



Police Service Administration Act 1990

Police Service (Discipline) Regulations 1990

Current as at 1 July 2014

Reprint note

This is the last reprint before repeal. Repealed on 30 October 2019 by 1990 Act No. 4 s 11.19.

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Queensland

Police Service (Discipline) Regulations 1990

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Police Service (Discipline) Regulations 1990

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 officer's position;
 - (b) negligence, carelessness or indolence in the discharge of the duties of an officer's 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 the following—

- (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 officer's 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;
- (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 Corruption Commission or any other authority;
- (h) any associated criminal offence;
- (i) any other relevant matter.