



THE POLICE REGULATIONS 1983

GAVEN DONNE, KBE, Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 1 day of June 1983.

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL

PURSUANT to Section 49 of the Police Act 1981 His Excellency the Queen's Representative acting by and with the advice and consent of the Executive Council, hereby make the following Regulations

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REGULATIONS

1. Title and commencement - (1) These regulations may be cited as the Police Regulations 1983.

(2) These regulations shall come into force on the day of 1983.

2. Interpretation - In these regulations, unless the context otherwise requires -

"The Act" means the Police Act 1981:

"Commissioned Officer" means the Commissioner, Superintendent or any Chief Inspector or Inspector and includes such other specially designated commissioned rank as the Commissioner may from time to time establish by appointment under Section 8 of the Act:

"General Instructions" means any instructions issued pursuant to Section 15 of the Act:

"Member of the Police: or "Member" means anyone appointed under the Act to be a member of the Police:

"Non-commissioned Officer: means a Senior Sergeant or a Sergeant and includes such other specially designated non-commissioned ranks as the Commissioner may from time to time establish by appointment under Section 8 of the Act:

"Superior" in relation to any member of the Police, means a member senior in rank or acting for a member senior in rank; and includes, in respect of a member attached to a particular station, any member of the Police in charge of that station; and "subordinate" has a corresponding meaning:

"Tribunal" means the person or persons appointed under Section 18 of the Act and includes the Chairman of the Appeal Board as provided for under regulation 37 hereof. Expressions defined in the Act and used in these regulations shall have the meaning so defined.

PART II
ADMINISTRATION, DUTIES, AND APPOINTMENTS

3. Police Ranks - The establishment of the Police shall consist of the following ranks:

Commissioner
Superintendent
Chief Inspector
Inspectors
Senior Sergeants
Sergeants
Senior Constables
Constables
Honorary Constables

4. Duties of Commissioner of Police - (1) The Commissioner shall be responsible to the Minister for the general administration and control of the Police.

(2) He shall cause all members of the Police to discharge their duties to the Government and the public satisfactorily and efficiently.

(3) Except as otherwise provided by these regulations, the approval of the Commissioner shall be obtained for all expenditure, the ordering of supplies, the renting of premises and the granting of allowances, in accordance with the Public Monies Act 1969.

5. Commissioned Officers - A commissioned officer shall carry out the duties assigned to him by the Commissioner, and shall be responsible for the control and supervision of the members placed under his charge and shall in all matters of duty and discipline act in aid of the Commissioner.

6. Non-commissioned Officers - A Senior Sergeant shall be responsible to his superiors for the control, direction and supervision of the members under his charge. He shall supervise the conduct of Sergeants and Constables and shall report without delay to his superior any irregularities. He shall be responsible for the discipline and work of the station or office.

(2) A Sergeant in charge of a section shall be responsible for the general conduct of the Constables on his relief and the manner in which they attend to their duties while under his supervision, and he shall constantly patrol the section under his control.

7. Constables - (1) A Constable shall be always under the control of a superior but in the execution of his duty as a Police Officer he may be called upon to act on his own responsibility. He shall be on the alert for the prevention and detection of crime and the protection of the public and he shall immediately report to his superior any circumstances that may appear to affect the public peace or the character of the Police.

(2) A Constable in charge of a station shall be responsible for the maintenance of good order in his sub-district and the detection of offences.

8. Control - General - (1) Every member shall receive the lawful commands of a superior with deference and respect and execute them promptly. Every superior shall give his orders in temperate language showing due regard for the feelings of subordinates:

(2) In the absence of a superior, his authority and responsibility shall devolve upon the next in rank or in the case of equality upon the senior in rank. Every Police party, however small, proceeding upon duty shall have a responsible head and when there is no officer or non-commissioned officer to take charge of the party, the member sending the party on duty shall name a member for the purpose who shall be accountable for the proper performance of the duty and be obeyed for the time being as if he were a superior. In default of special appointment the senior in the rank shall take upon himself the command and be held responsible for the discharge of the duty.

(3) A member who gives an order shall be responsible for its consequences unless the method of carrying it out is improper, negligent, or contrary to the order so given.

9. Candidates for appointment - Candidates for appointment to the Police must be of excellent character, be of good physical and mental health, and conform to such physical and educational standards as may from time to time be fixed by the Commissioner.

