program."

2. By deleting Clause 12 – Transfer Expenses, and inserting in lieu thereof:

"12. TRANSFER EXPENSES

12.1 Definitions

'New locality' means the locality to which the member is transferred.

'Old locality' means the locality from which the member is transferred.

'Property' means all conventional permanent types of accommodation including flats, home units and land on which to erect a dwelling, but shall not include any type of temporary accommodation such as a caravan, holiday home, house boat or similar.

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'Property Purchase Expenses' includes:

- (a) Professional costs and disbursements paid to a solicitor, land broker or conveyancer.
- (b) Expenses relating to the execution or discharge of a mortgage. Where the property is subject to more than one mortgage, the costs involved with one mortgage only shall be admissible.
- (c) Stamp duty and other statutory charges paid to register or transfer titles and/or mortgages.
- (d) All other expenses necessarily incurred in the purchase of a property which are approved by the Controlling Authority.

but does not include:

- (a) Mortgage insurance costs.
- (b) Charges incurred in arranging bridging finance.
- (c) Council or Corporation rates, water, sewerage, garbage, electricity or similar charges.

'Property Sale Expenses' includes:

- (a) Commission and related expenses paid to a real estate agent or other agent for fees paid to an auctioneer where the property is sold at auction.
- (b) Professional costs and disbursements paid to a solicitor, land broker or conveyancer.
- (c) Expenses relating to the execution or discharge of a mortgage. Where the property is subject to more than one mortgage, the costs involved with one mortgage only shall be admissible.
- (d) Advertising expenses, not exceeding \$500.00 relating to the sale of the property where an agent was not engaged to sell the property.
- (e) Stamp duty and other statutory charges paid to register or transfer titles and/or mortgages.
- (f) Other expenses necessarily incurred in the sale of a property which are approved by the Controlling Authority.

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but does not include:

- (a) Charges incurred in arranging bridging finance.
- (b) Auctioneers fees in respect of an unsuccessful auction.
- (c) Council or Corporation rates, water, sewerage, garbage, electricity or similar charges.

'Transfer' or **'transferred'** means a permanent transfer resulting from an advertised vacancy or application for promotion, or a compulsory transfer. It does not include a voluntary request by a member, a posting upon graduation from the Police Academy or a transfer as a result of misconduct.

12.2 Property Sale Expenses

12.2.1 A member transferred from one location to another requiring a change in residence shall be entitled to property sale expenses for the sale of a property in their old locality provided that:

- (a) the property is owned and occupied by the member; or
- (b) the property was being purchased under a contract of sale providing for vacant possession; or
- (c) the property was being constructed for the member's own occupation on completion of construction;
- (d) at the date of sale the transfer of the member was approved and signed; and
- (e) the expenses shall not exceed:
 - (i) \$10,300 for a sale in a capital city and greater metropolitan area within the capital city,
 - (ii) \$8,800 for a sale in a non capital city; or
 - (iii) such proportion which reflects the member's equity in the property owned jointly or in common with a person other than the members spouse or dependent relative; and
- (f) the amount paid shall be reimbursement for reasonable expenses approved by the Controlling Authority incurred in the sale of the property owned or part-owned by the member.

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12.3 Property Purchase Expenses

- 12.3.1 A member who transfers to another locality and receives property sale expenses is entitled to property purchase expenses for the purchase of a property in the new locality, provided that:
- (a) the expenses shall not exceed:
 - (i) \$8,670 for a purchase in a capital city and greater metropolitan area within the capital city, or
 - (ii) \$6,900 for a purchase in a non capital city;
 - (b) the amount paid shall be for reasonable expenses approved by the Controlling Authority incurred in the purchase of a property; and
 - (c) the members occupies the purchased property or intends to occupy the property upon completion of construction.
- 12.3.2 The Controlling Authority may approve payment of the property purchase expenses for the purchase of a property in the new locality, to a member who does not sell a property in connection with transferring to another locality, if the Controlling Authority is satisfied the transfer necessitated the member to purchase a property in the new locality.
- 12.3.3 In addition to paragraph 12.3.2, a member who was required to reside in departmental accommodation at their old locality is entitled to claim property purchase expenses for the purchase of a property at their new locality, provided the member was entitled to and claimed property sale expenses when the member transferred to the old locality.
- 12.3.4
- (a) A member is not entitled to claim property sale or property purchase expenses in respect of a sale or purchase of a property, which is effected more than two years after the date on which the members takes up duty in the new locality; or
 - (b) After the date on which the transfer appears in the Police Gazette as the member's transfer date back to the previous locality if less than two years.
- 12.3.5 The Controlling Authority may approve both property sale and property purchase expenses outside the two year time frame in special circumstances upon application by the member.
- 12.3.6 Property sale or property purchase expenses may be approved at the discretion of the Controlling Authority for a member transferred to a locality as a result of misconduct.

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- 12.3.7 Where a member's spouse is also a member of the Police Service only one claim may be made in respect to property sale or property purchase expenses for the sale of a property or the purchase of a property that they own jointly or in common or intend to own jointly or in common with their spouse.
- 12.3.8 An application for property sale and/or property purchase expenses shall be accompanied by written documentary evidence of payment by the member of the allowable expenses, being evidence that is satisfactory to the Controlling Authority.
- 12.3.9 The monetary amounts stated in 12.2.1(e) and 12.3.1(a) shall be applied with effect from 1 December 2004.
- 12.3.10 The monetary amounts stated in 12.2.1(e) and 12.3.1(a) will be reviewed annually by the Controlling Authority.

12.4 Displacement Expenses

12.4.1 Where a member has been:

- (a) compulsorily transferred and retires by reason of having reached retirement age; or
- (b) compulsorily transferred and as a result of death or the early retirement of that member due to ill-health, or the redundancy of that member, there has developed a hardship that can only be alleviated if the member or surviving spouse of that member changes address; or
- (c) transferred as a result of promotion or advertised vacancy to a new locality, is required to live in a dwelling owned by the Controlling Authority in that new locality, and retires by reason of having reached retirement age; or
- (d) transferred as a result of promotion or advertised vacancy to a new locality and as a result of the death or early retirement on the grounds of ill-health or redundancy of that member there has developed a hardship that can only be alleviated if that member or the surviving spouse of that member changes address,

the member or surviving spouse of that member, as the case may be, shall be entitled to displacement expenses. The Controlling Authority may determine a person's entitlement to displacement expenses where the member or surviving spouse cites hardship as a reason for making application for displacement expenses.

12.4.2 Displacement expenses shall be a sum not exceeding \$2,223, and shall be for reimbursement of reasonable removal and storage expenses of furniture and personal effects of the member and the member's spouse and/or dependent relatives of the member, and the costs of temporary accommodation that may be required during relocation that is subject of displacement expenses.

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- 12.4.3 A member or member's spouse may, subject to the discretion of the Controlling Authority, be required to vacate the dwelling within 30 days of the member's death, retirement or redundancy, as the case may be, in order to be eligible to claim displacement expenses.

