



Queensland

Police Service Administration Act 1990

Police Service (Discipline) Regulations 1990

Current as at 1 December 2009

Information about this reprint

These regulations are reprinted as at 1 December 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 reprints 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 reprints.**

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 (Discipline) Regulations 1990

Contents

		Page
1	Title	3
2	Commencement	3
3	Object	3
4	Interpretation	3
5	Disciplinary powers of the commissioner and a deputy commissioner	4
6	Disciplinary powers of an assistant commissioner	4
7	Disciplinary powers of a commissioned officer	4
8	Disciplinary powers of a noncommissioned officer	5
9	Grounds for disciplinary action	5
10	Disciplines that may be imposed	6
11	Right to chastise or correct continues	6
12	Sanction may be suspended in certain cases	7
13	Matters for disciplinary investigation of a former officer	7

Endnotes

1	Index to endnotes	9
2	Date to which amendments incorporated	9
3	Key	9
4	Table of reprints	10
5	List of legislation	10
6	List of annotations	10

Police Service (Discipline) Regulations 1990

[as amended by all amendments that commenced on or before 1 December 2009]

1 Title

These regulations may be cited as the *Police Service (Discipline) Regulations 1990*.

2 Commencement

These regulations shall commence on 18 June 1990.

3 Object

The object of these regulations is to—

- (a) provide for a system of guiding, correcting, chastising and disciplining subordinate officers; and
- (b) ensure the appropriate standards of discipline within the Queensland Police Service are maintained so as—
 - (i) to protect the public; and
 - (ii) to uphold ethical standards within the Queensland Police Service; and
 - (iii) to promote and maintain public confidence in the Queensland Police Service.

4 Interpretation

- (1) In these regulations, unless the contrary intention appears—

prescribed officer means, subject to subsection (2), an officer who—

- (a) is authorised by these regulations to take disciplinary action in the circumstances of any case in question; and

- (b) has formed the opinion that, in the case in question, an officer should be disciplined on any ground referred to in regulation 9.

the Act means the *Police Service Administration Act 1990*.

- (2) An officer is to apply a disciplinary sanction under these regulations as a prescribed officer against a subordinate officer where it appears to that first mentioned officer that any breach of discipline in the case in question can be adequately punished within the range of disciplinary sanctions that the officer is empowered to impose under these regulations.

5 Disciplinary powers of the commissioner and a deputy commissioner

Where the commissioner or a deputy commissioner has formed the opinion that an officer should be disciplined, the commissioner or deputy commissioner may order that the officer be disciplined in a manner that appears to the commissioner or deputy commissioner to be warranted.

6 Disciplinary powers of an assistant commissioner

Where an assistant commissioner has formed the opinion that an officer should be disciplined on any ground referred to in regulation 9, the assistant commissioner may order that the officer be disciplined in a manner that appears to the assistant commissioner to be warranted, but in no case shall an assistant commissioner be entitled to impose the disciplinary sanction referred to in regulation 10(f).

7 Disciplinary powers of a commissioned officer

Where a commissioned officer has formed the opinion that an officer should be disciplined on any ground referred to in regulation 9, the commissioned officer may order that the officer be disciplined in a manner that appears to the commissioned officer to be warranted, but in no case shall a commissioned officer be entitled to impose the disciplinary

sanctions referred to in subregulations 10(c) to 10(f) both inclusive.

8 Disciplinary powers of a noncommissioned officer

- (1) Where a noncommissioned officer has formed the opinion that an officer should be disciplined upon any ground referred to in regulation 9, the noncommissioned officer may order that the officer be disciplined in a manner that appears to the noncommissioned officer to be warranted, but in no case shall a noncommissioned officer be entitled to impose the disciplinary sanctions referred to in subregulations 10(b) to 10(f) both inclusive.
- (2) Where a noncommissioned officer imposes a disciplinary sanction against a subordinate officer such action shall not be recorded on an officer's personal file other than for the purposes of indicating that the officer needs further training and guidance.

