

Victoria Police Manual

General Category – Human Resource Management

Topic – Mobility of Employees

VPM Instruction

306–8 Special Constables

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Update History

1. Policy

- The *Police Regulation Act 1958* empowers the Chief Commissioner to appoint members of other police services to be Special Constables for the State of Victoria.
- Legislation in other states and territories allows for the appointment of police members to become Special Constables in other jurisdictions.

2. References

- [Police Regulation Act 1958](#)
- [Personnel delegation no. DS 2.5](#)

3. Definitions

There are no specific definitions for this instruction. Refer to the general VPM Dictionary.

4. Appointment of interstate police members as Special Constables in Victoria

4.1 Criteria

Approval may be sought for a police member of another State, Federal or international police service to be appointed as a Special Constable within Victoria if the member is:

- appointed to a position adjacent to or in close proximity to the Victoria border, or
- involved in a specific investigation or other duties that might reasonably require the member to execute the powers of a police member in Victoria, or
- required as a result of incidents requiring urgent cross-border assistance.

Travel to Victoria is not grounds, in itself, for appointment as a Special Constable.

4.2 Approval

4.2.1 Authority

- Applications for special constable appointments must be referred to the Assistant Commissioner of the Region adjoining the border station seeking the appointment or to the department most convenient for the purpose of processing.
- The appointment of Special Constables is a discretionary power of the [delegate](#) to whom the request is directed and should be approved on any recommendation of the requesting police service.
- The Chief Commissioner or a Deputy Commissioner may, orally or in writing, declare an incident to be an incident requiring urgent cross-border assistance. The period of declaration will not exceed 14 days, however a declaration may be extended for a further maximum period of 14 days.

4.2.2 Processing

- Business managers are responsible for ensuring the processing of applications and recording appropriate information on HR:M.

4.3 Requirements for appointment

4.3.1 Training

Before a police member is sworn in as a Special Constable they must be trained by a Regional Training Officer in accordance with the appropriate training package.

4.3.2 Swearing in of Special Constables

- The *Police Regulation Act* requires a member from another police service to take the "Oath for members of the Police Force of Victoria" in this State and has to be administered by a Victorian Magistrate, a Victoria Police Deputy Commissioner or Assistant Commissioner.
- The *Police Regulation Act* requires that where a member from another police service takes the "Oath for members of the Police Force of Victoria" in another jurisdiction and not in Victoria it may be administered by a person who is authorised under the law of that jurisdiction to administer an oath or affirmation of appointment to a member of the police force of that jurisdiction.
- If the oath or affirmation is administered in Victoria by a person other than the Chief Commissioner, the person must forward a copy of the oath or affirmation as subscribed by the Special Constable to the relevant Region/Department Business Manager within 14 days.
- If the oath or affirmation is administered outside Victoria the person who administers it must forward to the relevant Region/Department Business Manager a copy of the oath or affirmation and a written statement, signed by the person, of the person's name and authority to administer the oath or affirmation within 14 days.
- It is not necessary for special constables appointed for a declared incident to take an oath or make an affirmation before acting as a special constable. However they must take and subscribe an oath or affirmation as soon as practicable after their appointment.
- Where special constables have been appointed for a declared incident, as soon as practicable after the end of the incident, the Minister must be advised in writing. The information required is the rank, name and police service of each person appointed.
- A Special Constable is formally appointed and can exercise powers, once they are sworn-in. Certificates of identity can be arranged through Photo ID Office, BMD.

4.4 Cancellation of appointments

4.4.1 Requirement

A Special Constable appointment must be cancelled where the police member:

- ceases to be a member of their home police service
 - is suspended (with or without pay) from the police service
 - is transferred to a position where an appointment as a Special Constable is no longer required
- or
- Unless terminated earlier, special constables appointed for a declared incident, cease to be a special constable at the end of the declared period.

4.4.2 Certificates of identity

When Victoria Police is notified of any of the above situations contact is to be made with the other police service to arrange collection and return of the Certificate of Identity. The certificate is to be forwarded to Photo ID Office, BMD for cancellation and destruction.

4.5 Status and powers of special constables

Subject to a number of limitations, a special constable is a member of Victoria Police, and has all the powers and privileges, and is subject to all the duties of a constable at common law or under any Act. Special Constables are also subject to Victoria Police discipline policies and procedures.

4.5.1 Limitations

A special constable is not a member of Victoria Police for the purposes of:

- sections 8, 8AA, 8AB, 13, 14, 16A and 16B;
- Parts III, IV (except 69) and (V);
- sections 119, 129, 120A, 120B and 129;
- regulations made under section 130(1)(a), (b), (c), (d), (dd) and (e).

4.6 Review of appointments

Each border Region or relevant Department must run a half yearly report of HR:M records of Special Constable appointments to ensure that police members are:

- current members of their home police service
- not suspended
- still occupying the gazetted position which required their appointment as Special Constable.

4.7 Termination of appointments

- The Chief Commissioner may, orally or in writing terminate the appointment of a special constable at any time.

- If the Chief Commissioner terminates the appointment of a special constable orally, the Chief Commissioner or must within 14 days send written confirmation to the Chief Officer of the police force to which the special constable is permanently appointed and to the special constable where the individual has been terminated.

5. Appointment of Victoria Police members as Special Constables interstate

5.1 Criteria

Approval from any State, Federal or international police service may be sought for a police member to be appointed as a Special Constable outside Victoria if the member is:

- appointed to a position adjacent to, or in close proximity to the South Australian or New South Wales border (appointment will be a requirement specified in the position description relating to specified border police stations)
- or
- involved in a specific investigation or other duties that might reasonably require the member to execute the powers of a member of the police service in another jurisdiction.

Travel to another State or Territory, in itself, is not grounds for Special Constable appointment.

5.2 Approval

5.2.1 Applications

- Police members seeking appointment must submit an application in writing to their Department Manager, through line management, for consideration and recommendation.
- Recommendation for approval is a discretionary power of the delegate and should be based on the merits of the application and the policing needs of the department
- Recommended applications are then forwarded to the appropriate police service.

5.2.2 Processing

Business managers are responsible for ensuring the processing of applications and recording appropriate information on HR:M.

5.3 Requirements for appointment

The jurisdiction to which the Victorian police member is to be appointed as a Special Constable will advise the member of the:

- powers and responsibilities of that police service and of any required training
- legislative requirements for taking the oath of the relevant police service.

5.4 Cancellation of appointments

Where a police member who has been appointed Special Constables are discharged, suspended or transferred, the Department responsible for recommending the Special Constable appointment must ensure that the certificate of identity is collected and forwarded to the appropriate police service.

5.5 Review of appointments

Each border Region and relevant department must run a half yearly report of HR:M records of Special Constable appointments to ensure that Victorian police members are:

- current members of Victoria Police
- not suspended
- still occupying the gazetted position which required their appointment as Special Constable.