12.5 Depreciation Expenses

- 12.5.1 A member shall be paid depreciation expenses as compensation for accelerated depreciation and extra wear and tear on furniture and effects, the replacement and alteration of floor coverings, curtains, blinds and household goods resulting from a transfer or a requirement by the Controlling Authority to change residence.
- 12.5.2 Depreciation expenses shall have direct relevance to furniture, effects, floor coverings, curtain, blinds and household goods, and be in accordance with the following amounts:
- (a) Value between \$1 and \$3999 - amount claimable is \$222.
 - (b) Value between \$4000 and \$20000 - amount claimable is \$443.
 - (c) Value \$20001 and above - amount of 2 per cent of the insured value of goods with a maximum of \$794.

12.6 Removal Expenses

- 12.6.1 A member transferred from one station to another that requires a move from one locality to another will be paid reasonable expenses incurred in the transport of the member's furniture and personal effects, and for the costs involved in transporting the member, their spouse and dependant relatives.
- 12.6.2 The maximum amount of removal expenses shall be \$1724.
- 12.6.3 The maximum removal expenses to or from King Island and Flinders Island \$6668.
- 12.6.4 Graduate Trainees
- (a) Where a Graduate Trainee is appointed to a position requiring the member to move from his or her normal residential location, he or she shall be paid for reasonable expenses incurred in the transportation of furniture and personal effects.
 - (b) The total amount claimable by the Graduate Trainee is \$1724.
 - (c) A Graduate Trainee shall not be eligible to claim Property Sale or Property Purchase expenses, displacement expenses, education assistance expenses or the depreciation allowance on the first appointment following graduation.

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12.6.5 Where a member, including a Graduate Trainee, is appointed to a position in a new locality, shall prior to undertaking a removal, obtain quotations from at least three carriers if required, in respect of the removal and shall submit the quotations to the Controlling Authority for determination.

12.6.6 Where a member, including a Graduate Trainee, is appointed to a position in a new locality, that involves a move from one property to another, the Controlling Authority shall approve up to three paid working days at the time of the transfer for the purpose of packing, cleaning the property being vacated, travelling to the new locality, unpacking and settling into the new property.

12.7 Motor Vehicle Usage Allowance

12.7.1 Where a member, including a Graduate Trainee on his or her initial appointment, uses a private motor vehicle to transport themselves and their family to their new locality, the member shall be paid a motor vehicle usage allowance for a maximum of two motor vehicles in accordance with the rates at subclause 11.7 - Motor Vehicle Expense Allowance.

12.8 Meal and Accommodation Expenses

12.8.1 Where a member, including a Graduate Trainee on his or her initial appointment, incurs reasonable expenses for necessary meals and accommodation for themselves and their spouse and dependant relatives on the day prior to departure for the new locality, the day or days travelling and the day after arrival at the new locality, the member shall be refunded such expenses actually paid as the Controlling Authority deems reasonable.

12.9 Education Assistance Expenses

12.9.1 A member transferred from one station to another that requires a move from one locality to another and has a dependant child or dependant children who resides with the member and who attend school, shall be reimbursed for actual costs associated with the cost of transferring that child or children from one school to another, up to the limit of \$522 per child to assist with the expenses of transferring the child or children.

12.9.2 Education expenses is restricted to the following:

- (a) uniform purchase;
- (b) school levies;
- (c) replacement prescribed text books;
- (d) other expenses as approved by the Controlling Authority.

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12.10 General Provisions

12.10.1 Notwithstanding the clauses relating to Transfer Expenses, the Controlling Authority may approve claims for all allowances in Clause 12 in exceptional circumstances."

3. By deleting Clause 16 – Leave, and inserting in lieu thereof the following:

16. LEAVE

16.1 Definitions

'Child' includes a natural child, adopted child, stepchild, foster child or an ex-nuptial child.

'Continuous service' means service under an unbroken contract of service and includes:

- (a) any period of leave taken in accordance with this clause;
- (b) any period of part-time service worked in accordance with this clause; or
- (c) any period of leave or absence authorised by the Controlling Authority or by this award.

'Family responsibilities' means responsibilities to care for or support:

- (a) a child who is wholly or substantially dependent; or
- (b) any other immediate family member who is in need of care or support.

'Former position' means the position held by a member immediately before proceeding on leave or part-time work under this part whichever first occurs or, if such position no longer exists but there are other positions available for which the member is qualified and the duties of which he or she is capable of performing, a position as nearly comparable in status and pay to that of the position first mentioned in this definition.

'Immediate family' in relation to a member, includes:

- (a) a spouse of the member including a former spouse, de facto spouse and former de facto spouse; and
- (b) an adult offspring, child, parent, grandparent, grandchild or sibling of the member.

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'Parent' includes mother or father, step-parent, adoptive parent and foster parent or legal guardian.

'Primary care-giver' means a member who assumes the principal role of providing care and attention to a child.

16.2 Bereavement Leave

- 16.2.1 (a) (i) In the event of the death of a spouse or child, a member may be granted bereavement leave (including the day of the funeral) without loss of pay or entitlements to continuous service for a period not exceeding ten working days, or such additional leave as approved by the Controlling Authority.
- (ii) The date of effect for paragraph 16.2.1(a) above is 1 February 2004.
- (b) In the event of the death of a brother, sister, father, mother, father-in-law, mother-in-law, grandfather, grandmother or grandchildren, a member may be granted bereavement leave (including the day of the funeral) without loss of pay or entitlements to continuous service for a period not exceeding three working days, or such additional leave as approved by the Controlling Authority.
- 16.2.2 The Controlling Authority may request evidence of death in the form of a death notice.

16.3 Carer's Leave

16.3.1 Paid Carer's Leave

- (a) In accordance with this clause, a member is entitled to use up to a maximum of five days per annum of any current or accrued sick leave entitlement provided for in the *Police Service Regulations 2003* for absences to provide care and support for members of their immediate family or household who need their care and support when they are ill.
- Leave may be taken for part of a single day.
- (b) If required the member must establish, either by production of a medical certificate or statutory declaration, the illness of the person concerned and that the illness is such as to require care by the member.
- (c) A member using leave in accordance with subparagraph (a) may provide care and support for a dependant child or children when the primary care-giver of the said child or children is not available due to unforeseen circumstances, and no other reasonable care is available for the said child or children. Use of this leave will be subject to the day to day approval by the Controlling Authority.

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- (d) The entitlement to use sick leave in accordance with this clause is subject to the person being either:
 - (i) a member of the member's immediate family, or
 - (ii) a member of the member's household.
- (e) Where practicable the member must give the Controlling Authority notice prior to the absence of the intention to take leave, the name of the person requiring care and the person's relationship to the member, the reasons for taking such leave and the estimated length of absence. If it is not practicable to give prior notice of absence, the member shall notify the Controlling Authority by telephone of such absence at the first opportunity on the day of absence.
- (f) In normal circumstances a member must not take carer's leave under this clause where another person has taken leave to care for the same person.

