

Police Service Reviews

Commissioners for Police Service Reviews (Review Commissioners) arbitrate, through a transparent and independent review process, any grievances that police officers may have about promotions, transfers or disciplinary action. Queensland Police Union of Employees representatives have a standing invitation to attend relevant 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 (the Commissioner), who makes the final decision. If a recommendation is not accepted, the Commissioner must provide reasons to the Review Commissioner. In 2013–14, 100 per cent (5 matters out of 5) of the recommendations made by Review Commissioners were accepted by the Commissioner. The CMC is still awaiting advice on the outcome of one review matter.

During the reporting period, the Review Commissioners were former CMC Commissioner Mrs Dina Browne AO and practising solicitor Mr Pat Mullins. Commissioners are supported in managing day-to-day activities by a secretariat provided by the CMC.

Appointment of Review Commissioners

Review Commissioner Mrs Dina Browne AO was reappointed for a further 12 months to May 2015.

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, or
- a Commissioner of the former Criminal Justice Commission, or
- 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, 2013–14

In 2013–14, 30 applications for review were lodged (see Table 10). Of these, 12 (40%) were withdrawn before the hearing and 6 matters were heard (see Table 11). Of the 6 matters completed, appointment decisions were affirmed in 4 cases, varied in one and set aside in one (see Table 12).

During the 2013–14 period, the impact of disciplinary reviews on the timely finalising of matters became noticeable. While their numbers are low in comparison with promotion reviews, disciplinary reviews are complex and often raise issues that are not easily resolved. A number have required the sourcing of independent legal advice, which has further impeded their speedy closure.

A relatively low number of reviews were received during the 2013–14 reporting period – this fall was due largely to the reduction in appointments being made during the organisational restructure of the QPS. The QPS Central Convenor's Unit, whose expertise had been effective in expediting the selection and review processes, was disbanded in July 2013. This, and policy and procedural changes to the selection process to be implemented by the QPS on 1 July 2014, may influence the number of applications to review in 2014–15.

Tables 10 and 11 show the type, status and number of applications lodged over the last five years. Although the numbers of applications received declined in 2013–14, some of the reviews this year were, as already noted, complex and time-consuming.

Changes to the QPS merit-based appointments policy

Following an organisational restructuring, the QPS implemented a revised Recruitment and Selection Policy and a revised Merit Selection Standard on 20 December 2013, their aim being to enhance the selection process in relation to promotional appointments.

It is anticipated that, as from 1 July 2014, all advertisements for QPS vacancies and their related position descriptions will refer to core capabilities against which applicants will be assessed. These core capabilities will be drawn from the requirements of the Queensland Police Leadership Framework.

The QPS leadership framework is based on the leadership framework previously adopted by the Queensland Public Service. Established appeals, reviews and complaint mechanisms will remain available to all respective applicants.

Once implemented, it will be possible to monitor aspects of the changes introduced through the reviews process. There is the prospect that the number of Police Service Review applications will increase while the new arrangements become embedded in QPS practice.

Advice on jurisdiction of Review Commissioners

Review Commissioners are independent of the CMC and the QPS and provide recommendations to the Commissioner of Police only. If the applicant in a matter is aggrieved by the decision of the Commissioner, they may apply to the Supreme Court for a judicial review of the decision.

Table 10. Types of applications lodged, 2009–10 to 2013–14

Type	2009–10	2010–11	2011–12	2012–13	2013–14
Promotion	31	95	86	26	17
Transfer	2	6	12	1	6
Lateral transfer / Unapplied transfer	6	5	2	3	1
Stand-down	1	–	1	–	1
Suspension	–	–	1	–	1
Disciplinary	–	–	1	2	2
Dismissal	–	–	–	–	–
Other ¹	1	3	1	4	2
Total	41	109	104	36	30

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

- 2009–10: review lodged having reference to the *Whistleblowers Protection Act 1994*
- 2010–11 and 2012–13: reviews of non-appointment, unfitness for duty, and disciplinary sanction (misconduct matter)
- 2011–12: review of extension of probation
- 2012–13: reviews of non-appointment
- 2013–14: reviews of non-appointment.

Table 11. Status of applications lodged, 2009–10 to 2013–14

Status	2009–10	2010–11	2011–12	2012–13	2013–14
Matters lodged ¹	41	109	104	36 ³	30
Matters withdrawn before hearing	14	41	76 ²	11	12
Matters out of jurisdiction	5	15	3	4 ⁴	1
Matters awaiting hearing at 30 June	7	9	5	5 ⁵	8
Matters heard	13	43	19	16	6
Matters lapsed	–	–	–	–	3 ⁶

1. The variation in the number of reviews received over the past five years can be attributed, in part, 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. Note also that the number of matters lodged does not match the number of outcomes listed for any year, as not all matters lodged will be resolved within the financial year in which they were lodged.
2. Two applicants who applied to have all inspector appointments reviewed withdrew all their applications, resulting in a high number of withdrawals.
3. One matter lapsed following the death of the applicant.
4. One application was received "out of time" and not considered by the Review Commissioner.
5. One matter is being held in abeyance pending the finalisation of an investigation.
6. Three matters lapsed prior to the hearing process: one position was rescinded; one appointee accepted another position; one appointment was not progressed as the selection process was flawed.

Table 12. Recommendations arising from matters heard by Review Commissioners, 2013–14

Type of application	Awaiting outcome	Affirmed	Varied	Set aside	No jurisdiction	Total
Promotion	–	1	–	–	–	1
Transfer	–	–	–	1	–	1
Lateral transfer / Unapplied transfer	–	–	1	–	–	1
Stand-down	–	1	–	–	–	1
Other	–	2	–	–	–	2