

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 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 (Commissioner), who makes the final decision. If a recommendation is not accepted, the Commissioner must provide reasons to the Review Commissioner. In 2012–13, 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. 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, 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, 2012–13

In 2012–13, 36 applications for review were lodged (see Table 15). Of these, approximately 30 per cent were withdrawn before the hearing and 16 matters were heard (see Table 16). For the 16 completed, the recommendations were that appointment decisions be affirmed in 5 cases, varied in 3, set aside in 6 and ruled "no jurisdiction" in 2 (see Table 17).

Although a relatively low number of reviews were received during the 2012–13 reporting period, there was an increase in applications to review "non-appointments". This term refers to a range of situations, including when an officer who has applied for a position and been the preferred applicant has not been appointed due to a vetting issue. In that case, that non-appointment as well as the promotion of the second preferred applicant are "reviewable decisions". Similarly, if there is a preferred applicant and an appointment is not made to the position, that non-appointment is reviewable. These reviews are the result of legal advice received in 2011.

Tables 15 and 16 show the types, status and number of applications lodged over the last five years. Although the numbers of applications received declined in 2012–13, some of the reviews received this year were quite complex and time-consuming.

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.

From 1 July 2013, the Central Convenors Units in Brisbane and Townsville will be abolished. Pending any changes to the promotion and transfer selection process policy, panels will be formed in the region, command or division, with the relevant Senior Executive Officer responsible for forming the panel.

Advice on jurisdiction of Review Commissioners

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

Table 15. Types of applications lodged, 2008–09 to 2012–13

Type	2008–09	2009–10	2010–11	2011–12	2012–13
Promotion	44	31	95	86	26
Transfer	5	2	6	12	1
Lateral transfer / Unapplied transfer	3	6	5	2	3
Stand-down	1	1	–	1	–
Suspension	5	–	–	1	–
Disciplinary	–	–	–	1	2
Dismissal	–	–	–	–	–
Other ¹	–	1	3	1	4
Total	58	41	109	104	36

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
- 2012–13: reviews of non-appointment.

Table 16. Status of applications lodged, 2008–09 to 2012–13

Status	2008–09	2009–10	2010–11	2011–12	2012–13
Matters lodged ¹	58	41	109	104	36 ³
Matters withdrawn before hearing	37	14	41	76 ²	11
Matters out of jurisdiction	3	5	15	3	4 ⁴
Matters awaiting hearing at 30 June	7	7	9	5	5 ⁵
Matters heard	11	13	43	19	16

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. Note also that the number of matters lodged does not match the number of outcomes listed for any year, as not all matters will be resolved within each financial year.
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.
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 currently held in abeyance pending investigation of a complaint.

Table 17. Resulting recommendations in matters heard by Review Commissioners, 2012–13

Type of application	Awaiting outcome	Affirmed	Varied	Set aside	No jurisdiction	Total
Promotion	–	4	1	5	–	10
Transfer	–	1	–	–	–	1
Lateral transfer / Unapplied transfer	–	–	2	–	–	2
Stand-down	–	–	–	–	–	–
Other	–	–	–	1	2	3