16.3.2 Unpaid Carer's Leave

A member may elect, with the approval of the Controlling Authority, to take unpaid leave for the purpose of providing care to a family or household member who is ill.

16.4 Defence Service Leave

16.4.1 A member who is appointed to, or voluntarily enlists in, the Defence Force:

- (a) is entitled to leave of absence for a period of not more than 14 working days in the aggregate in any one calendar year for the purpose of enabling him or her to attend at any training camp at which the member's compulsory attendance is required in his or her capacity as a member of the Defence Force; and
- (b) shall be paid, in respect of his or her attendance thereat, an amount equal to normal salary for the period of that leave.

16.4.2 A member may, with the approval of the Controlling Authority, be granted leave of absence for a period or periods totalling not more than 16 working days in the aggregate in any one calendar year (in addition to any leave granted in that year pursuant to subparagraph 16.4.1(a) for the purpose of enabling him or her to attend at any drill, parade, military school, or class or course of instruction at which he or she is required or is eligible to attend as a member of the Defence Force and shall be paid, in respect of attendance thereat, an amount equal to normal salary for the period of leave, less any naval, military, or air force pay or allowance received by him or her in respect of that period.

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16.4.3 A member who is an officer or instructor of cadets in a cadet force may be granted leave of absence for a period totalling not more than 16 working days in the aggregate in any one calendar year to attend and perform duties at which he or she is required or is eligible to attend as an officer or instructor of cadets and shall be paid in respect of their attendance, an amount equal to normal salary for the period of leave, less any naval, military, or air force pay or allowances received by him or her in respect of that period. For these purposes "cadet force" means the Australian Navy Cadets, Australian Army Cadets or the Australian Air Force Cadets.

16.4.4 In respect of leave under this clause, a member shall submit with an application for leave the prescribed certificate evidencing the necessity of his or her attendance, or, as the case may be, eligibility to attend and, at the conclusion thereof, shall produce the prescribed certificate of his or her attendance thereat, together with any certificate of earnings as required in paragraphs 16.4.2 and 16.4.3.

16.5 Parental Leave

16.5.1 Subject to the terms of this clause members are entitled to maternity, paternity and adoption leave and to work part-time in connection with the birth or adoption of a child. A member shall not take leave under this clause concurrently with leave by the member's spouse under the same clause except in the case of leave taken under paragraph 16.7.3 and paragraph 16.8.3.

16.5.2 Return to Former Position Following Parental Leave

(a) A member who has had at least 12 months' continuous service in the Tasmania Police Service immediately before commencing part-time work following a period of parental leave, has at the expiration of a period of part-time work of no longer than a 12 month period, the right to return to his or her former position.

(b) Nothing in subparagraph 16.5.2(a) shall prevent the Controlling Authority from permitting the member to return to his or her former position after a second or subsequent period of part-time work providing that any second or subsequent period of part-time work does not exceed 12 months in duration.

PROVIDED that, the second or subsequent period of part-time work is exercised by the member in connection with the care of a child.

16.6 Maternity Leave

16.6.1 Definitions

For the purpose of this clause the following definition is relevant:

'Child' means a child of the member or the member's spouse under the age of one year.

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16.6.2 Application

- (a) Maternity leave applies to female members covered by this award.
- (b) A female member is entitled to a maximum of 52 weeks' leave of absence (including the period of paid maternity leave and public holidays) for each confinement providing that the period of leave does not extend the term of appointment of the member.

16.6.3 Entitlement to Paid Maternity Leave

- (a) An eligible female member will be entitled to up to 12 weeks' paid maternity leave.
- (b) The rate of pay for the period, as prescribed in subparagraph 16.6.3(a), of paid leave will be calculated as for sick leave on full pay at the rate payable for that member immediately prior to proceeding on paid maternity leave.
- (c) To be eligible to receive paid maternity leave, a female member must have had 12 months' continuous service at the time of commencing maternity leave.
- (d) To be eligible for paid maternity leave the member must be entitled, as a condition of her appointment, to paid sick leave.
- (e) Where a female member on maternity leave applies for recreation leave or long service leave at any time after the expiration of the leave taken under this clause, and is eligible for that leave, the application will be granted.
- (f) A female member who is pregnant is required to be absent from duty six weeks before the expected date of confinement until six weeks after the actual date of birth of the child, unless the member provides a registered medical practitioners certificate declaring that the member is fit to either continue or return to duty and is authorised by the Controlling Authority.
- (g) In cases where a female member is confined earlier than six weeks before the expected date of birth the required absence commences on the date of birth and continues for six weeks with the 52 week period of maternity leave absence commencing from the date of confinement.
- (h) Periods of paid maternity leave will count as service for all purposes. Periods of unpaid maternity leave will be regarded as leave without pay and will not count as service for any purpose but does not break the member's continuity of service.

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- (i) A female member will not be entitled to paid sick leave either in the paid or unpaid period of maternity leave except when taken in accordance with paragraph 16.6.10 - Special Maternity Leave and Sick Leave, and other than during a period of annual leave or long service leave.

16.6.4 Confinement

- (a) For the purpose of the clause confinement is defined in relation to a female member who has become pregnant, as the birth of a child, or other termination of the pregnancy, that occurs not earlier than 20 weeks before the expected date of birth of the child.
- (b) A female member may apply to the Controlling Authority to alter the dates and/or the duration of an absence at any time provided the conditions in subparagraphs 16.6.6(a) and 16.6.8(a) are observed and the maximum of 52 weeks is not exceeded.

16.6.5 Certificate

- (a) At the time specified in subparagraph 16.6.6(a) the female member must produce to the Controlling Authority:
 - (i) a certificate from a registered medical practitioner stating that she is pregnant and the expected date of confinement; and
 - (ii) a statutory declaration stating particulars of any period of paternity leave sought or taken by her spouse during the period of proposed paternity leave.

16.6.6 Notice Requirements

- (a) A female member shall, not less than 10 weeks prior to the presumed date of confinement, produce to the Controlling Authority the certificate referred to in subparagraph 16.6.5(a) hereof.
- (b) A female member shall give no less than four weeks' notice in writing to the Controlling Authority of the date upon which she proposes to commence maternity leave stating the period of leave to be taken and shall, at the same time, produce to the Controlling Authority a statutory declaration stating particulars of any period of parental leave sought under subparagraphs 16.6.6(a) and 16.6.8(a).

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16.6.7 Transfer to a Safe Job

- (a) Where, in the opinion of a registered medical practitioner, illness or risks arise out of the pregnancy or hazards connected with the work assigned to the member make it inadvisable for the member to continue at her present work, the member shall, if the Controlling Authority deems it practicable, be placed in a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.
- (b) If the transfer to a safe job is not practicable, the member may, or the Controlling Authority may require the member to, take leave for such period as is certified necessary by a registered medical practitioner. Such leave shall be treated as maternity leave as prescribed by this clause.