Police

PART III - PROMOTION

10. Promotion and examinations - (1) Before any member is eligible for promotion he must have -
- (a) Passed written examinations at the appropriate level (which may be a pre-selection examination); and
 - (b) Attended established courses either in the Cook Islands or at the New Zealand Police College; or other recognised Police Training Colleges.
- (2) Courses and examinations which are required to be satisfactorily completed at the various levels shall be:
- (a) Trainee Constables to Probationary Constables - a basic training course conducted by the Police Training Unit. (Upon successfully completing this course, a Trainee Constable shall be designated Probationary Constable);
 - (b) Probationary Constable to Constable - a two year period of probation, during which time the member will undergo a series of in-service training lectures and unit study, concluding with a Permanent Appointment Examination;
 - (c) Constable to Senior Constable -
 - (i) a pre-selection examination to determine attendance at a Recruit Course, and
 - (ii) attend a Recruit Course at the New Zealand Police College or other recognised Police Training College.
 - (d) Senior Constable to Sergeant -
 - (i) a pre-selection examination to determine attendance at a Sergeants' Course, and
 - (ii) attend a Sergeants' Course at the New Zealand Police College, or other recognised Police Training College.
 - (e) Sergeant to Senior Sergeant -
 - (i) a pre-selection examination to determine attendance at a Senior Sergeants' Course, and
 - (ii) attend a Senior Sergeants' Course at the New Zealand Police College, or other recognised Police Training College.
 - (f) Senior Sergeant to Inspector -
 - (i) a pre-selection examination to determine attendance at an Officers' Command Course, and
 - (ii) attend an Officers' Command Course at the New Zealand Police College, or other recognised Police Training College.
- (3) If more than one member is qualified for promotion to Sergeant, Senior Sergeant, or Inspector, and only one vacancy exists at that rank, promotion shall be on merit, and may include a written examination or other means of assessing merit, as may be determined by the Commissioner.
- (4) Promotion to ranks above the level of Inspector shall be based on merit and the following factors will be taken into account in assessing that merit:
- (i) experience and performance in the Cook Islands Police;
 - (ii) specialist training undertaken either in New Zealand or elsewhere;
 - (iii) investigation experience, both in the Cook Islands and elsewhere;
 - (iv) tertiary education;
 - (v) proven administrative ability;
 - (vi) personal leadership qualities.
11. Personal reports - (1) In respect of every member of the Police below the rank of Chief Inspector, the Commissioner may, at any time or times, obtain reports as to the member's efficiency and suitability.

(2) The Commissioner may determine the form and number of any reports to be obtained under subclause (1) hereof, the manner of reporting, the method and procedure to be followed in assessing and denoting efficiency and suitability, and the person or persons by whom the reports are to be prepared, assessed, and correlated; and may make different provisions in respect of different ranks or of different classes of members within any rank.

(3) Every member reported upon under this regulation shall, (after the reports have been correlated), be informed in writing of any grading and assessment which the Commissioner proposed (to give him), and of any deficiencies in suitability or efficiency, and the member shall be given the right to comment on any grading, assessment, or alleged deficiency.

PART IV - SPECIAL APPOINTMENTS

12. Honorary Constables - (1) Honorary Constables shall take the same oath as, and shall have the same duties and responsibilities as a regular Constable, subject to any special conditions or restrictions as may be determined by the Commissioner.

(2) An Honorary Constable shall be paid at such rate as may be fixed by the Commissioner.

PART V REGULATION OF MEMBERS OF POLICE

13. General - (1) Every member shall perform the duties of his office with industry and zeal.

(2) It shall be the duty of every member to comply with the provisions of the Act and these regulations and General Instructions, and to act in accordance with the lawful orders of a superior.

(3) Every superior shall show an example to his subordinates, by his prompt and respectful obedience to his own superiors and by his industry and zeal in the execution of duty.

14. Co-operation between members - Every member shall co-operate with and afford all information and assistance to other members in the performance of duty.

15. Uniform - Every member shall wear uniform in accordance with the directions of and at the times directed by the Commissioner.

16. Transfers - (1) A member may, at any time, be ordered by the Commissioner to perform duty in any part of the Cook Islands, or to go beyond the Cook Islands for Police purposes.

(2) Where any member is transferred to meet the requirements of the Police, the reasonable costs of the transfer of the member and his family shall, subject to General Instructions, be paid by the Police Department.

(3) Where any such transfer necessitates the removal of the furniture and effects of a member from one locality to another, the reasonable costs of removal shall, subject to any General Instructions, be paid by the Department.

17. Secrecy - (1) Every member of the Police shall observe the strictest secrecy in relation to Police business.

(2) No member shall, except in strict pursuance of

his duty or by the authority of the Commissioner, communicate in any way whatever to any person outside the Police any information connected with the Police Department or relating to Police or other public business connected with his duties, or any information that may come to his knowledge in the performance of his duties, or by virtue of his office.

(3) No member shall except as authorised by the Commissioner, give any information to any person outside the Police concerning any reports or records of fires, accidents, offences, convictions, or occurrences, or show to any person any such reports or records.

