

SECOND PRINT

**POLICE SERVICE (RECRUITMENT) AMENDMENT  
BILL 1994**

NEW SOUTH WALES

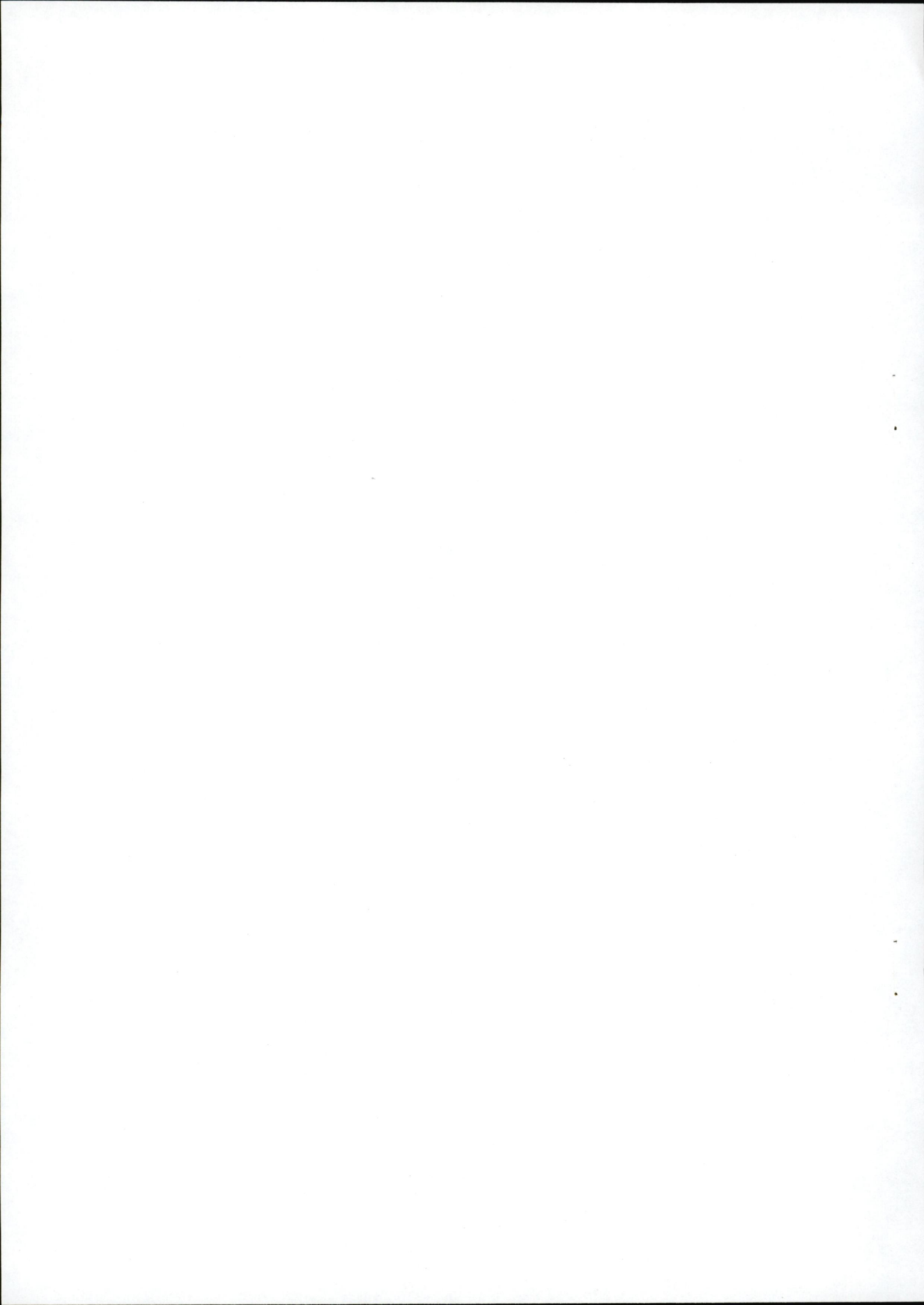


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Police Service Act 1990 No. 47

SCHEDULE 1—AMENDMENTS

---



*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly.*

NEW SOUTH WALES



Act No.           , 1994

An Act to amend the Police Service Act 1990 in relation to the recruitment of police officers.