16.6.8 Return to Work after Maternity Leave

- (a) A female member shall confirm her intention of returning to work by notice in writing to the Controlling Authority giving not less than four weeks prior notice to the expiration of her period of maternity leave.
- (b) A member, upon returning to work after maternity leave or the expiration of the notice required by subparagraph (a) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of a member who was placed in a safe job pursuant to paragraph 16.6.7 hereof, to the position which she held immediately before such placement or in relation to a member who has worked part-time during and as a result of the pregnancy the position she held immediately before commencing such part-time work.
- (c) Where such position no longer exists but there are other positions available for which the member is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

16.6.9 Cancellation of Maternity Leave

- (a) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of a member terminates other than by the birth of a living child.
- (b) Where the pregnancy of a member then on maternity leave terminates other than by the birth of a living child, it shall be the right of the member to resume work at a time nominated by the Controlling Authority which shall not exceed four weeks from the date of notice in writing by the member to the Controlling Authority that she desires to resume work.

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16.6.10 Special Maternity Leave and Sick Leave

- (a) Where the pregnancy of a member not yet on maternity leave terminates at or after 22 weeks other than by the birth of a living child, or where the stillborn child weighs more than 500 grams; then:
 - (i) she shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work; or
 - (ii) for illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a registered medical practitioner certifies as necessary before her return to work.
- (b) A member returning to work after the completion of a period of leave taken pursuant to this clause shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of a member who was placed in a safe job pursuant to paragraph 16.6.7 hereof, to the position she held immediately before such transfer.
- (c) Where such position no longer exists but there are other positions available, which the member is qualified for and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and pay to that of her former position.
- (d) Where a member not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed the period to which the member is entitled under subparagraph 16.6.2(b) hereof.
- (e) For the purposes of this clause hereof, maternity leave shall include special maternity leave.

16.6.11 Termination of Service

- (a) A member on maternity leave may terminate her service at any time during the period of leave by notice given in accordance with this award.
- (b) The Controlling Authority shall not terminate the service of a member on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of a Controlling Authority in relation to termination of service are not hereby affected.

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16.7 Paternity Leave

16.7.1 Definitions

For the purpose of this clause the following definition is relevant:

'Child' means a child of the member or the member's spouse under the age of one year.

16.7.2 Nature of Leave

Paternity leave is unpaid leave.

16.7.3 Eligibility

- (a) A male member, upon production to the Controlling Authority of the certificate required by paragraph 16.7.4 - Certification, shall be entitled to up to two periods of paternity leave, the total of which shall not exceed 52 weeks, in the following circumstances:
 - (i) an unbroken period of up to one week at the time of confinement of the member's spouse; and
 - (ii) a further unbroken period of up to 51 weeks in order to be the primary care-giver of a child provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of maternity leave taken by the member's spouse and shall not be taken concurrently with that maternity leave.
- (b) The member must have had at least 12 months' continuous service with the Tasmania Police Service before becoming eligible for either period of leave.

16.7.4 Certification

- (a) At the time specified in paragraph 16.7.5 the member must produce to the Controlling Authority a certificate from a registered medical practitioner which names the member's spouse, states that she is pregnant and the expected date of confinement or states the date of which the birth took place;
- (b) in relation to any period to be taken under paragraph 16.7.3 hereof, a statutory declaration stating:
 - (i) he will take that period of paternity leave to become the primary care-giver of the child;
 - (ii) particulars of any period of maternity leave sought or taken by his spouse; and

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- (iii) for the period of paternity leave he will not engage in any conduct inconsistent with his appointment.

16.7.5 Notice Requirements

- (a) A member shall, not less than 10 weeks prior to each proposed period of leave, provide the Controlling Authority notice in writing stating the dates on which he proposes to start and finish the period or periods of leave and produce the certificate and statutory declaration required in paragraph 16.7.4 hereof.
- (b) The member shall not be in breach of this clause as a consequence of failure to give the notice required in subparagraph 16.7.4(a) hereof if such failure is due to:
 - (i) the birth occurring earlier than the expected date; or the death of the mother or the child; or
 - (ii) other compelling circumstances.
- (c) The member shall immediately notify the Controlling Authority of any change in the information provided pursuant to paragraph 16.7.4 hereof.

16.7.6 Variation of Period of Paternity Leave

- (a) Provided the maximum period of paternity leave does not exceed the period to which the member is entitled under paragraph 16.7.3 hereof:
 - (i) the period of paternity leave provided by sub-subparagraph 16.7.3(a)(ii) may be lengthened once only by the member giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened;
 - (ii) the period may be further lengthened by agreement between the Controlling Authority and the member.
- (b) The period of paternity leave taken under sub-subparagraph 16.7.3(a)(ii) hereof may, with the consent of the Controlling Authority, be shortened by the member giving not less than 14 days' notice in writing stating the period by which the leave is to be shortened.

16.7.7 Cancellation of Paternity Leave

Paternity leave, applied for under sub-subparagraph 16.7.3(a)(ii) hereof but not commenced, shall be cancelled when the pregnancy of the member's spouse terminates other than by the birth of a living child.

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16.7.8 Entitlements

- (a) Provided the aggregate of any leave, including leave taken under this part, does not exceed the period to which the member is entitled under paragraph 16.7.3 hereof, a member may, in lieu of or in conjunction with paternity leave, take any annual leave or long service leave or any part thereof to which he is entitled.
- (b) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to a member during his absence on paternity leave.

16.7.9 Effect on Service

Subject to this part, notwithstanding any award or other provision to the contrary, absence on paternity leave shall not break the continuity of service of a member but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

16.7.10 Termination of Service

- (a) A member on paternity leave may terminate his service at any time during the period of leave by notice given in accordance with this award.
- (b) The Controlling Authority shall not terminate the service of a member on the ground of his absence on paternity leave, but otherwise the rights of the Controlling Authority in relation to termination of service are not hereby affected.

16.7.11 Return to Work after Paternity Leave

- (a) A member shall confirm his intention of returning to work by notice in writing to the Controlling Authority given not less than four weeks prior to the expiration of the period of paternity leave provided by sub-subparagraph 16.7.3(a)(ii) hereof.
- (b) A member, upon returning to work after paternity leave or the expiration of the notice required by subparagraph 16.7.5(a) hereof, shall be entitled to the position which he held immediately before proceeding on paternity leave, or in relation to a member who has worked part-time under this clause to the position he held immediately before commencing such part-time work.
- (c) Where such position no longer exists but there are other positions available which the member is qualified for and is capable of performing, he shall be entitled to a position as nearly comparable in status and pay to that of his former position.

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16.8 Adoption Leave

16.8.1 Definitions

For the purpose of this clause the following definitions are relevant:

'Child' means a person under the age of five years who is placed with the member for the purposes of adoption, other than a child or stepchild of the member or of the spouse of the member or a child who has previously lived continuously with the member for a period of six months or more.