(4) No member shall, except in strict pursuance of his duty or as authorised by the Commissioner, supply to anyone other than a Court for another member, any information as to the criminal history of any person or any information that prejudices the character or reputation of any person.

18. Rewards, gratuities, and testimonials (1) No member of the Police shall -

- (a) Directly or indirectly solicit a reward or gratuity of any description:
- (b) Retain without the permission of the Commissioner any reward or gratuity of any description in respect of or in connection with the performance of Police duties:
- (c) Accept any presentation or testimonial without the permission of the Commissioner.

(2) Any money lawfully offered by any person as a gratuity or reward in respect of or in connection with the performance of Police duties may be received, but shall be forwarded promptly to the Commissioner. The Commissioner may thereupon direct that the whole or any part of the reward or gratuity be paid to the member or members in respect of whose services it was offered, in such proportions as he deems just, or that it be returned to the giver, or that the whole or any part be paid into the Public Account or any Police, recreational, or social fund.

19. Public Money - No member shall derive any benefit from any contract entered into on behalf of the Police Department or accept any discount or other benefit in connection with any expenditure or public money.

20. Money and receipts - (1) The strictest punctuality shall be observed by members in acknowledging the receipt of money received in the course of duty, and any money so received shall be dealt with in accordance with the Public Monies Act 1969 and the Treasury Regulations.

(2) No member shall retain in his possession longer than is absolutely necessary, any pay or allowances due to those under his charge, or any public money entrusted to him.

(3) No member shall obtain a receipt of any expenses incurred before the money is actually paid, nor accept the signature of any person to a receipt form unless the name of the person who pays the money, the amount, and the date of payment have previously been inserted

21. Care of property and money - (1) Any member through whose fault or neglect any money is lost or any property is lost or damaged, shall be liable to pay the value thereof, as well as being liable to any punishment that may be imposed therefor.

(2) In this regulation money or property means any Government money or property or any money or property that has come into the possession of the member or any other member in the course of duty.

22. Motor Vehicles - (1) Departmental motor vehicles shall be used only on Police duty and for departmental purposes, in accordance with instructions by the Commissioner.

(2) It shall be the responsibility of Officers in charge of stations to ensure that all motor vehicles are properly cared for and kept in good repair and are used only in accordance with the provisions of subclause (1) hereto.

(3) Members of the Police may, with the permission of the Commissioner, use their own motor vehicles on Police duty, and may be paid mileage allowance at rates fixed from time to time in that behalf.

23. Complaints - (1) Any member believing he has grounds for complaint shall report the circumstances to his superior promptly.

(2) A commissioned officer to whom a complaint is made shall cause the complaint to be inquired into and if on inquiry he is satisfied that the complaint is justified, may take such steps as are within his authority to remedy the matter. In any other case he shall forward the complaint with his report thereon to the Commissioner.

(3) Any member on being asked by a Commissioned Officer if he has any complaint to make, may make a complaint orally. If the matter is within the power of the officer to remedy, he may do so, or he may direct the member to make the complaint in writing, in which case the provisions of subclause (1) and (2) hereof shall apply.

(4) Any member who, in making a complaint of alleged wrong or grievance, wilfully makes any false statement affecting the character of another member, or wilfully suppresses any material facts, shall be guilty of misconduct.

(5) Any member preferring a complaint against another member shall be liable to disciplinary punishment if the complaint is disrespectful in tone, or of a frivolous nature or proves, upon investigations, to be groundless or vexatious or to have arisen from a spirit of recrimination, or from a vindictive, personal, or other motive other than a desire for the good of the service. Insinuations shall not be permitted in official reports.

(6) No member shall be permitted to complain on behalf of another nor shall any member write for or dictate to another any complaint to which he is not himself a party: Provided that nothing in this subclause shall prohibit the making of any complaint through a service organisation or prohibit the making of any representation by or on behalf of any such organisation in respect of any complaint made by a member thereof.

(7) Any member may at any time make representations to the Commissioner if the representations are in writing and submitted through the immediate superior of the member. Officers in charge shall submit all such representations to the Commissioner promptly with their own views thereon.

(8) Every reasonable consideration shall be given to complaints or representations from members, but combinations shall be severely dealt with as being subversive of discipline: Provided that nothing in this subclause shall prohibit members from joining a service organisation or from preferring complaints or representations through any such organisation:

Provided also that any meeting held with the authority of the Commissioner or the Officer in charge of the district shall not be deemed to be in contravention of this regulation.

24. Duties for other Government Departments - A member of the Police may, with the approval of the Commissioner, be appointed to perform duties on behalf of another Government Department, but Police duty must receive priority. Any member

so appointed shall be guilty of neglect of duty if he fails without reasonable cause, to perform those duties promptly or is negligent in their execution.