*Police Service (Recruitment) Amendment 1994*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Police Service (Recruitment) Amendment Act 1994.

5 **Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Police Service Act 1990 No. 47**

3. The Police Service Act 1990 is amended as set out in Schedule 1.

10

---

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 65A:

After section 65, insert:

15

**Specially designated non-executive police positions above rank of constable open to outside appointment**

20

65A. (1) The Police Board may, for the purpose of the selection process, designate a non-executive position as a position available to any eligible person, whether or not the person is already a police officer (a "special designated position").

25

(2) The Police Board may so designate such a position only if satisfied that the position requires special skills, qualifications or experience not generally available in the Police Service.

(3) The special skills, qualifications or experience required for a special designated position are an essential requirement for appointment to that position.

30

(4) In the case of a special designated position that is not that of a non-executive commissioned police officer, the following provisions have effect despite anything to the contrary in this Part:

(a) the Commissioner is required to advertise a vacancy in the position in such manner as the Police Board directs;



*Police Service (Recruitment) Amendment 1994*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (b) the Commissioner is not to appoint to the position a person who is not already a police officer unless the Commissioner has sought, and obtained, the recommendation of the Police Board to make the appointment; 5
- (c) the Police Board may only recommend the appointment if the person has, in the opinion of the Police Board, the greatest merit of the applicants eligible for appointment to the position. 10
- (5) The appointment of a person who is not already a police officer to a special designated position may be made on probation. In that case, the provisions of section 73 (Appointment of constables) relating to appointments on probation and the dismissal of probationary police officers apply to that appointment. However, an appointment on probation cannot exceed 2 years without the approval of the Police Board and a commissioned officer cannot be dismissed except by the Governor. 15
- (6) A person who is not already a police officer and who is appointed to a special designated position is, during the first 2 years after first appointment to a special designated position, not eligible to be promoted or transferred under this Part to any other position of a police officer that is not a special designated position. 20
- (7) This section does not apply to a position of the rank of constable or to a position of an administrative officer. 25
- (8) The maximum number of police officers to be employed in the Police Service as determined by the Treasurer under section 9 is increased by the number of special designated positions under this section. 30
- (2) Section 68 (**Only police officers eligible for appointment**):  
At the end of the section, insert:  
(2) This section does not apply to a special designated position under section 65A. 35
- (3) Section 69 (**Advertising of vacancies**):  
After “police officers”, insert “or, in the case of a special designated position under section 65A, generally”.

*Police Service (Recruitment) Amendment 1994*

---

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 72 (**Appointment of inspectors subject to appeal**):

At the end of the section, insert:

5 (4) This section does not apply to the appointment of a person to a special designated position under section 65A unless a person who is already a police officer is appointed to the position and another police officer also duly applied for appointment to the position.

10 (5) Section 75 (**Only police officers eligible for appointment as sergeants**):

At the end of the section, insert:

(2) This section does not apply to a special designated position under section 65A.

15 (6) Section 76 (**Advertising of vacancies—sergeants**):

After “police officers”, insert “or, in the case of a special designated position under section 65A, generally”.

(7) Section 78 (**Appointment of sergeants subject to appeal**):

At the end of the section, insert:

20 (4) This section does not apply to the appointment of a person to a special designated position under section 65A unless a person who is already a police officer is appointed to the position and another police officer also duly applied for appointment to the position.

---

FIRST PRINT

**POLICE SERVICE (RECRUITMENT) AMENDMENT  
BILL 1994**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to enable the appointment of persons with special skills, qualifications or experience who are not already NSW police officers to specially designated positions of the rank of sergeant, inspector or superintendent.

At present only NSW police officers are eligible for appointment or promotion to positions as police officers of any rank, other than of the rank of constable or in the Police Service Senior Executive Service.

