



New South Wales

# Police Amendment (Police Promotions) Regulation 2014

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 GALLACHER, MLC  
Minister for Police and Emergency Services

## Explanatory note

The object of this Regulation is to amend the *Police Regulation 2008* to give effect to a number of recommendations arising from a review of the police promotions system (the Wright Review). In particular, this Regulation modifies the requirements for appointment to the rank of sergeant and removes references to promotion lists for grades within a rank as a consequence of amendments made to the *Police Act 1990* by the *Police Amendment (Police Promotions) Act 2014*.

This Regulation is made under the *Police Act 1990* (as amended by the *Police Amendment (Police Promotions) Act 2014*), including sections 70 and 219 (the general regulation-making power).

## **Police Amendment (Police Promotions) Regulation 2014**

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### **1 Name of Regulation**

This Regulation is the *Police Amendment (Police Promotions) Regulation 2014*.

### **2 Commencement**

This Regulation commences on 4 April 2014 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Police Regulation 2008

**[1] Clause 3 Definitions**

Omit the definition of *Executive Director*.

**[2] Clause 11A**

Insert after clause 11:

**11A Appointments to specialist positions—required time at rank**

- (1) For the purposes of section 66AA (3) (a) of the Act, the *required time at rank* is:
  - (a) in the case of a specialist position of the rank of sergeant—a period of, or periods totalling, not less than 2 years at the grade of senior constable, or
  - (b) in the case of a specialist position of the rank of inspector—a period of, or periods totalling, not less than 3 years at the rank of sergeant or a higher rank, or
  - (c) in the case of a specialist position of the rank of superintendent—a period of, or periods totalling, not less than 3 years at the rank of inspector or a higher rank.
- (2) A reference in subclause (1) to the period of 3 years at a particular rank includes a period of any provisional or temporary appointment under Part 6 of the Act at that rank or any period during which the person concerned has acted in an executive position under the Act. However, if the person's provisional appointment is revoked, the period of that appointment is to be disregarded for the purposes of subclause (1).

**[3] Clause 18 Application of Division**

Omit the clause.

**[4] Clause 19**

Omit the clause. Insert instead:

**19 Requirements for appointment as sergeant**

- (1) This clause applies to appointments by way of promotion under Part 6 of the Act.
- (2) Except as provided by the Act, a person is not eligible to be appointed to a position of the rank of sergeant unless the person:
  - (a) is, or has previously been, permanently appointed to the rank of sergeant or above, or
  - (b) is on a sergeants promotion list that is in force when the position is advertised.
- (3) If a person is on the sergeants reserve promotion list, the person may be offered an appointment to a position of the rank of sergeant only if:
  - (a) the position has been advertised on at least 2 occasions among persons on the principal promotion list for the rank of sergeant, and
  - (b) no person on that principal promotion list has indicated a preference for the position.

- [5] **Clause 20 Requirements for appointment as senior sergeant**  
Omit the clause.
- [6] **Clause 22 Requirements for appointment as inspector**  
Omit “A person”. Insert instead “Except as provided by the Act, a person”.
- [7] **Clauses 22 (b) and 24 (b)**  
Omit “the appointment is made” wherever occurring.  
Insert instead “the position is advertised”.
- [8] **Clause 24 Requirements for appointment as superintendent**  
Omit “A person”. Insert instead “Except as provided by the Act, a person”.
- [9] **Clauses 25 (1) and (2) and 29 (1)**  
Omit “or grade within a rank” wherever occurring.
- [10] **Clause 25 Establishment of promotion lists**  
Omit “(other than the sergeants reserve promotion list)” from clause 25 (1).
- [11] **Clause 25 (2)**  
Omit “(other than the senior sergeants promotion list)”.
- [12] **Clause 25 (2A)**  
Insert after clause 25 (2):  
(2A) Despite subclause (2) but subject to clause 26, a person is not, except in such cases as the Commissioner may determine, eligible to undertake the promotion examination for a rank unless the person has, in the 6 months before the examination is held, completed the management performance review for that rank.
- [13] **Clause 25 (3) (a)**  
Omit “rank”. Insert instead “grade”.
- [14] **Clause 25 (3) (b) and (c)**  
Omit “2 years” wherever occurring. Insert instead “3 years”.
- [15] **Clause 25 (3) (b) and (c)**  
Insert “any provisional or” before “temporary” wherever occurring.
- [16] **Clause 25 (3A)**  
Insert after clause 25 (3):  
(3A) However, if the person’s provisional appointment is revoked, the period of that appointment is to be disregarded for the purposes of subclause (3).
- [17] **Clause 25 (4) and (5)**  
Omit the subclauses.
- [18] **Clause 25A Establishment of sergeants reserve promotion list**  
Omit the clause.

**[19] Clause 26 Eligibility requirements**

Omit clause 26 (1) (b).