9 Grounds for disciplinary action

- (1) For the purposes of section 7.4 or part 7A of the Act, the following are grounds for disciplinary action—
 - (a) unfitness, incompetence or inefficiency in the discharge of the duties of an officers' position;
 - (b) negligence, carelessness or indolence in the discharge of the duties of an officers' position;
 - (c) a contravention of, or failure to comply with, a provision of a code of conduct, or any direction, instruction or order given by, or caused to be issued by, the commissioner;
 - (d) a contravention of, or failure to comply with, a direction, instruction or order given by any superior officer or any other person who has authority over the officer concerned;
 - (e) absence from duty except—
 - (i) upon leave duly granted; or

- (ii) with reasonable cause;
 - (f) misconduct;
 - (g) conviction in Queensland of an indictable offence, or outside Queensland of an offence which, if it had have been committed in Queensland would have been an indictable offence.
- (2) Where disciplinary action against an officer is contemplated on a ground referred to in subregulation (1)(e) the prescribed officer may appoint any medical practitioner or medical practitioners to examine the officer and to report to the commissioner upon the officer's mental or physical condition or both, and may direct the officer to submit to such examination.

10 Disciplines that may be imposed

Subject to regulations 11 and 12 (and without limiting the range of disciplines that may be imposed by the commissioner or a deputy commissioner pursuant to section 7.4(3) of the Act or regulation 5) the disciplinary sanctions that may be imposed under these regulations are—

- (a) cautioning or reprimand;
- (b) a deduction from the officer's salary or wages of an amount equivalent to a fine of 2 penalty units;
- (c) a reduction in the officer's level of salary or wages (not being a reduction to a level outside that applicable to an officer of that rank);
- (d) forfeiture or deferment of a salary increment or increase;
- (e) a reduction in the officer's rank or classification;
- (f) dismissal from the police service.

11 Right to chastise or correct continues

The provisions of these regulations do not abrogate the right of a superior officer to chastise or correct, by way of guidance,

inappropriate acts, omissions or failures in the performance of a subordinate officers' duty.

12 Sanction may be suspended in certain cases

- (1) Where a prescribed officer imposes any disciplinary sanction under these regulations, the officer may suspend the effect of the disciplinary sanction subject to the officer upon whom the disciplinary sanction is being imposed agreeing to—

- perform voluntary community service; or
- undergo voluntary counselling, treatment or some other program designed to correct or rehabilitate;

designated by the prescribed officer and which is relevant to the act or omission which led to the disciplinary action being taken.

- (2) Where an officer who has made an agreement pursuant to subregulation (1)—

- successfully completes the voluntary community service or counselling, the disciplinary sanction is rescinded and it is to be taken that the sanction was never imposed;
- fails to successfully complete the voluntary community service or counselling, the disciplinary sanction is to be implemented.

13 Matters for disciplinary investigation of a former officer

For deciding whether to continue or start an investigation under section 7A.1 of the Act against a former officer mentioned in the section, the commissioner may consider the following matters—

- (a) the seriousness of the grounds for disciplinary action;
- (b) how far advanced the investigation is;
- (c) the cost implications of continuing the investigation;
- (d) access to the former officer;
- (e) the former officer's previous disciplinary history;

[s 13]

- (f) any benefit to the service in proceeding or not proceeding with an investigation;
- (g) whether the matter is being considered or investigated by the Crime and Misconduct Commission or any other authority;
- (h) any associated criminal offence;
- (i) any other relevant matter.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	9
3 Key	9
4 Table of reprints	10
5 List of legislation	10
6 List of annotations	10

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 1 December 2009. Future amendments of the Police Service (Discipline) Regulations 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	reg pubd gaz 9 February 1991	9 February 1991	
1A	2009 Act No. 25	2 November 2009	
1B	2009 SL No. 265	1 December 2009	

5 List of legislation

Police Service (Discipline) Regulations 1990

made by the Governor in Council on 14 June 1990

pubd gaz 16 June 1990 pp 933–5

commenced 18 June 1990 (see s 2)

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

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)—

9 February 1991 p 553

commenced on date of publication

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pts 1, 5

date of assent 11 August 2009

ss 1–2 commenced on date of assent

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

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Regulation (No. 1) 2009 SL No. 265 pts 1, 19

notfd gaz 20 November 2009 pp 900–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2009 (see s 2)

6 List of annotations

Object

s 3 amd 2009 SL No. 265 s 57

Disciplinary powers of an assistant commissioner

prov hdg amd reg pubd gaz 9 February 1991 p 553

s 6 amd reg pubd gaz 9 February 1991 p 553

Grounds for disciplinary action

s 9 amd 2009 Act No. 25 s 46

Matters for disciplinary investigation of a former officer

s 13 ins 2009 Act No. 25 s 47

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