---

**Clause 1** specifies the short title of the proposed Act.

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

**Clause 3** gives effect to the Schedule of amendments to the Police Service Act 1990.

**SCHEDULE 1—AMENDMENTS**

**Schedule 1 (1)** enables the Commissioner to designate special non-executive police positions above the rank of constable as positions which may be filled by applicants who are not already NSW police officers. The Commissioner may so designate a position only if satisfied that it requires special skills, qualifications or experience not generally available in the Police Service. A person who is not already a NSW police officer may be appointed to a special designated position on probation in the same manner as a person appointed to the rank of constable. A person who is not already a NSW police officer and who is appointed to a special designated position can not be promoted or transferred to a non-designated position during the first 5 years after first being appointed to a special designated position.



*Police Service (Recruitment) Amendment 1994*

---

**Schedule 1 (2)–(4)** make consequential amendments relating to the appointment of non-executive commissioned police officers. The amendments exclude special designated positions from the requirement that only NSW police officers may be appointed (item (2)), require special designated positions to be advertised generally (item (3)) and, if a person who is not a NSW police officer is to be appointed to a special designated position, remove the need to delay the appointment until any appeal is determined (item (4)). Under the Principal Act (sections 81A–81E), only NSW police officers who are unsuccessful in their application may appeal against the appointment of another police officer.

**Schedule 1 (5)–(7)** make similar consequential amendments relating to the appointment of police officers of the rank of sergeant.