PART IV
DISCIPLINARY PROVISIONS

25. Suspension - (1) A member who has been suspended shall as soon as practicable be notified in writing of the reason for the suspension.

(2) A member under suspension shall not wear Police uniform.

26. Disciplinary offences - The following shall be offences of misconduct or neglect of duty on the part of any member of the Police for the purposes of the Act:

- (1) Disobedience of the lawful order of a superior:
- (2) Behaving with contempt towards or speaking or writing disrespectfully of or to a superior:
- (3) Commenting adversely upon the order of or the official conduct of a superior:
- (4) Mutinous or insubordinate conduct by word or act:
- (5) Oppressive or tyrannical conduct towards subordinate:
- (6) Assault on any other member:
- (7) Treating any person or prisoner cruelly, harshly, or with unnecessary violence:
- (8) Consuming intoxicating liquor while on duty in uniform:
- (9) Drunkenness or intoxication while on duty and drunkenness while off duty:
- (10) Borrowing money from or being under any pecuniary or other obligation to a bookmaker:
- (11) Using insulting, offensive, or unbecoming language in any report or any other official document:
- (12) Using indecent, insulting, abusive, or threatening language in or upon Police premises or while on duty:
- (13) Being guilty of immoral or disgraceful conduct or conduct tending to bring discredit on the Police:
- (14) Failing, without reasonable excuse, to wear uniform in accordance with the directions of and at the time directed by the Commissioner:
- (15) Soliciting a reward or gratuity, or retaining any reward or gratuity without the Commissioner's approval, or accepting a presentation or testimonial without the permission of the Officer-in-Charge of the district:
- (16) Improperly using for private advantage his position as a member of the Police:
- (17) Without reasonable excuse gossiping or loitering on duty:
- (18) Failing without reasonable excuse, to work any beat or patrol in accordance with defined directions:

- (19) Without reasonable excuse, leaving or being absent from any beat, post, or place of duty;
- (20) Without reasonable excuse, being absent from or late for parade or Court or other duty;
- (21) Feigning or exaggerating any sickness or injury with a view of evading duty;
- (22) Unduly holding over any complaint;
- (23) Failing to take due and prompt measures for the investigation of any matter requiring to be investigated or for the arrest of any offender;
- (24) Failing to report promptly where any offender is, or may be found;
- (25) Failing to report promptly accidents, offences, or unusual occurrences;
- (26) Failing to report promptly anything which he knows concerning an offence or to disclose any evidence which he or any other person can give for or against any defendant;
- (27) Wilfully or negligently allowing any prisoner to escape;
- (28) Communicating without authority, either directly or indirectly, to the press or to any unauthorised person, any matter or thing which it is his duty to keep secret or confidential;
- (29) Knowingly making any false return, report, or statement or signing any false certificate;
- (30) Wilfully making any false entry in any official document or record;
- (31) Wilfully or negligently omitting to make an entry in any official book or document as to any matter which ought to be entered;
- (32) Making an alteration or erasure in any official document or record for the purpose of fraud or deceit;
- (33) Suppressing, destroying, or damaging any official correspondence, report, or other document, or unduly holding over or concealing the same;
- (34) Failing to make a true, accurate, and prompt return of all money received for which account is required, or unduly holding over or improperly using any money or property belonging to any person or the Government;
- (35) Wilfully or negligently losing or damaging any Government property or any property in his custody or the custody of any other member in the course of duty;
- (36) Using a departmental motor vehicle without proper authority or outside the scope of the authority given;
- (37) Prevaricating before any Court or inquiry;

- (38) Wearing while in uniform, any medal or badge whatever without the authority of the Commissioner;
- (39) Committing any act of misconduct which may be an offence under statute, regulation or bylaw, and which the Commissioner has directed be dealt with as a disciplinary offence;
- (40) Neglect of any lawful duty not referred to elsewhere in these regulations;
- (41) Any act, conduct, disorder, or neglect to the prejudice of good order, morality, or discipline of the Police, though not specified in these regulations.

27. Aiding and abetting - Every member is guilty of an offence referred to in these regulations, and may be proceeded against either together with the principal offender or before or after he is charged.

28. Procedure preliminary to inquiry - (1) When a member is to be reported for an alleged offence against any of the provisions of the Act or these regulations, he shall be informed as soon as practicable that he is to be reported, and of the nature of the act or omission constituting the alleged offence. It shall not be necessary to specify the provision of the Act or these regulations against which he is alleged to have committed the offence.

(2) (a) The report shall be made at the first practicable opportunity.

(b) The Tribunal hearing any charge may dismiss the charge where it appears that a member has been unfairly prejudiced through his not being informed as soon as practicable that he was to be reported.

