



Queensland

*Police Service Administration Act 1990*

# **Police Service Administration (Review of Decisions) Regulation 1990**

**Current as at 2 November 2009**

# Information about this reprint

This regulation is reprinted as at 2 November 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



## Queensland

# Police Service Administration (Review of Decisions) Regulation 1990

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# Police Service Administration (Review of Decisions) Regulation 1990

[as amended by all amendments that commenced on or before 2 November 2009]

## 1 Short title

This regulation may be cited as the *Police Service Administration (Review of Decisions) Regulation 1990*.

## 3 Object

The object of this regulation is to—

- provide for the access of officers to an independent review of decisions for the redress of certain grievances;
- ensure that decisions made in relation to officers are fair, just and compassionate, and are made in accordance with sound personnel management practices;

and with due regard being had to the efficiency, effectiveness and professionalism of the police service.

## 4 Definitions

In this regulation—

***former officer*** means a former officer under part 7A of the Act.

***party to a review*** means—

- (a) the former officer who applied for the review; or
- (b) the officer who applied for the review; or
- (c) if the review is about the appointment of an officer to a police officer position (whether on promotion or transfer)—the officer appointed to the position; or
- (d) if the review is about disciplinary action—the officer who took the action; or

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- (e) if the review is about another kind of decision—the officer who made the decision; or
- (f) the officer nominated by the commissioner to assist a Review Commissioner.

**Review Commissioner** means a commissioner for police service reviews.

## **5 Appointment etc. of secretary**

- (1) The chairperson of the Crime and Misconduct Commission may appoint a person as secretary to the Review Commissioners.
- (2) The secretary must, on receiving an application for review of a decision—
  - (a) take the action necessary to have a Review Commissioner review the decision; and
  - (b) give the parties to the review written notice of the application.

## **6 Further decisions open to review**

For the purposes of section 9.3(1)(e) of the Act, a decision to appoint an officer as a staff member under section 8.3 of the Act is a decision open to review under part 9 of the Act.

### **6A Application for review**

- (1) An officer may start a review of a decision open to review by making written application to the secretary for a review of the decision.
- (2) The application must be made within 14 days after the officer receives written notice of the decision.
- (3) An officer who is an unsuccessful applicant for appointment to a police officer position is taken to have received written notice of the decision on the day the selection of an officer for appointment to the position is notified in the Queensland Police Gazette.

- (4) In this section—  
*officer* includes a former officer.

## **6B Commissioner to stay certain decisions**

If—

- (a) the commissioner decides to transfer an officer to a position; and
- (b) because of the transfer, the officer has to change the officer's place of residence; and
- (c) an officer applies for a review of the decision;

the commissioner must stay the decision until the commissioner decides under section 9.5 of the Act to proceed with the transfer or revoke the decision.

## **6C Representation of officer who made decision**

In a review, an officer may appear as the representative of the officer who took the action or made the decision under review.

## **7 Review Commissioner ceasing to be member of Crime and Misconduct Commission**

Where a Review Commissioner has commenced to consider an application for a review and that Review Commissioner ceases to be a member of the Crime and Misconduct Commission, or for any other reason is incapable of completing the review, any other Review Commissioner may review the application de novo.

## **8 Functions of Review Commissioner**

The functions of a Review Commissioner are to—

- conduct a review of all material provided by the parties to the review and relevant to the case at the time the case was decided, whether or not it was submitted for the

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consideration of the person making the decision under review;

- hear such submissions at such places as the Review Commissioner considers necessary;
- make such recommendation to the commissioner as the Review Commissioner thinks fit in respect of the case.

## **10 Practice and procedure**

A Review Commissioner is not bound by the rules or practice as to evidence and may be informed on any matter that the Review Commissioner considers is relevant to a review in such manner as the Review Commissioner thinks fit.

## **11 Withdrawal of application for review**

- (1) A police officer who has applied for a review under this regulation may at any time withdraw his or her application in which case any Review Commissioner convened under this regulation shall be dissolved.
- (2) Where a Review Commissioner has commenced to consider an application but, before the review has been finally determined by the Review Commissioner, the officer seeking the review ceases to be an officer due to voluntary resignation from the service, the review shall be deemed to have been withdrawn.
- (3) In this section—  
*police officer* includes a former officer.

## **12 Frivolous or vexatious reviews**

- (1) A Review Commissioner may refuse to further consider any application if the Review Commissioner is satisfied on reasonable grounds that the application is frivolous or vexatious.



- (2) If, under subsection (1), a Review Commissioner refuses to further consider an application, the review shall thereupon be deemed to have been completed.

### **13 Completion of review**

- (1) A Review Commissioner, upon the completion of a review, shall give written advice to all parties to the review—
- (a) affirming the decision under review;
  - (b) making a recommendation to the commissioner in relation to the decision under review or in relation to any matter arising therefrom; or
  - (c) informing them that, under section 12, the review was considered to be frivolous or vexatious;

and shall give a brief summary of the reasons for the decision.

- (2) If, under subsection (1)(b), a Review Commissioner makes a recommendation in relation to the decision under review, the commissioner shall, having regard to that recommendation, consider or reconsider the matter in relation to which the decision under review was made.
- (3) If, under subsection (1)(b), a Review Commissioner recommends that—
- (a) the decision under review be varied; or
  - (b) the decision under review be set aside and—
    - (i) a specified decision be made in substitution for the decision so set aside; or
    - (ii) a decision be made, in accordance with specified directions, in substitution for the decision so set aside;

the person who made the decision under review may take any necessary action to give effect to the recommendation of the Review Commissioner.