---



FIRST PRINT

**POLICE SERVICE (RECRUITMENT) AMENDMENT  
BILL 1994**

NEW SOUTH WALES

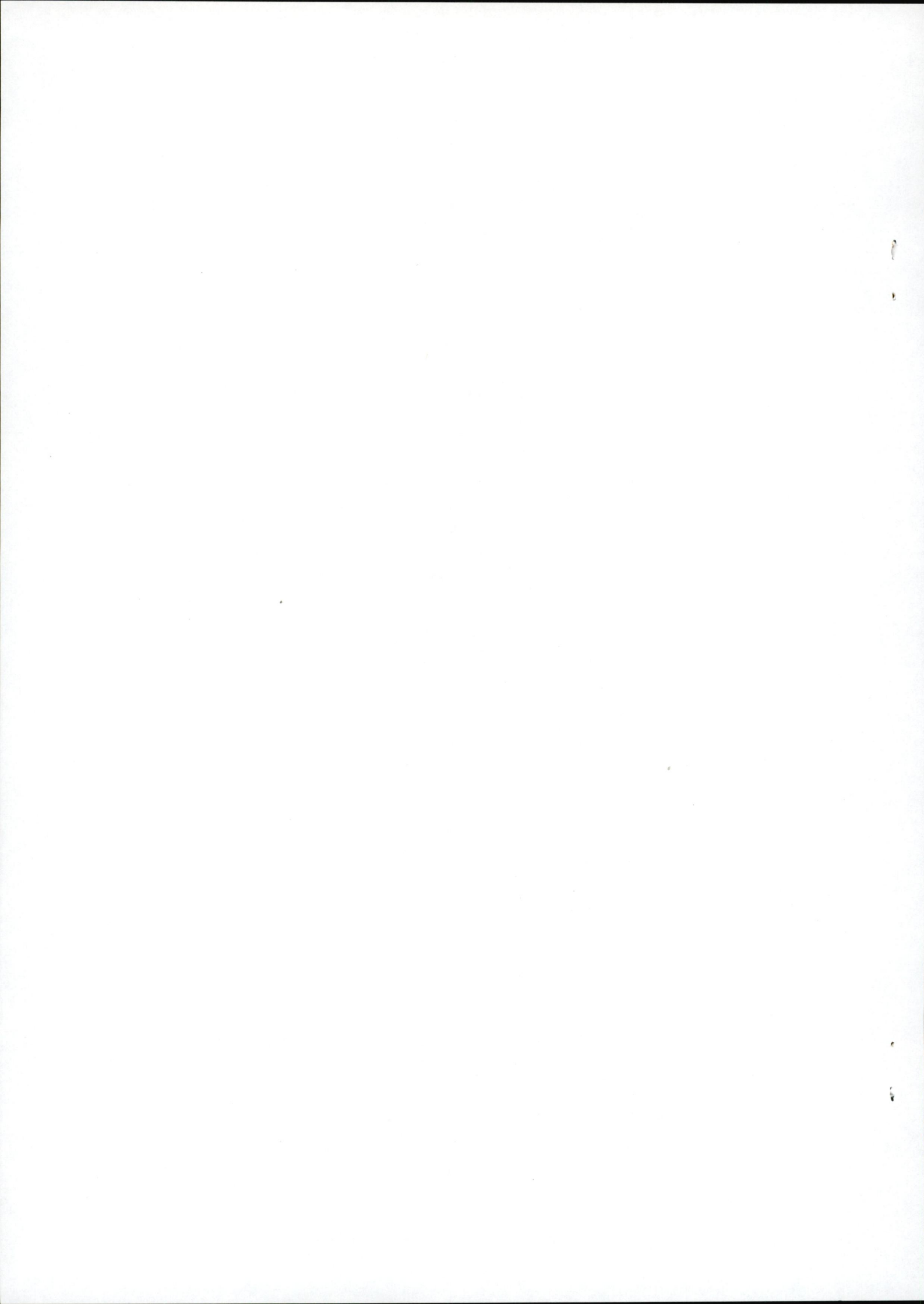


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Police Service Act 1990 No. 47

SCHEDULE 1—AMENDMENTS

---



**POLICE SERVICE (RECRUITMENT) AMENDMENT  
BILL 1994**

NEW SOUTH WALES



No. , 1994

---

---

**A BILL FOR**

An Act to amend the Police Service Act 1990 in relation to the recruitment of police officers.

---

---

*Police Service (Recruitment) Amendment 1994*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Police Service (Recruitment) Amendment Act 1994.

5 **Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Police Service Act 1990 No. 47**

3. The Police Service Act 1990 is amended as set out in Schedule 1.

10

---

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 65A:

After section 65, insert:

15

**Specially designated non-executive police positions above rank of constable open to outside appointment**

20

65A. (1) The Commissioner may, for the purpose of the selection process, designate a non-executive position as a position available to any eligible person, whether or not the person is already a police officer (a "special designated position").

25

(2) The Commissioner may so designate such a position only if satisfied that the position requires special skills, qualifications or experience not generally available in the Police Service.

30

(3) The special skills, qualifications or experience required for a special designated position are an essential requirement for appointment to that position.

(4) The appointment of a person who is not already a police officer to a special designated position may be made on probation. In that case, the provisions of section 73 (Appointment of constables) relating to appointments on probation and the dismissal of probationary police officers apply to that appointment.



*Police Service (Recruitment) Amendment 1994*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (5) A person who is not already a police officer and who is appointed to a special designated position is, during the first 5 years after first appointment to a special designated position, not eligible to be promoted or transferred under this Part to any other position of a police officer that is not a special designated position. 5
- (6) This section does not apply to a position of the rank of constable or to a position of an administrative officer.
- (2) Section 68 (**Only police officers eligible for appointment**): 10  
 At the end of the section, insert:  
 (2) This section does not apply to a special designated position under section 65A.
- (3) Section 69 (**Advertising of vacancies**):  
 After “police officers”, insert “or, in the case of a special designated position under section 65A, generally”. 15
- (4) Section 72 (**Appointment of inspectors subject to appeal**):  
 At the end of the section, insert:  
 (4) This section does not apply to the appointment of a person to a special designated position under section 65A unless a person who is already a police officer is appointed to the position and another police officer also duly applied for appointment to the position. 20
- (5) Section 75 (**Only police officers eligible for appointment as sergeants**): 25  
 At the end of the section, insert:  
 (2) This section does not apply to a special designated position under section 65A.
- (6) Section 76 (**Advertising of vacancies—sergeants**):  
 After “police officers”, insert “or, in the case of a special designated position under section 65A, generally”. 30

*Police Service (Recruitment) Amendment 1994*

---

SCHEDULE 1—AMENDMENTS—*continued*

(7) Section 78 (**Appointment of sergeants subject to appeal**):

At the end of the section, insert:

5

(4) This section does not apply to the appointment of a person to a special designated position under section 65A unless a person who is already a police officer is appointed to the position and another police officer also duly applied for appointment to the position.