'Relative adoption' occurs where a child is adopted by a grandparent, brother, sister, aunt or uncle (whether of the whole blood or half blood or by marriage).

16.8.2 Entitlement to Paid Adoption Leave

- (a) A member is entitled to a paid leave of absence for the purpose of adopting a child provided the following requirements are met:
 - (i) the member must have had 12 months continuous service at the time of commencing adoption leave;
 - (ii) the member must be eligible as a condition of their appointment to be paid sick leave; and
 - (iii) the child to be adopted cannot be a child of a relative of the member.
- (b) Adoption leave with pay shall be granted for a period not exceeding 12 weeks.
- (c) The rate of pay for the period, as prescribed in 16.8.2(b) above, will be calculated as for sick leave on full pay at the rate payable for that member immediately prior to proceeding on paid adoption leave.
- (d) The controlling Authority may grant adoption leave with pay in cases where a child is over 5 years of age and special circumstance exist.
- (e) A member taking paid adoption leave is also entitled to a period of adoption leave without pay, providing the total leave taken does not exceed 52 weeks. The paid component of adoption leave may be taken any time within this 52 week period.
- (f) The total leave taken shall not extend beyond one year after the placement of the child and shall not be taken concurrently with adoption leave taken by the member's spouse in relation to the same child.
- (g) The entitlement of up to 52 weeks shall be reduced by the aggregate of any periods of adoption leave taken or to taken by the member's spouse.

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(h) The date of effect for paragraph 16.8.2(a) to (g) is 1 February 2004.

16.8.3 Entitlement to Adoption Leave Without Pay

- (a) A member shall be entitled to leave of absence without pay for the purposes of adopting a child or for a relative adoption providing the member has had 12 months continuous service at the time of commencing adoption leave.
- (b) Adoption leave without pay shall be granted in one or two periods, the total of which shall not exceed 52 weeks in the following circumstances:
 - (i) an unbroken period of up to three weeks at the time of the placement of the child; and
 - (ii) an unbroken period of up to 52 weeks from the time of the child's placement in order to be the primary care-giver of the child. This leave shall not extend beyond one year after the placement of the child and shall not be taken concurrently with adoption leave taken by the member's spouse in relation to the same child.
- (c) The entitlement of up to 52 weeks shall be reduced by the aggregate of any periods of adoption leave taken or to be taken by the member's spouse.

16.8.4 Certification

- (a) Before taking paid or unpaid adoption leave the member must produce to the Controlling Authority:
 - (i) a statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the member for adoption purposes; or
 - (ii) a statement from the appropriate government authority confirming that the member is to have custody of the child pending application for an adoption order.
- (b) In relation to any period to be taken under paragraph 16.8.2 or 16.8.3 hereof, a statutory declaration stating:
 - (i) the member is seeking adoption leave to become the primary care-giver of the child;
 - (i) particulars of any period of adoption leave sought or taken by the member's spouse; and

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16.8.5 Notice Requirements

- (a) Upon receiving notice of approval for adoption purposes, a member shall notify the Controlling Authority of such approval and within two months of such approval, shall further notify the Controlling Authority of the period or periods of adoption leave the member proposes to take. In the case of a relative adoption the member shall notify as aforesaid upon deciding to take a child into custody pending an application for an adoption order.
- (b) A member who commences service with the Controlling Authority after the date of approval for adoption purposes shall notify the Controlling Authority thereof upon commencing service and of the period or periods of adoption leave which the member proposes to take. Provided that such member shall not be entitled to adoption leave unless the member has not less than 12 months' continuous service with Tasmania Police Service immediately preceding the date upon which he or she proceeds upon such leave.
- (c) A member shall, as soon as the member is aware of the presumed date of placement of a child for adoption purposes but no later than 14 days before such placement, give notice in writing to the Controlling Authority of such date, and of the date of the commencement of any period of leave to be taken under subparagraph (a) hereof.
- (d) A member shall, 10 weeks before the proposed date of commencing any leave to be taken under subparagraph 16.8.4(b) hereof give notice in writing to the Controlling Authority of the date of commencing leave and the period of leave to be taken.
- (e) A member shall not be in breach of this part as a consequence of failure to give the stipulated period of notice in accordance with subparagraphs (b) and (d) hereof if such failure is occasioned by the requirement of an adoption agency to accept earlier or later placement of a child, the death of the spouse or other compelling circumstances.

16.8.6 Variation of Period of Adoption Leave

- (a) Provided the maximum period of adoption leave does not exceed the period to which the member is entitled under paragraph 16.8.2 or 16.8.3 hereof:
 - (i) the period of leave taken under paragraph 16.8.2 or 16.8.3 hereof may be lengthened once only by the member giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened;
 - (ii) the period may be further lengthened by agreement between the Controlling Authority and member.

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- (b) The period of adoption leave taken under paragraph 16.8.2 or 16.8.3 hereof may, with the consent of the Controlling Authority, be shortened by the member giving not less than 14 days' notice in writing stating the period by which the leave is to be shortened.

16.8.7 Cancellation of Adoption Leave

- (a) Adoption leave, applied for but not commenced, shall be cancelled should the placement of the child not proceed.
- (b) Where the placement of a child for adoption purposes with a member then on adoption leave does not proceed or continue, the member shall notify the Controlling Authority forthwith and the Controlling Authority shall nominate a time not exceeding four weeks from receipt of notification for the member's resumption of work.

16.8.8 Special Leave

The Controlling Authority shall grant to any member who is seeking to adopt a child, such unpaid leave not exceeding two days, as is required by the member to attend any compulsory interviews or examinations as are necessary as part of the adoption procedure. Where paid leave is available to the member the Controlling Authority may require the member to take such leave in lieu of special leave under this clause.

16.8.9 Other Entitlements

- (a) Provided the aggregate of any leave, including leave taken under this part, does not exceed the period to which the member is entitled under paragraph 16.8.2 or 16.8.3 hereof, a member may, in lieu of or in conjunction with any adoption leave, take any annual leave or long service leave or any part thereof to which he or she is entitled.
- (b) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave), shall not be available to a member during the member's absence on adoption leave.

16.8.10 Effect on Service

Periods of paid adoption leave shall count as service for all purposes. Periods on unpaid adoption leave will be regarded as leave without pay and will not count as service for any purpose but does not break the member's continuity of service.

16.8.11 Termination of Service

- (a) A member on adoption leave may terminate his or her service at any time during the period of leave by notice given in accordance with this award.

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- (b) The Controlling Authority shall not terminate the service of a member on the ground of the member's application to adopt a child or absence on adoption leave, but otherwise the rights of the Controlling Authority in relation to termination of service are not hereby affected.

16.8.12 Return to Work After Adoption Leave

- (a) A member shall confirm the intention of returning to work by notice in writing to the Controlling Authority given not less than four weeks prior to the expiration of the period of adoption leave provided by paragraph 16.8.2 or 16.8.3 hereof.
- (b) A member, upon returning to work after adoption leave, shall be entitled to the position held immediately before proceeding on such leave or in relation to a member who has worked part-time under this clause the position held immediately before commencing such part-time work.
- (c) Where such position no longer exists but there are other positions available which the member is qualified for and is capable of performing, the member shall be entitled to a position as nearly comparable in status and pay to that of the member's former position.