**[20] Clause 27 Rankings on promotion lists**

Insert “The ranking of persons on a promotion list is to be published on an intranet site of the NSW Police Force that can be accessed by police officers.” after “each person.” in clause 27 (1).

**[21] Clause 27 (2)**

Omit the subclause. Insert instead:

- (2) The eligibility mark of a person for the purposes of this clause is the mark determined by the Commissioner on the basis of the following matters:
  - (a) the person’s performance in each eligibility requirement (other than a pre-qualifying assessment) relevant to the promotion list,
  - (b) the person’s period of service at his or her current rank,
  - (c) any relevant tertiary qualifications held by the person.

**[22] Clause 27 (3)**

Omit “eligibility requirement”. Insert instead “such matter”.

**[23] Clause 27 (4) and (5)**

Insert after clause 27 (3):

- (4) A person who undertakes a management performance review while placed on a promotion list may, before undertaking the review, elect to have the person’s eligibility mark amended in accordance with the score awarded for the review.
- (5) If any such election is made, the Commissioner is to amend the person’s eligibility mark in accordance with the score awarded for the review and make any necessary change to the order of ranking of the person on the next replacement promotion list for the rank concerned.

**[24] Clauses 28 and 31 (1)**

Omit “or a grade within a rank” wherever occurring.

**[25] Clause 29 Removal or suspension from list**

Insert after clause 29 (2):

- (3) If a person who is on a promotion list is offered an appointment to a rank to which the list applies but subsequently refuses the offer of appointment, the person may be suspended from the promotion list for such period (not exceeding 3 months) as may be determined by the Commissioner unless the Commissioner is satisfied that the person has reasonable grounds for refusing the offer.

**[26] Clause 30 Currency of promotion list**

Omit “(and a replacement reserve promotion list may be established)” from clause 30 (3).

**[27] Clause 31 Replacement promotion lists**

Omit clause 31 (3).

**[28] Clause 32A**

Insert before clause 32:

**32A Definition**

In this Division, *Deputy Commissioner* means the Deputy Commissioner, Corporate Services.

**[29] Clause 32 Delegation**

Omit “Executive Director may delegate the exercise of any function of the Executive Director”.

Insert instead “Deputy Commissioner may delegate any of the Deputy Commissioner’s functions”.

**[30] Clauses 33 (1) and (6)–(8), 34 (1) and (7)–(9), 35 (1), 36, 37 (1) and 40 (1) and (7)–(9)**

Omit “Executive Director” and “Executive Director’s” wherever occurring.

Insert instead “Deputy Commissioner” and “Deputy Commissioner’s”, respectively.

**[31] Clauses 33 (7) and 34 (8)**

Omit “72 hours” and “72-hour” wherever occurring.

Insert instead “14 days” and “14-day”, respectively.

**[32] Clause 36A**

Insert after clause 36:

**36A Referral to Review Panel of decisions to award low or high scores for management performance reviews**

(1) Any decision to award a low score or a high score for a management performance review is to be referred by the Deputy Commissioner, as soon as practicable after the Deputy Commissioner is made aware of the decision, to a Review Panel for review by the Panel.

(2) The Deputy Commissioner is to issue guidelines for determining what constitutes a low score or a high score for the purposes of this clause.

**[33] Clause 37 Convening of Management Performance Review Panels**

Omit “for reviews under this subdivision” from clause 37 (1).

Insert instead “under clause 35 or with referrals under clause 36A”.

**[34] Clause 37 (2) (c)**

Omit “police officer”. Insert instead “member of the NSW Police Force”.

**[35] Clause 37 (2) (c)**

Omit “Director, Corporate Human Resources, NSW Police Force”.

Insert instead “Assistant Commissioner, Human Resources”.

**[36] Clause 37 (3)**

Omit “12 months”. Insert instead “3 years”.

**[37] Clause 39 Decision of Review Panel**

Insert “(including a decision to award a low score or a high score for a management performance review)” after “management performance review” in clause 39 (1).

**[38] Clause 39 (2)**

Omit “The applicant”.

Insert instead “In the case of an application under clause 35, the applicant”.

**[39] Clause 40 Review of eligibility program results**

Omit “7 days” and “the 7-day” from clause 40 (8).

Insert instead “14 days” and “that 14-day”, respectively.

**[40] Clause 42 Application for review by Review Committee**

Insert after clause 42 (3):

- (4) For the purposes of subclause (1), a decision in relation to a person’s performance in an eligibility requirement is not a decision as to the ranking of the person on a promotion list.

**[41] Clause 72 Members refusing promotion or appointment**

Omit “A member”. Insert instead “Except as provided by clause 29 (3), a member”.

**[42] Clause 79 Exemptions from compliance with code of behaviour**

Omit “Director, Corporate Human Resources” from clause 79 (4).

Insert instead “Assistant Commissioner, Human Resources”.

**[43] Clause 137 Review of promotion system**

Omit the clause.