(3) A member shall not be charged with an offence after the expiration of 12 months from the date of the act or omission constituting the offence, unless it can be shown that the charge could not reasonably have been proceeded with sooner.

(4) Every charge shall be in writing, and shall contain such particulars as will fairly inform the members charged of the substance of the offence, and a copy of the charge shall be given to the defendant.

(5) Within a reasonable time after being given a copy of the charge and in any case not later than 7 days after being given the copy, the member shall be required to state whether he admits or denies the allegation and to sign his plea. If the plea is not signed within that time the member shall be deemed to have denied the allegation.

(6) Where a member pleads guilty to a charge he may, instead of appearing before a tribunal, elect to be dealt with in accordance with this subclause in which case the provisions of subclauses (7) and (8) of this regulation shall not apply. Within 3 days after a member has so elected, the Commissioner shall serve on the member a copy of the Summary of Facts together with any submissions by the Commissioner on the matter of penalty. The member may, within 7 days after he has been served with the Summary of Facts and submissions as to penalty (if any), make submissions in writing to the Commissioner on the matter of penalty.

(7) After the plea has been taken, the Commissioner shall, arrange the date, time, and place of hearing.

(8) Due notice of the date, time, and place of hearing shall be given to any member who is to be charged.

29. Procedure at inquiry - (1) At the commencement of

the inquiry the charge shall be read to the member charged. If the member appears in answer to the charge, it shall be presumed, in the absence of evidence to the contrary, that he is a member of the Police.

(2) The member shall not at the inquiry be asked to plead again, but if he wishes to change his plea he may apply for leave to do so. The person or persons holding the inquiry, hereinafter called the Tribunal may allow a plea to be changed on such terms as to the Tribunal seems fit.

(3) Where the member does not admit the allegation, the Tribunal shall first hear the prosecutor and such evidence as he may adduce, and shall then hear the member charged and such evidence as he may adduce. It shall then hear any evidence that the prosecutor may adduce in rebuttal.

(4) The parties may examine, cross-examine, and re-examine witnesses.

(5) The evidence shall be recorded.

(6) If the member charged has admitted the charge and does not elect to be dealt with in accordance with regulation 28 (6) of these regulations, or the Tribunal has found that the charge is established then -

(a) The prosecutor may make such oral or written submissions shall be recorded by the Tribunal:

(b) The member may make such oral or written submissions in mitigation of penalty as he thinks fit. Oral submissions shall be recorded by the Tribunal.

(7) Notwithstanding anything in subclause (6) (a) of this regulation, the prosecutor may, instead of making any oral or written submissions as to penalty at the hearing, inform the Tribunal that he intends to make written submissions after the hearing. In that case he shall deliver those submissions in writing to the Tribunal within 3 days after so informing the Tribunal, or within such further period as the Tribunal may allow, and shall, within the same period, deliver a copy of those submissions to the member. The member may, such further period as the Tribunal may allow, and shall, within the same period, deliver a copy of those submissions to the member. The member may, within 7 days after receiving those submissions, or within such further period as the Tribunal may allow, send to the Tribunal a written reply to those submissions in which case he shall, within the same period, deliver a copy of that reply to the prosecutor.

(8) Notwithstanding anything in subclause (6) (b) of this regulation, the member may, instead of making oral or written submissions in mitigation of penalty at the hearing, inform the Tribunal that he intends to make written submissions after the hearing. In that case he shall deliver those submissions in writing to the Tribunal within 3 days after so informing the Tribunal, or within such further period as the Tribunal may allow, and shall, within the same period, deliver a copy of those submissions to the prosecutor. The prosecutor may, within 3 days after receiving those submissions, apply to the Tribunal for permission to reply to them, and, if doing so, it may permit the prosecutor to make a reply. Such reply shall be made in writing to the Tribunal within 7 days after the prosecutor is notified that the necessary consent has been granted and he shall, within the same period, deliver a copy of that reply to the member.

(9) Any person not officially concerned with the inquiry shall not be admitted without permission of the Tribunal.

(10) The press or public shall not, without the permission of the Commissioner be admitted to any inquiry.

(11) Subject to the provisions of section 18 of the Act, no member of the Tribunal shall disclose any part of the Tribunal's findings to any other person (except another member of the Tribunal) without the consent of the Commissioner.

(12) Subject to these regulations, the procedure at the hearing shall conform as far as practicable and with any necessary modification to that followed in the High Court in their summary criminal jurisdiction.

(13) The Tribunal shall advise the member charged in writing of its findings at the same time as it reports to the Minister or (as the case may be) the Commissioner, unless it has sooner notified the member of its findings.

(14) In reporting to the Commissioner, the Tribunal shall forward all submissions as to penalty and all replies to those submissions made by the prosecutor and the member respectively. In addition, the Tribunal may itself make any comment as to penalty based on any evidence, or arising from submissions or replies, heard or received by it.