- (4) If, under subsection (1)(b), a Review Commissioner makes a recommendation to the commissioner, the commissioner is to, as soon as practicable—

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- make a final decision on the case; and
- inform the Review Commissioner and parties to the review of the final decision, and, if the commissioner has not complied with the recommendation of the Review Commissioner, give a brief summary of the reasons for the decision.

#### **14 Review Commissioner not to act in certain cases**

A Review Commissioner shall not hear an application under this regulation if the Review Commissioner was concerned in any way in the making of the decision the subject of the application in the first instance.

#### **15 Remuneration and allowances of Review Commissioner**

A Review Commissioner shall be paid, from moneys appropriated by Parliament to the purposes of the Crime and Misconduct Commission, such remuneration and allowances as may be determined by the Minister either generally or in respect to a specific case.

#### **16 Review Commissioner, etc., not to be sued**

- (1) A Review Commissioner, delegate, person presenting material or making submissions to a Review Commissioner or a person acting at the direction of a Review Commissioner is not liable to an action, suit or proceeding for or in relation to an act done or omitted to be done in good faith and without negligence in exercise or purported exercise of any power or authority conferred by this regulation.
- (2) Civil proceedings do not lie against a person in respect of loss, damage or injury of any kind suffered by another person by reason of—
  - the making of an application to a Review Commissioner under this regulation; or
  - the making of a statement to, or the furnishing of a document or information to, a Review Commissioner or

a person acting at the direction of a Review Commissioner for the purposes of this regulation;

if the making of the application or statement, or the furnishing of the document or information, as the case may be, is done in good faith.

## **17 Prohibition of publication of material before Review Commissioner**

A Review Commissioner may, by order, prohibit the publication of material and submissions presented to the Review Commissioner, if, in the opinion of the Review Commissioner, publication thereof would be unfair to any person or contrary to the public interest.

# Endnotes

## 1 Index to endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 November 2009. Future amendments of the Police Service Administration (Review of Decisions) Regulation 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	up to 2004 SL No. 94	25 June 2004	All amendments listed in endnote 5 are included in this reprint
1A	2009 Act No. 25	2 November 2009	

### 5 List of legislation

#### Police Service Administration (Review of Decisions) Regulation 1990 (prev Police Service (Review of Decisions) Regulations 1990)

made by the Governor in Council on 14 June 1990

pubd gaz 16 June 1990 pp 938–42

commenced 18 June 1990 (see s 2)

exp 31 August 2010 (see SIA s 56A(2) and SIR s 5 sch 3)

## Endnotes

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Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**regulation published gazette (pre SL series)—**

25 May 1991 p 455

commenced on date of publication

**Police Service Administration (Review of Decisions) Amendment Regulation (No. 1) 1993 SL No. 482**

notfd gaz 17 December 1993 pp 1812–21

commenced on date of notification

**Police Service Legislation Amendment Regulation (No. 1) 2004 SL No. 94 ss 1, 4 sch 2**

notfd gaz 25 June 2004 pp 573–81

commenced on date of notification

**Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pts 1, 6**

date of assent 11 August 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 2 November 2009 (2009 SL No. 241)

## 6 List of annotations

### Short title

s 1 sub 1993 SL No. 482 s 3

### Commencement

s 2 om 2004 SL No. 94 s 4 sch 2

### Object

s 3 amd 2004 SL No. 94 s 4 sch 2

### Definitions

s 4 sub 1993 SL No. 482 s 4  
def “**former officer**” ins 2009 Act No. 25 s 49(1)  
def “**party to a review**” sub 1993 SL No. 482 s 4  
amd 2009 Act No. 25 s 49(2)–(3)  
def “**Review Commissioner**” sub 1993 SL No. 482 s 4  
def “**Secretary**” om 1993 SL No. 482 s 4  
def “**the Act**” om 1993 SL No. 482 s 4

### Appointment etc. of secretary

s 5 sub 1993 SL No. 482 s 4  
amd 2004 SL No. 94 s 4 sch 2

### Further decisions open to review

s 6 sub 1993 SL No. 482 s 4

**Application for review**

**s 6A** ins 1993 SL No. 482 s 4  
amd 2009 Act No. 25 s 50

**Commissioner to stay certain decisions**

**s 6B** ins 1993 SL No. 482 s 4

**Representation of officer who made decision**

**s 6C** ins 1993 SL No. 482 s 4

**Review Commissioner ceasing to be member of Crime and Misconduct Commission**

**prov hdg** amd 2004 SL No. 94 s 4 sch 2

**s 7** amd 2004 SL No. 94 s 4 sch 2

**Delegation**

**s 9** om 1993 SL No. 482 s 5

**Withdrawal of application for review**

**s 11** amd reg pubd gaz 25 May 1991 p 455; 2004 SL No. 94 s 4 sch 2; 2009 Act  
No. 25 s 51

**Frivolous or vexatious reviews**

**s 12** amd reg pubd gaz 25 May 1991 p 455; 2004 SL No. 94 s 4 sch 2

**Completion of review**

**s 13** amd 2004 SL No. 94 s 4 sch 2

**Review Commissioner not to act in certain cases**

**s 14** amd 2004 SL No. 94 s 4 sch 2

**Remuneration and allowances of Review Commissioner**

**s 15** amd 2004 SL No. 94 s 4 sch 2

**Review Commissioner, etc., not to be sued**

**s 16** amd 2004 SL No. 94 s 4 sch 2