

Police Service Administration (Transfer of Executive Officer) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 20

made under the

Police Service Administration Act 1990

General Outline

Short title

Police Service Administration (Transfer of Executive Officer) Amendment Regulation 2023

Authorising law

Section 10.28 of the *Police Service Administration Act 1990*

Policy objectives and the reasons for them

The *Police Service Administration Act 1990* (PSAA) provides for the membership and administration of the Queensland Police Service (QPS) including the appointment of police officers to positions on promotion or transfer.

Section 5.2 of the PSAA provides that a decision to appoint a police officer to a position must be made by fair and equitable procedures, which includes inviting applications and a selection on the basis of the merit of applicants. However, these procedures are not necessary where the decision to appoint relates to a transfer of a police officer on a basis prescribed by regulation under section 13 'Transfers that need not be on the basis of merit' of the *Police Service Administration Regulation 2016* (PSAR).

Section 13 of the PSAR lists the categories of transfers that may be conducted without inviting applications and selecting applicants on their merits. These transfers include a determination under section 149B(1) of the *Industrial Relations Act 1999* and an industrial agreement between the Commissioner, the Queensland Police Union of Employees and the Queensland Police Commissioned Officers' Union of Employees.

This list does not extend to Executive Officers whose conditions of appointment are governed through a contract of employment.

Executive Officers are a small cohort of police officers that hold the rank of Deputy Commissioner or Assistant Commissioner. These officers are responsible for management and leadership of significant components of the QPS, or major operations or projects conducted by the QPS. The nature of their position requires a degree of flexibility and responsiveness to the strategic and operational needs of the QPS. This is reflected within Executive Officers' contracts of employment which include, as a condition of appointment, that the Executive Officer accepts that they may be transferred to another position at the same classification level which may involve a change in location.

The organisational efficiency of the QPS may be compromised if there is a delay in Executive Officers assuming their position on transfer through a need to satisfy procedures demonstrating that the transfer was merit based. This concern will be addressed by the *Police Service Administration (Transfer of Executive Officer) Amendment Regulation 2023* (the Amendment Regulation) which will clarify that the transfer of Executive Officers does not require an invitation of applications and the selection of the transferee on merit.

The Amendment Regulation will not impact upon the review rights available under part 9 'Review of decisions' of the PSAA.

Achievement of policy objectives

The Amendment Regulation achieves its objective by amending section 13 of the PSAR and extending the categories of transfers that need not be conducted on the basis of merit to include transfers conducted under a contract of employment made between the Crown and an Executive Officer.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objects of the PSAA which includes the maintenance, membership, development and administration of the QPS.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation will bring benefits by ensuring the organisational efficiency of the QPS is maintained through removing any potential delay that could prevent an Executive Officer from taking up a position on transfer.

Any costs incurred through the implementation of the Amendment Regulation will be met through existing budgets.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (j) – Regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services).

The Queensland Police Union of Employees and the Queensland Police Commissioned Officers' Union of Employees were consulted and supported the amendment.