

# Police Amendment (Police Promotions) Bill 2013

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Police Act 1990* to create exceptions to the general requirement that appointments by way of promotion to vacant non-executive police officer positions of a particular rank are to be made from the promotion list for that rank and according to rankings on that list. As a result of the proposed Act, promotion appointments to certain specialist positions (being a position which requires specialist qualifications or unique knowledge, skills or experience and which is specially designated by the Commissioner of Police) may, if the position has not been able to be filled after being advertised to persons on the promotion list for the rank concerned, be made from outside the relevant promotion list. The current exception that enables appointments to specialist positions to be made from a promotion list otherwise than in accordance with the order of rankings on the promotion list is continued. The Bill also provides for police officers to be promoted, following a selection process, to superintendent positions otherwise than in accordance with the rankings on the relevant promotion list. Appointments of sergeants to senior sergeant positions will also be made following a selection process as there will no longer be a promotion list for the grade of senior sergeant.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Police Act 1990 No 47

At present under section 66 of the *Police Act 1990*, the Commissioner of Police must, in deciding to appoint a person by way of promotion to a vacant non-executive police officer position of a certain rank, appoint a person from the promotion list for that rank who has the greatest merit according to rankings on the list. An exception currently exists for appointments to positions that require specialist qualifications, in which case a person who has the qualifications required for the position may be appointed from the relevant promotion list (and not necessarily in accordance with the order of rankings on that list).

**Schedule 1 [4]** restates the existing exception referred to above and inserts new provisions dealing with promotion appointments to vacant non-executive police officer positions in other cases.

Proposed section 66AA (3) provides that, in the case of a specialist position designated by the Commissioner that has not been able to be filled from the promotion list after being advertised to persons on the list, an appointment may be made from outside the promotion list on the basis that the person obtain the required qualifications for the position within a certain period (see proposed section 66AA (5)). Similarly, section 66AA (6) provides that a person may be provisionally appointed from the relevant promotion list to a specialist position that requires a specific qualification even though the person does not hold the qualification. The permanent appointment of the person is subject to the person obtaining the relevant qualification within a certain period. Section 66AA (8) authorises the Commissioner to require a person who applies for a specialist position to undergo a psychological assessment of the person's suitability for the position.

Proposed section 66AB enables promotion appointments, after a selection process, to be made to vacant positions of the rank of superintendent from the promotion list for that rank regardless of the rankings on the list.

Proposed section 66AC provides for the appointment of police officers (who are of the rank of sergeant) to the grade of senior sergeant following a selection process.

**Schedule 1 [2] and [3]** are consequential amendments.

**Schedule 1 [6] and [7]** provide that promotion lists are only to be established in relation to ranks (ie sergeant, inspector and superintendent) and not for grades (such as the grade of senior sergeant) within a rank. **Schedule 1 [1] and [5]** are consequential amendments.

**Schedule 1 [8] and [9]** enable the Commissioner, in deciding to suspend or remove a person from a promotion list or from the process of being placed on a promotion list, or in reversing a decision to appoint a person, to have regard to information as to the person's integrity regardless of whether the information was previously available or considered.

**Schedule 1 [10]** enables regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act.