16.9 Recreation Leave

16.9.1 Taking of Leave

- (a) The total number of days leave that may be accumulated shall not, unless approved by the Controlling Authority, exceed the leave that the member is entitled to for two years.
- (b) A member shall give 30 days' notice where practicable, when formally applying for recreation leave whether part of a leave roster or not.
- (c) Prior to making an application for recreation leave a member must have sufficient credits to cover the absence.
- (d) The taking of recreation leave is subject to approval by the Controlling Authority of the member's application. The Controlling Authority may direct a member to take his or her recreation leave at such times as is convenient to the Tasmania Police Service and may require a member to resume duty whilst on recreation leave.
- (e) Where a member is directed to resume duty whilst on recreation leave, the Controlling Authority shall:
 - (i) reimburse the member reasonable additional costs incurred by the member due to him or her being recalled;

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- (ii) upon application by the member, credit one day's recreation leave for any day on which the member was required to resume duty; and
- (iii) pay the member overtime for any time performed in excess of a normal rostered shift of at least eight hours duration. The member concerned can by agreement have time off in lieu of overtime payment on an hour for hour basis.

16.9.2 Sickness During Recreation Leave

When a period of sickness of four consecutive days or more occurs during annual leave and the Controlling Authority receives a certificate from a qualified medical practitioner stating that the member was unfit for duty during that period, the absence shall be counted as sick leave and that period of annual leave shall be re-accredited to the member.

16.10 Special Leave

16.10.1 In the event of the serious illness of a near relative of a member, or in the case of other unforeseen emergency or pressing necessity relating to that member, the Controlling Authority may, at the discretion of the Controlling Authority, grant that member special leave of absence with pay for periods not exceeding an aggregate of two days in any calendar year, or such additional days as approved by the Controlling Authority.

16.10.2 The Controlling Authority may grant leave without pay to contest a Parliamentary Election for a period not exceeding two months.

16.10.3 Special leave shall be subject to such other conditions as a member and the Controlling Authority agree.

16.10.4 Notwithstanding any other provision in the award, the Controlling Authority may grant a member permission to leave work for a period not exceeding 24 hours without loss of pay and without deducting such leave from the member's leave entitlements under paragraph 16.10.1.

16.11 Leave for Bass Strait Island Positions

16.11.1 Where a member is permanently stationed on the Bass Strait Islands and embarks on approved leave of absence, the member may, three times in every year, of the member's appointment to the position, on the determination of the Controlling Authority, be paid the return fares reasonably incurred by that member and for any of that member's dependant relatives permanently resident on the Bass Strait Islands, while travelling from the member's station to the nearest seaport or airport on the mainland of this State. Such travel shall include travel via Melbourne when indirect travel is the most expedient means of travelling to or returning from the nearest seaport or airport on the mainland of this State.

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PROVIDED that:

- (a) with the approval of the Controlling Authority a member may, in substitution for travel to the nearest seaport or airport in this State, travel to any other seaport in this State or to Melbourne;
- (b) for the purpose of obtaining emergency medical or dental treatment for a member or dependent relative of the member's family, permanently resident on the Bass Strait Islands, a member may by way of reimbursement and, with the approval of the Controlling Authority, be paid the return fare reasonably incurred for travel from the member's station to the nearest centre in this State or to Melbourne, where such treatment can be obtained. Such reimbursement shall be in substitution for one (or all) of the return economy fares for the person concerned, more particularly set forth in this clause.

16.11.2 The above entitlement is not cumulative, each year standing alone.

16.11.3 No member shall be eligible to receive payment for the return economy fares as set forth above unless such member has first completed three months' continuous service on one or other of the Bass Strait Islands."

4. By deleting Clause 21 – Physical Surveillance Services and Police Technical Support (Surveillance) Services, and inserting in lieu thereof the following:

"21. PHYSICAL SURVEILLANCE SERVICES AND POLICE TECHNICAL SUPPORT (SURVEILLANCE) SERVICES

21.1 Definitions and Authority over other Clauses

For the purpose of this clause the following definitions shall apply:

'Member' means a person permanently or temporarily appointed under the provisions of the *Police Service Act 2003* in the Tasmania Police Service and who is appointed to a position in the Physical Surveillance Service or Police Technical Support (Surveillance) Service.

'Normal salary' means the salary at Clause 8 - Salaries and inclusive of the In Charge Allowance at subclause 9.2 - Allowances, but excluding the shift and penalty allowance at Clause 20 - Shift and Penalty Allowance.

21.1.2 Where inconsistent, this clause prevails over the following:

- (a) Meal Expense Allowance at subclause 11.6 and Overnight Expense Allowance at subclause 11.9 - Expenses Allowance; and
- (b) Clause 19 - Rosters.

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21.2 Surveillance Allowance

21.2.1 Members in the Physical Surveillance Service and Police Technical Support (Surveillance) Service shall be paid an allowance of 5 per cent of normal salary.

21.3 Rosters

21.3.1 In establishing rosters for each area it is essential that the specific workload within that particular area be assessed and taken into account when determining the extent and frequency of night, afternoon and weekend work.

21.3.2 Maximum Rostered Hours

A roster shall not provide in excess of 96 hours to be worked in a fortnight pay period.

21.4 Emergency Circumstances

21.4.1 A roster may be departed from in the following circumstances:

- (a) A state of alert;
- (b) A state of emergency;
- (c) A state of disaster;
- (d) An unforeseeable circumstance beyond the control of the Controlling Authority.

21.5 Consultation and Disputes

21.5.1 In each work area, roster changes shall be the subject of consultation between the Controlling Authority and the members in the work area.

21.6 Changes in an Individual's Roster

21.6.1 Members may swap their rostered shift with another member provided the other member and the member's supervisor agree to the swap.

21.6.2 Where a member's rostered shift is changed without the consent of the member or 24 hours' notice has not been provided the member shall be entitled to be paid double time for the substituted shift or shifts unless the roster has been departed from in accordance with paragraph 21.4.1.

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21.6.3 The period of notice shall be calculated as the time from notification of the member of the shift change to the commencement time of the shift that the member would have worked. Furthermore 24 hours' notice will not be deemed to be provided if the replacement shift is to commence earlier than the original shift and a period of 24 hours' notice has not elapsed between the notification of the member of the shift change and the commencement time of the new shift.

21.7 Shift Definitions

21.7.1 The following shift definitions shall apply:

- (a) Day shift is a shift commencing at or after 6.00am and concluding at or before 6.00pm.
- (b) Afternoon shift is a shift concluding after 6.00pm and at or before 2.00am, except in the case of Thursdays, Fridays and Saturdays when the finishing time may be 3.00am.
- (c) Night shift is a shift commencing at or after 6.00pm and before 6.00am except as provided for in (b) above.
- (d) Saturday shift is a shift the major portion of which falls on that day.
- (e) Sunday shift is a shift the major portion of which falls on that day.

