



# Police Amendment (Appointments) Regulation 2003

under the

Police Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Act 1990*.

MICHAEL COSTA, M.L.C.,

Minister for Police

## Explanatory note

The objects of this Regulation are:

- (a) to enable the probationary period for constables who have previously served as police officers, previously reducible to one month, to be waived completely, and
- (b) to require applicants for appointment to positions of the rank of sergeant, inspector and superintendent to satisfy certain requirements as to time at rank and pre-qualifying assessment, and (depending on the position) as to specialist, middle manager or senior manager assessment, and
- (c) to facilitate access by the Police Integrity Commission and the Ombudsman to the complaints information system (as opposed to the information contained in the system), and
- (d) to authorise bodies that are formed principally for the object of providing entertainment (such as musical groups) to carry on business under an operating name that includes the word “police”, and
- (e) to allow references to the *Police Service Act 1990* to be construed as references to the *Police Act 1990*.

This Regulation is made under the *Police Act 1990*, including section 219 (the general power to make regulations), sections 128, 204A and 219 and clause 2 of Schedule 4.

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## **Police Amendment (Appointments) Regulation 2003**

under the

Police Act 1990

### **1 Name of Regulation**

This Regulation is the *Police Amendment (Appointments) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 7 February 2003.

### **3 Amendment of Police Regulation 2000**

The *Police Regulation 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 13 Appointment of constables on probation

Omit “(but more than 1 month)” from clause 13 (2).

Insert instead “, or may waive the period of probation completely,”.

### [2] Clause 16 Promotion of constables

Insert at the end of clause 16:

- (2) A police officer of the grade of senior constable who has served as a police officer for a period or periods totalling less than 9 years, and who has never previously been permanently appointed to a position of higher rank, may only apply for permanent appointment to a position of the rank of sergeant.

### [3] Part 2, Divisions 2A, 2B and 2C

Insert after Division 2 of Part 2:

#### **Division 2A Appointment of sergeants**

##### **18A Application of Division**

This Division applies to appointments under Division 4 of Part 6 of the Act.

##### **18B Time at rank and pre-qualifying assessment requirements**

- (1) A person is not eligible to be appointed to a position of the rank of sergeant unless, as at the time the person applies for appointment, the person:
  - (a) is, or has previously been, permanently appointed to a position of the rank of sergeant or above, or
  - (b) is a senior constable:
    - (i) who has satisfied the requirements of clause 16 with respect to promotion to a position of the grade of senior constable, and

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Schedule 1 Amendments

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- (ii) who has, within the period of 3 years prior to the date on which the application is made, successfully completed the sergeant's pre-qualifying assessment, as determined by the Commissioner.
- (2) Subclause (1) (b) (ii) does not apply to an appointment for which an application was made before 1 January 2002.

### 18C Special assessment

A person is not eligible to be appointed to a position of the rank of sergeant (being a position identified by the Commissioner as a position for which special assessment is appropriate) unless, as at the time the person applies for appointment, the person has, within the period of 5 years prior to the date on which the application is made, successfully completed the specialist sergeant assessment process approved by the Commissioner.

## Division 2B Appointment of inspectors

### 18D Application of Division

This Division applies to appointments under Division 3 of Part 6 of the Act.

### 18E Time at rank and pre-qualifying assessment requirements

- (1) A person is not eligible to be appointed to a position of the rank of inspector unless, as at the time the person applies for appointment, the person:
  - (a) is, or has previously been, permanently appointed to a position of the rank of inspector or above, or
  - (b) is a person:
    - (i) who has been appointed (including by way of a temporary appointment under section 66 of the Act or an appointment to act in an executive position under section 37 of the Act) to a position of the rank of sergeant or above for a period or periods totalling at least 12 months, and

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- (ii) who has, within the period of 3 years prior to the date on which the application is made, successfully completed the inspector's pre-qualifying assessment, as determined by the Commissioner.
  - (2) Subclause (1) (a) and (b) (i) do not apply to an appointment for which an application was made before the commencement of this clause.
  - (3) Subclause (1) (b) (ii) does not apply to an appointment for which an application was made before 1 January 2002.

**18F Special assessment**

A person is not eligible to be appointed to a position of the rank of inspector unless, as at the time the person applies for appointment, the person has, within the period of 5 years prior to the date on which the application is made, successfully completed the middle manager assessment process approved by the Commissioner.

**Division 2C Appointment of superintendents**

**18G Application of Division**

This clause applies to appointments under Division 3 of Part 6 of the Act.

**18H Time at rank and pre-qualifying assessment requirements**

- (1) A person is not eligible to be appointed to a position of the rank of superintendent unless, as at the time the person applies for appointment, the person:
  - (a) is, or has previously been, permanently appointed to a position of the rank of superintendent or above, or
  - (b) is a person:
    - (i) who has been appointed (including by way of a temporary appointment under section 66 of the Act or an appointment to act in an executive position under section 37 of the Act) to a position of the rank of inspector or above, or a position of duty officer, for a period or periods totalling at least 12 months, and

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- (ii) who has, within the period of 3 years prior to the date on which the application is made, successfully completed the superintendent's pre-qualifying assessment, as determined by the Commissioner.
- (2) Subclause (1) (a) and (b) (i) do not apply to an appointment for which an application was made before the commencement of this clause.
- (3) Subclause (1) (b) (ii) does not apply to an appointment for which an application was made before 1 January 2002.

### **18I Special assessment**

A person is not eligible to be appointed to a position of the rank of superintendent unless, as at the time the person applies for appointment, the person has, within the period of 5 years prior to the date on which the application is made, successfully completed the senior manager assessment process approved by the Commissioner.

### **[4] Clause 25 Establishment of complaints information system**

Insert after clause 25 (1):

- (1A) The system is to be operated and maintained by the Commissioner.
- (1B) The Commissioner:
  - (a) must allow the Police Integrity Commission and the Ombudsman to have access to the system, and
  - (b) must provide the Police Integrity Commission and the Ombudsman with such information as that body or person may request with respect to the design of the system and the procedures in accordance with which the system is operated and maintained,

but not so as to allow unauthorised access to information the subject of a caveat under section 129 (4) of the Act.

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**[5] Clause 107 Bodies authorised to carry on business under operating name that includes “police”: section 204A**

Insert at the end of clause 107:

Any body that has, among its primary objects, the object of providing public entertainment (other than a body that also has, among its primary objects, the object of promoting or conducting any sporting activity)

**[6] Clause 108**

Insert after clause 107:

**108 Construction of certain references**

- (1) A reference in any Act or instrument to the *Police Service Act 1990* includes a reference to the *Police Act 1990*.
- (2) This clause is taken to have commenced on 12 July 2002 (being the date on which the name of the Act was changed from the *Police Service Act 1990* to the *Police Act 1990*).