

Medical: Stand down / Suspension / Dismissal

This information is for: Applicants / Authorising Officers or Delegates

Relevant legislation

As per the Police Service Administration Act 1990 Part 9 Review of decisions

(1) A police officer who is aggrieved by a decision about—

- (a) the selection of an officer for appointment to a police officer position, whether on promotion or transfer, if the selection procedures mentioned in section 5.2(2)(a) were required to be complied with; or
- (b) the selection of an officer for transfer to a police officer position, if the selection procedures mentioned in section 5.2(2)(a) were not required to be complied with; or
- (c) action against the officer for breach of discipline; or
- (d) suspension or standing down of the officer; or
- (e) another decision prescribed by regulation as open to review under this part;**

may apply to have the decision reviewed by a commissioner for police service reviews.

- (1A) An application for the review of a decision mentioned in subsection (1)(a) may only be made by a person who properly applied for appointment to the position concerned and was unsuccessful.
- (1B) An application for the review of a decision mentioned in subsection (1)(b) may only be made by a police officer who was transferred to the position concerned without applying for the transfer.
- (1C) Also, a former officer who is aggrieved by a disciplinary declaration made against the former officer under section 7A.2(2) for a breach of discipline may apply to have the disciplinary decision reviewed by a commissioner for police service reviews.
- (2) An application for review of a decision that relates to action for breach of discipline may seek the review in respect of—
 - (a) the decision that such action should be taken; or
 - (b) the nature of the discipline imposed;
 or both, and a review may be conducted accordingly.
- (3) Authority is hereby conferred on a commissioner for police service reviews—
 - (a) to hear and consider all applications for review under this part duly made;
 - (b) to make recommendations relating to any matters relevant to a review under this part.

An Outline of the Review Process

- An applicant who wishes to have a medical suspension or stand-down or dismissal decision reviewed must email a completed Notice of Application to Review form (CPS04 form) to the Secretary PSR via OCPSR@ccc.qld.gov.au within 14 days of the decision. A copy of the decision must also be attached to the form.

Applications will also be accepted in person or by mail. Applications for review received after the closing date will not be accepted. The applicant should check that the application has been received by telephoning 07 3360 6387.

The applicant must specify the grounds for review on the Notice of Application to Review form. For example, the applicant must show how they consider the decision to be unwarranted.

- The Secretary PSR gives written notification of the application to review to the Senior Sergeant, Reviews. The Secretary PSR also formally notifies the applicant that their application has been received, and explains the review process.

- The Authorising Officer or Delegate provides a report to the Secretary PSR (via the Senior Sergeant, Reviews) within three weeks of the closing date of the review period. The Secretary PSR then provides a copy of the report to the applicant and a copy is kept on file for the Review Commissioner.
- The applicant has two weeks after receiving this documentation to complete a written submission outlining in detail the reasons for continuing with their review. The submission should be sent by email to the Secretary PSR and the Senior Sergeant, Reviews.
- Extensions for submissions will not be given unless the Secretary PSR is contacted and a reasonable explanation is provided. Work commitments or periods of leave are not grounds for an extension. (Failure to submit documentation within the required timeframe may result in the matter lapsing or being considered “on the papers” by the Review Commissioner — i.e. on the basis of documentation already supplied to the review.)
- The Authorising Officer or Delegate has one week to provide a written response to the applicant’s submission, which is forwarded to the applicant (nb. a response is not mandatory).
- The Secretary PSR emails the applicant, the Authorising Officer or Delegate and the Senior Sergeant, Reviews, at least seven days in advance, about the date and time of the review hearing. If the applicant does not attend the hearing and the Secretary has not been notified of any likely absences or unavailability (e.g. for court attendances, courses), the matter may be considered “on the papers”, at the discretion of the Review Commissioner.
- A review hearing is held, and conducted in accordance with section 9.4 of the *Police Service Administration Act 1990*. The hearing may be held either in person or by teleconference, depending on the location of the parties to the review. The Authorising Officer or Delegate participates either in person or via teleconference to respond to any questions the Review Commissioner may have.

All parties of the review should take to the review hearing all the documentation that they have supplied and received during the review process (in case reference needs to be made to this material).

- The Review Commissioner makes a recommendation to the Commissioner of Police. Copies of this review report are also given to the applicant and the Senior Sergeant, Reviews.

The Commissioner of Police is responsible for making the final decision about the discipline action, and is not obliged to accept the Review Commissioner’s recommendation. If a recommendation is not accepted, written reasons must be provided to the Review Commissioner.