21.8 Maximum Hours

21.8.1 Members shall not work in excess of the following over a 20 week cycle:

Shift	Maximum Hours
Saturday and/or Sunday	220 hours within 12 weekends over the 20 week cycle ensuring eight full weekends off in a twenty week cycle
Afternoon Shift	200 hours
Night Shift	192 hours

21.8.2 The maximum shall not include shifts where a member has arranged a swap as allowed in paragraph 21.6.1 or the member agrees to work shifts in excess of the above amounts.

21.8.3 For the purpose of the calculations in paragraph 21.8.1 afternoon shifts may be counted as night shifts.

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21.9 Shift Sequences, Changeovers and Breaks

- 21.9.1 Where a changeover occurs between a sequence of shifts and between shifts during a sequence of shifts the minimum break shall be 10 hours.
- 21.9.2 The variation in starting times of sequence of night shifts, afternoon shifts and day shifts shall not exceed six hours.

21.10 Rostered Days Off

- 21.10.1 Rostered days off shall be a minimum of two consecutive days.
- 21.10.2 A roster may change from day shift to afternoon shift or conversely from afternoon to day without a rostered day off on the changeover provided the minimum break in paragraph 21.9.1 is adhered to.
- 21.10.3 A roster may change to or from night shift without a rostered day off on the changeover provided the minimum break in paragraph 21.9.1 is adhered to.

21.11 Meals and Incidentals Allowance

- 21.11.1 The standard Meals and Incidentals Allowance rate to be claimed by members is \$62.90 per day. This is comprised of meal expenses components under paragraph 11.9.1 and 50 per cent of the incidental allowance under paragraph 11.9.6. This allowance rate will be adjusted in accordance with the current rates of its components, as varied in this award.
- 21.11.2 The meals and incidentals allowance above shall be claimed in 24-hour periods or wherever there is a requirement to stay away overnight when the stay away is less than 24 hours.
- 21.11.3 Where a member is absent overnight in excess of a 24 hour period but less than another overnight stay, the member is not entitled to claim any further meal expenses under 21.11.1 above or 11.9.1 unless the excess hours are overtime, or the excess hours are when the member is more than 60 kilometres from the office between the fourth and sixth hours of duty. In these circumstances the members is entitled to claim meal expense allowance in accordance with subclause 11.6 of the Police Award.
- 21.11.4 Meal claims in accordance with 11.6 are not payable when in receipt of the Allowance under this clause

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21.11.5 Where a member:

- (a) is required to stay away overnight and was not advised of the requirement prior to commencement of their rostered duty on that day, or;
- (b) is recalled to duty, without notice and is required to stay away overnight;

the member is entitled to overnight expense allowances at subclause 11.9 for the first night away in lieu of the allowance at paragraph 21.11.1 above.

If the member is advised of the requirement to stay away overnight on any subsequent night/s the rate reverts to the allowance in paragraph 21.11.1. above.

21.11.6 Overnight Expense Allowance under subclause 11.9 will not be paid when members are on Standby or Availability and are recalled for the purpose of intrastate travel and are required to stay away overnight, provided that they were informed of the likelihood of this requirement when placed on Standby or Availability at subclause 14.3 - Hours.

21.11.7 Where these provisions apply and overnight accommodation is required, accommodation will be arranged and expenses met by the department or accommodation expenses will be reimbursed by the department.

21.12 Tenure

21.12.1 Tenure of positions in the Physical Surveillance Services and Police Technical Support (Surveillance) Services shall be reviewed by the Controlling Authority after three years' continuous service or, in the case of a member promoted within either unit, three years from that promotion. This does not remove the normal transfer and promotion capabilities during this period.

21.13 Detective Designation

21.13.1 The following existing provisions are confirmed for members in the Physical Surveillance Services and Police Technical Support (Surveillance) Services:

- (a) Surveillance is considered a Criminal Investigation Branch for the purposes of the Police Award;
- (b) Following satisfactory completion of a 12 month probationary period in the Units, members shall be designated detective by the Controlling Authority."

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5. By deleting Clause 22 – Special Capability Unit, and inserting in lieu thereof the following:

“22. SPECIAL CAPABILITY UNIT

22.1 Definitions and Authority over other Clauses

22.1.1 For the purpose of this clause the following definitions shall apply:

'Member' means a person permanently or temporarily appointed under the provisions of the *Police Service Act 2003* in the Tasmania Police Service and who is appointed or seconded on a full-time basis to a position in the State Capability Group, excluding Search and Rescue members.

'Normal salary' means the salary at Clause 8 - Salaries and inclusive of the In Charge Allowance at subclause 22.7, but excluding the shift and penalty allowance at paragraph 22.6.1.

22.1.2 Where inconsistent, this clause prevails over the following:

- (a) Meal Expense Allowance at subclause 11.6;
- (b) Overnight Expense Allowance at subclause 11.9;
- (c) Rosters at Clause 19;
- (d) Shift and Penalty Allowance at Clause 20; and
- (e) Hours of Duty at Clause 14.

22.2 Hours of Duty

22.2.1 The standard hours shall average 38 hours per week over the rosters cycle.

22.2.2 The standard hours shall be:

- (a) 7.6 hours per shift;
- (b) 8,10 and12 hours per shift; or
- (c) a combination of eight (8), ten (10) and twelve (12) hours per shift over a shift cycle.

22.2.3 Twelve (12) hour shifts may occur where the Special Capability Unit is deployed to a high risk incident involving immediate threat to life or as a rostered shift.

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22.2.4 Generally accrued days during a roster cycle will be factored into or taken during that roster cycle. In special circumstances and when approved by the Controlling Authority up to five (5) accrued days may be accumulated and may be taken on application by the member with the approval of the Controlling Authority.

22.3 Rostered Meal Breaks

22.3.1 Members shall be entitled to meal breaks according to roster for their work areas as following:

(a) an eight (8) hour shift shall have a 20 minute paid break or an unpaid break not exceeding one hour in addition to the rostered hours.

(b) A ten (10) hour shift shall have a 30 minute paid break or an unpaid break not exceeding one hour in addition to the rostered hours.

(c) A twelve (12) hour shift shall have two 20 minute paid breaks.

22.3.2 A meal break shall be taken by the member within five (5) hours of the commencement of the shift or as soon as practicable after the fifth hour of commencing duty.

22.3.3 The type and length of break will be decided having regard to the operational requirements of the Special Capability Unit Commander. The unpaid break will not occur during actual incidents.

22.3.4 A member required to work overtime after completing a shift shall be entitled to a break during the overtime where practicable, provided the member is required to work after the break. In addition, where practicable, the member shall also be entitled to an additional break at the conclusion of each additional five hours of overtime worked, provided the member is required to work overtime after the additional break.