---

**POLICE SERVICE (RECRUITMENT) AMENDMENT  
ACT 1994 No. 74**

NEW SOUTH WALES

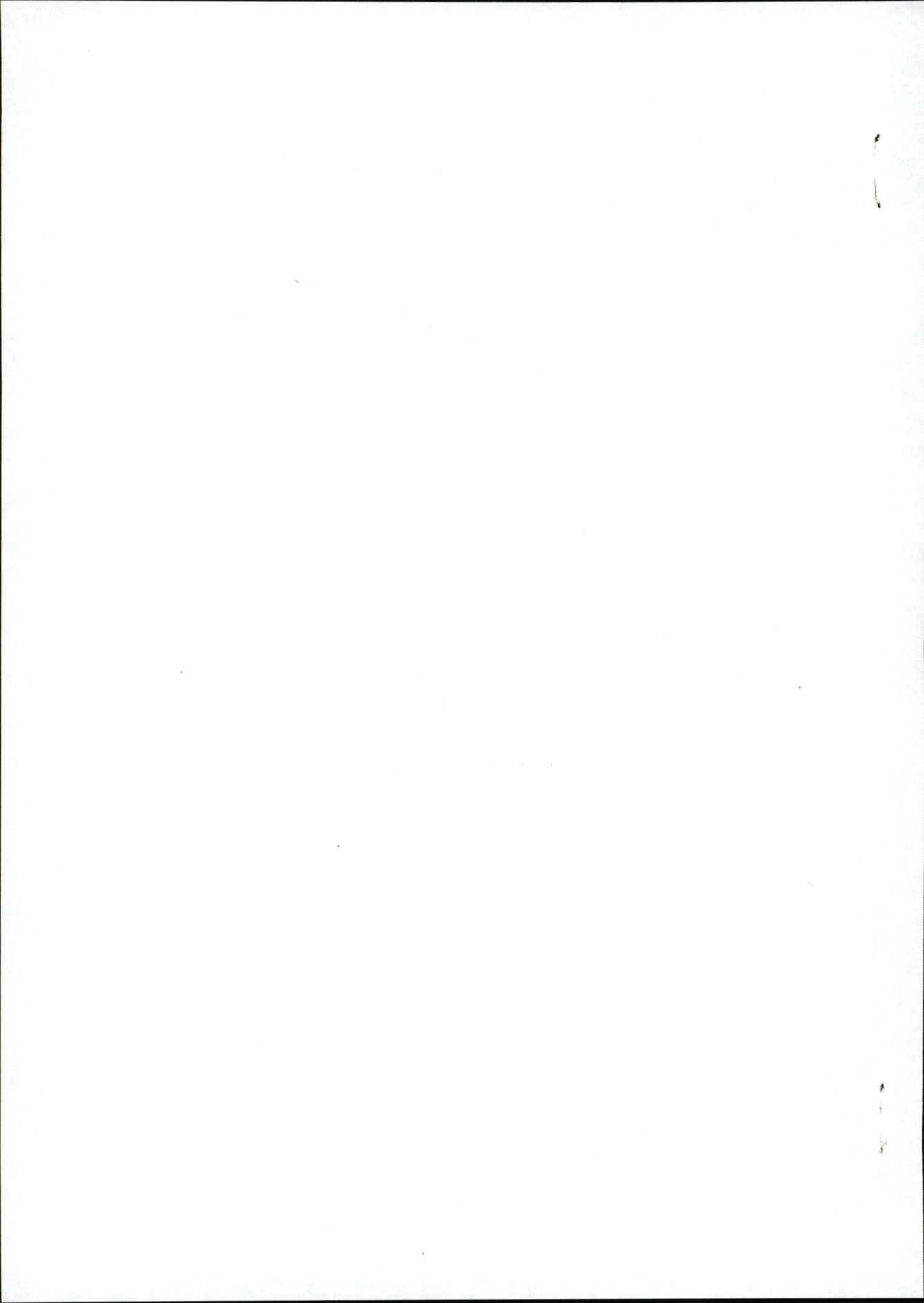


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Police Service Act 1990 No. 47

