

Police Service Reviews

Commissioners for Police Service Reviews (Review Commissioners) arbitrate on any grievances that police officers may have about promotions, transfers or disciplinary action. To ensure the transparency and independence of the review process, Queensland Police Union of Employees representatives have a standing invitation to attend promotion, transfer and disciplinary review hearings as observers.

When a review matter progresses to a hearing, the Review Commissioner is empowered to consider the material presented and prepare written recommendations for the attention of the Commissioner of Police (Commissioner), who makes the final decision. If a recommendation is not accepted, the Commissioner must provide the Review Commissioner with a statement of reasons for this. In 2011–12, 100 per cent of the recommendations made by the Review Commissioners were accepted by the Commissioner.

During the reporting period, the Review Commissioners were former CMC Commissioner Mrs Dina Browne AO and practising solicitor Mr Pat Mullins. They stay informed of best practice and emerging trends through representation at the annual national Public Sector Appeals Conference Review. Commissioners are supported in managing day-to-day activities by a secretariat provided by the CMC.

Appointment of Review Commissioners

Review Commissioners are independent of the CMC and the QPS but are nominated by the CMC Chairperson under the *Police Service Administration Act 1990* (PSAA) and appointed by the Governor-in-Council.

To be eligible for appointment, a Review Commissioner must be:

- a CMC Commissioner, past or present
- a Commissioner of the former Criminal Justice Commission
- a person qualified for appointment as Chairperson of the CMC, or
- a person who has demonstrated an interest and ability in community affairs.

Numbers and trends in applications, 2011–12

In 2011–12, 104 applications for review were lodged (see Table 13). Of these, almost 70 per cent were withdrawn before the hearing. Nineteen matters were heard (see Table 14). For the 17 completed, the recommendations were that appointment decisions be confirmed in 13 cases and set aside in 4 (see Table 15).

The majority of applications for review concerned promotions and, in particular, inspector appointments. Inspector vacancies attract a large number of applicants and sometimes also a large number of applications to have appointments reviewed (particularly when some unsuccessful applicants apply to have all appointee decisions reviewed). As noted, a majority of these applicants withdrew from the process before the hearing; this is perhaps partly attributable to a new QPS process, reported last year, that provides applicants with sufficient documentation early in the process to let them decide whether or not to continue with a review.

Tables 13 and 14 show the types, status and number of applications lodged over the last five years. Although application numbers declined considerably in an earlier period (between 2000 and 2006), the trend over the last five years seems relatively stable, despite some fluctuation from year to year.

Changes to the QPS merit-based appointments policy

In addition to their primary role of arbitrating on grievances, Review Commissioners monitor any changes to the QPS merit-based appointments policy.

Advice on jurisdiction of Review Commissioners

As noted in our last report, legal advice obtained on section 9.3(1) of the PSAA confirmed that a police officer has a right to apply for a review when an authorised decision maker decides not to follow the preference of a formally established selection panel and appoints to a police officer position an officer other than the officer who was preferred, or does not appoint a person to a police officer position, despite there being a preferred applicant.

This advice resulted last year in amendments to secretariat policy and procedure. Similar amendments to section 16.6 of the QPS *Human Resource Management Manual* are now in progress.

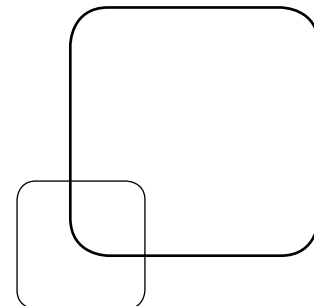


Table 13. Types of applications lodged, 2007–08 to 2011–12

| Type | 2007–08 | 2008–09 | 2009–10 | 2010–11 | 2011–12 |
|--------------------|------------|-----------|-----------|------------|------------|
| Promotion | 133 | 44 | 31 | 95 | 86 |
| Transfer | 1 | 5 | 2 | 6 | 12 |
| Lateral transfer | 4 | 3 | 5 | – | 1 |
| Unapplied transfer | – | – | 1 | 5 | 1 |
| Stand-down | – | 1 | 1 | – | 1 |
| Suspension | 1 | 5 | – | – | 1 |
| Disciplinary | – | – | – | – | 1 |
| Dismissal | – | – | – | – | – |
| Other ¹ | – | – | 1 | 3 | 1 |
| Total | 139 | 58 | 41 | 109 | 104 |

1 'Other matters' can involve a range of issues, for example:

- 2009–10: review lodged under *Whistleblowers Protection Act 1994*
- 2010–11: reviews of non-appointment, unfitness for duty, and disciplinary sanction (misconduct matter)
- 2011–12: review of extension of probation.

Table 14. Status of applications lodged, 2007–08 to 2011–12

| Status | 2007–08 | 2008–09 | 2009–10 | 2010–11 | 2011–12 |
|-------------------------------------|---------|---------|---------|---------|-----------------|
| Matters lodged ¹ | 139 | 58 | 41 | 109 | 104 |
| Matters withdrawn before hearing | 13 | 37 | 14 | 41 | 76 ² |
| Matters out of jurisdiction | 8 | 3 | 5 | 15 | 3 |
| Matters awaiting hearing at 30 June | 99 | 7 | 7 | 9 | 5 |
| Matters heard | 19 | 11 | 13 | 43 | 19 |

1. The variation in the number of reviews received over the past five years can be attributed to inspector appointments. These vacancies receive a large number of applicants and, in turn, a large number of applications for review, particularly when applicants apply to have all appointments reviewed.
2. Two of the applicants who applied to have all inspector appointments reviewed then withdrew all of these applications, resulting in a high number of withdrawals.

Table 15. Resulting recommendations in matters heard by Review Commissioners, 2011–12

| Type of application | Awaiting outcome | Affirmed | Varied | Set aside | Total |
|---------------------|------------------|----------|--------|-----------|-------|
| Promotion | 1 | 9 | – | 3 | 13 |
| Transfer | 1 | 4 | – | – | 5 |
| Lateral transfer | – | – | – | – | – |
| Unapplied transfer | – | – | – | 1 | 1 |
| Stand-down | – | – | – | – | – |
| Other | – | – | – | – | – |