30. Rehearing - The Commissioner may, in his discretion, grant a rehearing of any charge upon such terms as to him seems fit, if application for a rehearing is made within 7 days after the member is informed that the charge has been proved.

31. Procedure relating to appeals in disciplinary proceedings - (1) A copy of the depositions including any unsworn statement taken at the original inquiry shall be supplied to the appellant on application.

(2) In every appeal to the Appeal Board (other than an appeal against sentence) the appellant or his solicitor shall, at least 7 clear days before the date of hearing, file with the Appeal Board and serve on the other party a note setting out the grounds of appeal in sufficient detail to advise reasonably the Appeal Board and the other party what issues are to be involved in the appeal, unless that information has been stated with reasonable particulars in the notice of appeal.

(3) Where any question of fact is involved in any appeal, the evidence or any statement taken at the original inquiry bearing on the question shall, unless the Appeal Board otherwise directs, be brought before the Board as follows:

- (a) As to any evidence given orally or any statement given orally, by the production of the depositions or statement taken pursuant to regulation 29 hereof;
- (b) As to any evidence taken by affidavit and as to any exhibits, by the production of the affidavit or exhibits;
- (c) As to any evidence taken under regulation 29 hereof by the production of a copy of that evidence;

Provided that the Board may in its discretion rehear the whole or any part of the evidence, and shall have full discretionary power to hear and receive further evidence if that further evidence could not, in the circumstances, have reasonably been adduced at the hearing.

PART VII - MISCELLANEOUS

32. Personal Record Sheets - (1) There shall be kept in respect of every member of the Police, a personal record sheet on which shall be noted, from time to time,

- (a) Any commendation by the Commissioner for special services such as:
 - (i) Acts of bravery in the savings of life at personal risk;
 - (ii) Tact, skill, or industry in the performance of a difficult task;

- (iii) Any exceptional zeal or ability in the performance of his duties:
- (b) The award of any decoration by Her Majesty the Queen:
- (c) The passing of any Police examinations or of any other examination which the Commissioner considers should be so noted; or the award of a certificate of proficiency in any subject if the Commissioner considers that the certificate is a sufficient proof of proficiency and the subject is such as to merit entry:
- (d) If the Commissioner so directs, any special duty or inquiry on which the member has been engaged, together with the comments thereon of his superiors or a reference to the file on which any such comments are recorded:
- (e) If the Commissioner so directs, any adverse report showing misconduct or that a member has been inefficient in the discharge of his duty (including his duty to control and direct the duties and conduct of subordinates) together with a reference to any comments of the member thereon.
- (2) Rewards of gratuities shall not be recorded on personal record sheets unless directed by the Commissioner.
- (3) It shall be the duty of every Commissioned Officer to notify the Commissioner of anything which should be entered on a personal record or which the Commissioner should consider for the purpose of any such entry.
- (4) Every member shall be informed of any entry made on his personal record sheets pursuant to paragraph (a) or (d) or (e) of subclause (1) hereof.

33. Certificate of discharge - A certificate of discharge showing service and conduct may be granted to any member applying for same on his discharge if he has completed at least 12 months service and has not been dismissed or compelled to resign on account of misconduct. All such certificates shall be granted only by the Commissioner.

PART VIII
INQUIRIES PROMOTION BOARD, AND APPEAL BOARD

34. Witnesses at inquiries and appeals - (1) At any inquiry or appeal under any of the provisions of the Act, a witness may be examined on oath regarding the subject matter of the inquiry or appeal.

(2) A summons to a witness to attend an inquiry under Section 32 of the Act may be issued by any person authorised to inquire into the charge.

(3) A summons to attend a hearing before an Appeal Board may be issued by the Chairman of the Board or, subject to any directions of the Chairman, by any member of the Board.

(4) A summons to attend a hearing before a Committee of Inquiry appointed under Section 40 of the Act may be issued by any member of the Committee.

(5) Any such summons shall be served in accordance with the law and shall be served in time to enable the witness to attend at the hearing.

(6) Any witness to whom expenses are to be paid shall be paid the actual and reasonable expenses of his attendance.

35. Taking evidence on Commission - (1) The person or persons holding or appointed to hold any inquiry under the Act or the Chairman of the Appeal Board (hereinafter in this regulation referred to as the Tribunal) may, at any time, on application, authorise the taking before some other person of the evidence of any witness, if for any reason the Tribunal considers it desirable or expedient that the evidence of the witness should be so taken.

(2) Before authorising the taking of evidence under this regulation, the Tribunal may hear the applicant or any other person.

(3) Evidence under this regulation may be authorised to be taken before any Justice of the Peace or Commissioned Officer of Police.