22.3.5 Paid meal breaks shall be at the salary rate applicable at the time.

22.3.6 A member shall be available for work during his or her paid break.

22.4 Availability and Standby

22.4.1 Availability and/or Standby Allowances apply to all members subject to the provisions of subclause 14.3.

22.5 Special Capability Unit Allowance

22.5.1 All members in the Special Capability Unit on a fulltime basis shall be paid an allowance of 5% of normal salary in recognition of the skill requirements, additional training and provisions in this clause related to meal, incidental and overnight expense allowance.

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22.6 Shift and Penalty Allowance

- 22.6.1 Members at the Constable and Sergeant level in the Special Capability Unit shall be paid a shift and penalty allowance equivalent to a 24 hour rotational shift worker which will be:
- (a) 25.75% from 23 October 2003; and
 - (b) 26.25% from the first full pay period on or after 1 January 2004.
- 22.6.2 The shift and penalty allowance recognises the flexibility in rostering, (subclause 22.8).

22.7 In Charge Allowance

- 22.7.1 A member being a Constable or Sergeant who is a designated team leader within the Special Capability Unit shall be paid an In Charge Allowance in accordance with Clause 9.2.2 for unpaid extra duties, disturbance of leisure and/or additional responsibilities.

22.8 Rosters

- 22.8.1 In establishing rosters for this area it is essential that the specific workload within the area and need for flexibility be assessed and taken into account when determining the extent and frequency of night, afternoon and weekend work.
- 22.8.2 Maximum Rostered Hours
- 22.8.2.1 A roster shall not provide in excess of 96 hours to be worked in a fortnight pay period.
- 22.8.2.2 A roster will be notified as early as possible and generally four weeks in advance of operating but will not be displayed.
- 22.8.3 Emergency Circumstances
- 22.8.3.1 A roster may be departed from in the following circumstances:
- (a) A state of alert;
 - (b) A state of emergency;
 - (c) A state of disaster;
 - (d) Unplanned circumstances beyond the control of the Controlling Authority involving high risk events with immediate threat to life.

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22.8.4 Consultation and Disputes

22.8.4.1 Roster changes shall be the subject of consultation between the Controlling Authority and the members in the work area.

22.8.5 Changes in an Individual's Roster

22.8.5.1 Members may swap their rostered shift with another member provided the other member and the member's supervisor agree to the swap.

22.8.5.2 Where a member's rostered shift is changed without the consent of the member or 24 hours' notice has not been provided the member shall be entitled to be paid double time for the substituted shift or shifts unless the roster has been departed from in accordance with paragraph 22.8.3.1.

22.8.5.3 The period of notice shall be calculated as the time from notification of the member of the shift change to the commencement time of the shift that the member would have worked. Furthermore 24 hours' notice will not be deemed to be provided if the replacement shift is to commence earlier than the original shift and a period of 24 hours' notice has not elapsed between the notification of the member of the shift change and the commencement time of the new shift.

22.8.6 Shift Definitions

22.8.6.1 The following shift definitions shall apply:

- (a) Day shift is a shift commencing at or after 6.00am and concluding at or before 6.00pm.
- (b) Afternoon shift is a shift concluding after 6.00pm and at or before 2.00am, except in the case of Thursdays, Fridays and Saturdays when the finishing time may be 3.00am.
- (c) Night shift is a shift commencing at or after 6.00pm and before 6.00am except as provided for in (b) above.
- (d) Saturday shift is a shift the major portion of which falls on that day.
- (e) Sunday shift is a shift the major portion of which falls on that day.

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22.8.7 Maximum Hours

22.8.7.1 Members shall not work in excess of the following over a 20 week cycle:

Shift	Maximum Hours
Saturday and/or Sunday	220 hours within 12 weekends over the 20 week cycle ensuring eight full weekends off in a twenty week cycle
Afternoon Shift	200 hours
Night Shift	192 hours

22.8.7.2 The maximum shall not include shifts where a member has arranged a swap as allowed in paragraph 22.8.5.1 or the member agrees to work shifts in excess of the above amounts.

22.8.8 Shift Sequences, Changeovers and Breaks

22.8.8.1 Where a changeover occurs between a sequence of shifts and between shifts during a sequence of shifts the minimum break shall be 10 hours.

22.8.8.2 The variation in starting times of sequence of night shifts, afternoon shifts and day shifts shall not exceed six hours.

22.8.9 Rostered Days Off

22.8.9.1 Rostered days off shall be a minimum of two consecutive days.

22.8.9.2 A roster may change from day shift to afternoon shift or conversely from afternoon to day without a rostered day off on the changeover provided the minimum break in paragraph 22.8.8.1 is adhered to.

22.8.9.3 A roster may change to or from night shift without a rostered day off on the changeover provided the minimum break in paragraph 22.8.8.1 is adhered to.

22.9 Meals and Incidentals Allowance

22.9.1 The standard Meals and Incidentals Allowance rate to be claimed by members is \$62.90 per day. This is comprised of meal expenses components under paragraph 11.9.1 and 50 per cent of the incidental allowance under paragraph 11.9.6. This allowance rate will be adjusted in accordance with the current rates of its components, as varied in this award.

22.9.2 The meals and incidentals allowance above shall be claimed in 24-hour periods or wherever there is a requirement to stay away overnight when the stay away is less than 24 hours.

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- 22.9.3 Where a member is absent overnight in excess of a 24 hour period but less than another overnight stay, the member is not entitled to claim any further meal expenses under 22.9.1 above or 11.9.1 unless the excess hours are overtime, or the excess hours are when the member is more than 60 kilometres from the office between the fourth and sixth hours of duty. In these circumstances the members is entitled to claim meal expense allowance in accordance with subclause 11.6 of the Police Award.
- 22.9.4 Meal claims in accordance with 11.6 are not payable when in receipt of the Allowance under this clause
- 22.9.5 Where a member:
- (a) is required to stay away overnight and was not advised of the requirement prior to commencement of their rostered duty on that day, or,
 - (b) is recalled to duty, without notice and is required to stay away overnight;
- the member is entitled to overnight expense allowances at subclause 11.9 for the first night away in lieu of the allowance at paragraph 22.9.1 above.
- If the member is advised of the requirement to stay away overnight on any subsequent night/s the rate reverts to the allowance in paragraph 22.9.1 above.
- 22.9.6 Overnight expense allowance under subclause 11.9 will not be paid when members are on Standby or Availability and are recalled for the purpose of intrastate travel and are required to stay away overnight, provided that they were informed of the likelihood of this requirement when placed on Standby or Availability at subclause 14.3.
- 22.9.7 Where these provisions apply and overnight accommodation is required, accommodation will be arranged and expenses met by the department or accommodation expenses will be reimbursed by the department."

OPERATIVE DATE

These variations, except where otherwise specified, shall come into operation from the first full pay period to commence on or after 18 July 2005.

Tim Abey
COMMISSIONER

19 August 2005