SCHEDULE 1—AMENDMENTS

---





**POLICE SERVICE (RECRUITMENT) AMENDMENT  
ACT 1994 No. 74**

NEW SOUTH WALES



**Act No. 74, 1994**

An Act to amend the Police Service Act 1990 in relation to the recruitment of police officers. [Assented to 23 November 1994]

*Police Service (Recruitment) Amendment Act 1994 No. 74*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Police Service (Recruitment) Amendment Act 1994.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Police Service Act 1990 No. 47**

3. The Police Service Act 1990 is amended as set out in Schedule 1.

---

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 65A:

After section 65, insert:

**Specially designated non-executive police positions above rank of constable open to outside appointment**

65A. (1) The Police Board may, for the purpose of the selection process, designate a non-executive position as a position available to any eligible person, whether or not the person is already a police officer (a "special designated position").

(2) The Police Board may so designate such a position only if satisfied that the position requires special skills, qualifications or experience not generally available in the Police Service.

(3) The special skills, qualifications or experience required for a special designated position are an essential requirement for appointment to that position.

(4) In the case of a special designated position that is not that of a non-executive commissioned police officer, the following provisions have effect despite anything to the contrary in this Part:

(a) the Commissioner is required to advertise a vacancy in the position in such manner as the Police Board directs;

SCHEDULE 1—AMENDMENTS—*continued*

- (b) the Commissioner is not to appoint to the position a person who is not already a police officer unless the Commissioner has sought, and obtained, the recommendation of the Police Board to make the appointment;
- (c) the Police Board may only recommend the appointment if the person has, in the opinion of the Police Board, the greatest merit of the applicants eligible for appointment to the position.

(5) The appointment of a person who is not already a police officer to a special designated position may be made on probation. In that case, the provisions of section 73 (Appointment of constables) relating to appointments on probation and the dismissal of probationary police officers apply to that appointment. However, an appointment on probation cannot exceed 2 years without the approval of the Police Board and a commissioned officer cannot be dismissed except by the Governor.

(6) A person who is not already a police officer and who is appointed to a special designated position is, during the first 2 years after first appointment to a special designated position, not eligible to be promoted or transferred under this Part to any other position of a police officer that is not a special designated position.

(7) This section does not apply to a position of the rank of constable or to a position of an administrative officer.

(8) The maximum number of police officers to be employed in the Police Service as determined by the Treasurer under section 9 is increased by the number of special designated positions under this section.

(2) Section 68 (**Only police officers eligible for appointment**):

At the end of the section, insert:

(2) This section does not apply to a special designated position under section 65A.

(3) Section 69 (**Advertising of vacancies**):

After "police officers", insert "or, in the case of a special designated position under section 65A, generally".

*Police Service (Recruitment) Amendment Act 1994 No. 74*

---

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 72 (**Appointment of inspectors subject to appeal**):

At the end of the section, insert:

(4) This section does not apply to the appointment of a person to a special designated position under section 65A unless a person who is already a police officer is appointed to the position and another police officer also duly applied for appointment to the position.

(5) Section 75 (**Only police officers eligible for appointment as sergeants**):

At the end of the section, insert:

(2) This section does not apply to a special designated position under section 65A.

(6) Section 76 (**Advertising of vacancies—sergeants**):

After “police officers”, insert “or, in the case of a special designated position under section 65A, generally”.

(7) Section 78 (**Appointment of sergeants subject to appeal**):

At the end of the section, insert:

(4) This section does not apply to the appointment of a person to a special designated position under section 65A unless a person who is already a police officer is appointed to the position and another police officer also duly applied for appointment to the position.

---

[*Minister's second reading speech made in—  
Legislative Assembly on 15 September 1994  
Legislative Council on 22 November 1994*]