(4) Subject to any directions of the Tribunal, the evidence shall be taken at such time and place as the person authorised to take the evidence directs, and notice of the time and place shall be given to the parties to any appeal or inquiry and to such other persons as the Tribunal may direct.

(5) For the purposes of the taking of the evidence summonses to witnesses may be issued by the person authorised to take the evidence and that person is authorised to administer an oath to any witness.

(6) The provisions of the Act and these regulations shall apply to the taking of evidence pursuant to this regulation.

(7) Evidence given in accordance with this regulation may be tendered at the hearing of the inquiry or appeal as it were given in the course thereof, and judicial notice shall be taken of the signature on any deposition of the person authorised to take the evidence.

(8) Where the Tribunal considers that an application for the taking of evidence under this regulation has been made for the purpose of delay or any other improper purpose, or that there is undue delay in taking the evidence, the inquiry or appeal may be proceeded without waiting for the evidence to be so taken.

(9) Nothing in this regulation shall limit or affect the power of the Tribunal to compel the personal attendance of any witnesses at the hearing.

36. Notice of appeal - Any notice of appeal may be in the ordinary form of an official report.

37. Meetings of Appeal Board - (1) The Appeal Board shall meet at such times and places as may be determined by the Chairman.

(2) The press or public shall not, without the permission of the Board, be admitted to the hearing of any appeal.

(3) Any other person not officially concerned with the appeal shall not be admitted to the hearing without the permission of the Chairman of the Board.

38. Conduct of hearing of promotion appeals - (1) The Appeal Board shall first hear the appellant and such evidence as he may adduce, and shall then hear the Commissioner and such evidence as he may adduce. The Commissioner, and the appellant, in that order shall be then entitled to address the Board briefly on the evidence. Subject to the provisions of the Act and these regulations the Board may determine the procedure at the hearing.

(2) Either party may submit in writing his case on appeal. A written case on appeal shall be produced in evidence and shall be subject to cross-examination. A party producing a written case shall produce 3 copies of it for the members of the Appeal Board and one copy for the other party to the appeal.

PART IX
LEAVE, SICKNESS, PAY AND ALLOWANCES

39. Annual Leave - (1) A member shall be allowed annual leave, excluding the weekly days-off accruing during that period, and excluding statutory holidays, as follows:

- 10 days leave for service up to 5 years
- 15 days leave for service after 5 years, but less than 20 years
- 20 days leave for service after 20 years.

(2) A cash payment may, with the approval of the Commissioner, be granted to the estate of a deceased member, of an amount equivalent in money of the leave that might have been granted to the member under subclause (1) hereof at the date of his death.

(3) Commissioned officers shall ensure that annual leave is, as far as practicable, spread evenly over the year, and may, for this purpose, institute a roster of leave to be taken.

(4) The Commissioner may direct any member to take any leave due in excess of 10 days at such time as is convenient to the working of the Department, and leave not taken in accordance with any such direction shall be forfeited. Any accumulation of leave in excess of 30 days shall be forfeited unless it has been applied for and postponed by the Commissioner for departmental reasons.

(5) In special cases the Commissioner may authorise the granting of additional annual leave up to 3 days.

(6) Leave shall be granted only if the member can be spared and leave may, at any time, be deferred or cancelled to suit the exigencies of the service. Leave deferred or cancelled for departmental reasons shall be granted at a convenient opportunity.

(7) Any increase in the amount of annual leave due to public servants, shall apply to members of the Police, notwithstanding the provisions of subsection (1) of this regulation.

40. Retiring Leave - (1) Retiring leave may be granted on the same terms and conditions as may exist from time to time for members of the Public Service.

41. Leave without pay - Leave without pay may be granted by the Commissioner in special cases, subject to such conditions as he thinks fit. Such conditions may be determined in a particular case.

42. Maternity Leave - Maternity leave will be granted under the provisions of existing government policy at the time.

43. Bereavement Leave - Where circumstances warrant, the Commissioner may grant a member up to 3 days leave, plus travelling time (inclusive of the weekly days of accruing during that period), on pay, on the death of father, mother, brother, sister, wife, husband, father-in-law, mother-in-law, or child, or in any special case where a member is required to take full responsibility for funeral arrangements.

44. Sickness - (1) Where a member is unfit for duty, he shall notify his superior in such time before he is required for duty as will enable arrangements to be made for a substitute. The notification shall be followed as soon as possible by a medical certificate indicating the nature of the illness from which the member is suffering:

Provided that where the absence of a member from duty owing to illness or injury does not exceed a period of 72 hours

he need not furnish a medical certificate unless required to do so by a Commissioned Officer.

(2) In cases of illness or incapacity claimed to have been caused by injuries or otherwise in the execution of duty, the member concerned shall report the facts immediately, so that full inquiries may be made and the results reported to the Commissioner.

