



Police Service Administration Act 1990

Police Service Administration (Review of Decisions) Regulation 1990

Current as at 1 July 2014

Reprint note

This is the last reprint before repeal. Repealed on 1 July 2016 by 2016 SL No. 44 s 74.



Queensland

Police Service Administration (Review of Decisions) Regulation 1990

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Police Service Administration (Review of Decisions) Regulation 1990

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
- (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 chairman of the Crime and Corruption 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 Corruption 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 Corruption 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 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; or
 - (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—
 - 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 Corruption 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.

1 Index to endnotes

- 2 Key
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- 5 List of annotations

2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum m	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

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	
Current as at		Amendments included	Notes
1 July 2014		2014 Act No. 21	RA ss 27, 44

4 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)
 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)

Crime and Misconduct and Other Legislation Amendment Act 2014 No. 21 ss 1, 2(2), 94(2) sch 2

date of assent 21 May 2014
 ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 107)

5 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; 2014 Act No. 21 s 94(2) 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 Corruption Commission

s 7 amd 2004 SL No. 94 s 4 sch 2; 2014 Act No. 21 s 94(2) 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; 2014 Act No. 21 s 94(2) sch 2

Review Commissioner etc. not to be sued

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

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