(3) A medical certificate as to the member's condition shall be submitted each month while he is unfit for duty.

(4) If any member is unfit for duty for one month at a time or 4 times any period of 12 months, a report shall be made to the Commissioner.

(5) On resuming duty, a medical certificate of fitness shall be furnished:

Provided that where the absence does not exceed 72 hours the member need not furnish any such certificate unless required by a Commissioned Officer:

Provided also that where any medical certificate is furnished pursuant to this regulation by a member unfit for duty, that medical certificate will be sufficient as a medical certificate of fitness for the purpose of this subclause if the certificate states that the member will be fit for duty on a date within 7 days of the date of the medical examination on which the medical certificate is based.

(6) If a member is not certified as fit for full duties but is certified as fit for sedentary duty, a Commissioned Officer may, if suitable duties are available which the member is capable of satisfactorily performing, permit him to resume duty.

(7) No member shall be employed on sedentary duty under subclause (6) hereof for a longer period than 4 weeks without the approval of the Commissioner.

(8) The Commissioner may, by general instructions, direct that members shall be medically examined from time to time by Police surgeons or such other medical practitioners as may be directed and he may at any time order a member to be fully or partially medically examined by one or more medical practitioners.

45. Pay during sickness - (1) The aggregate period for which sick leave on pay may be granted during service shall be as follows:

<u>Length of Service</u>	<u>Consecutive Days</u>
Up to 3 months	7 days on full pay
Over 3 months and up to 6 months	14 days on full pay
Over 6 months and up to 9 months	31 days on full pay
Over 9 months and up to 5 years	46 days on full pay
Over 5 years and up to 10 years	92 days on full pay
Over 10 years and up to 20 years	183 days on full pay
Over 20 years and up to 30 years	275 days on full pay
Over 30 years	365 days on full pay

(2) Any increase in the amount of sick leave due to public servants shall apply to members of the police, notwithstanding the provisions of subsection (1) of this regulation.

46. Higher duties allowance - Any member appointed to or authorised to perform the duties of a higher rank and efficiently performing the duties of the higher rank may be paid an allowance in respect thereof at such rate and upon such conditions as the Commissioner may, from time to time, determine.

47. Allowances and expenses - (1) Members travelling

on duty may be paid travelling allowances and expenses at rates fixed from time to time in that behalf by the Commissioner with the approval of the Minister.

(2) Miscellaneous allowances, such as plain clothes, typewriter, mileage, may be paid at rates fixed from time to time by the Commissioner.

PART X - GENERAL

48. Rent of residence - (1) The Commissioner may determine the amount to be paid by any member of the Police who is permitted by the Police Department to use for the purpose of residence, or is granted by that Department a tenancy of, any premises or any part of premises belonging to the Police Department.

(2) Any amount payable by any member pursuant to subclause (1) of this regulation may be deducted from any amount payable by the Crown to that member, whether in salary or otherwise and shall be paid into the Public Account.

49. General Wage Order - Any general wage increase payable to Public Servants shall apply to members of the Police notwithstanding any Police Salary Order made by Order in Council.

50. Long Service Medal - (1) A medal for long service and good conduct may be awarded to every officer of Police who completes a period of fourteen years service, or periods of service amounting in the aggregate to fourteen years.

(2) Any member of the Police who has been awarded the Long-Service and Good-conduct Medal may be granted a clasp to the medal for each period of 8 years served subsequently to the period for which the medal was granted. The clasp shall be attached to the riband by which the medal is suspended and have the period for which it is awarded engraved thereon.

(3) The medal and clasps shall be of silver and shall be of such design as the Queen's Representative shall approve.

(4) The Long-service and Good-conduct Medal shall be worn on the left breast of the tunic between the first and second button from the bottom of the collar. It shall be worn in a horizontal line suspended from a bar (of which the buckle is not to be seen) or stitched to the garment. The near edge of the riband of the medal should be about 2 inches from the opening of the tunic, jacket, or frock. The riband is not to exceed 1 inch in length unless the number of clasps requires it to be longer.

(5) The medal will not be worn on patrol jackets or frocks; riband only will be permitted. The riband will be half an inch in length and will be sewn on to the material of the jacket or frock, or worn on a bar in a similar position to that indicated for wearing the medal.

(6) A miniature medal may be worn with mess dress and evening dress in the presence of members of the Royal Family, or of His Excellency the Queen's Representative, and on public or official occasions.

(7) The medal and riband will be worn after decorations granted by the Sovereign and British war medals.

51. Revocation - The Cook Islands Police Regulations 1947 are hereby revoked.

M. Taruia
Clerk of the Executive Council

These Regulations are administered by the Police Department.