

Passed by both Houses



New South Wales

Police Amendment (Police Promotions) Bill 2014

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council
2014*

Clerk of the Parliaments



New South Wales

Police Amendment (Police Promotions) Bill 2014

Act No , 2014

An Act to amend the *Police Act 1990* to make further provision with respect to the promotion system for police officers; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Police Act 1990 No 47

[1] Section 66 Appointments to be made on merit

Omit “or grade within the rank” from section 66 (4).

[2] Section 66 (4)

Insert at the end of the subsection:

Note. This Division contains exceptions to this subsection (see for example sections 66AA–66AC).

[3] Section 66 (5)

Omit the subsection.

[4] Sections 66AA–66AC

Insert after section 66:

66AA Promotion appointments to specialist positions

- (1) In this section, *specialist position* means a position of any rank identified by the Commissioner as requiring specialist qualifications or unique knowledge, skills or experience.
- (2) **Appointments from promotion list**

The Commissioner may, in the case of a vacant specialist position, appoint a person by way of promotion to the position from the promotion list for the rank concerned who has the greatest merit according to rankings on that list of persons who, in the opinion of the Commissioner, have the qualifications or the knowledge, skills or experience required for the position.
- (3) **Appointments from outside of promotion list**

In the case of a vacant specialist position designated by the Commissioner for the purposes of this subsection and specified as such on an intranet site of the NSW Police Force, the Commissioner may, following a selection process, appoint a person by way of promotion to the position who, in the opinion of the Commissioner, has the greatest merit among the candidates for the position, but only if:

 - (a) the person has completed the required time at rank (as determined by the regulations) in a position that is immediately below the rank of the vacant specialist position, and
 - (b) the vacant specialist position is not able to be filled from the promotion list for the rank concerned.
- (4) For the purposes of subsection (3), a vacant specialist position of the kind referred to in that subsection is not able to be filled from a promotion list if:
 - (a) in the case of a position of the rank of superintendent or inspector—a permanent appointment has not been made to the position after it has been advertised twice to the persons on the list, or
 - (b) in the case of a position of the rank of sergeant—a permanent appointment has not been made to the position after it has been advertised:
 - (i) twice to the persons on the list established as a principal promotion list for that rank, and
 - (ii) twice to the persons on the list established as a reserve promotion list for that rank.

- (5) The following provisions apply to the appointment of a person to a vacant specialist position under subsection (3):
- (a) the person is to be appointed to the position initially on a provisional basis for a period of at least 2 years or such additional period as the Commissioner may determine in any particular case (the *provisional period*),
 - (b) the person may be permanently appointed to the position only if the person has, during the provisional period, gained the requisite qualifications for placement on the promotion list for the rank to which the position relates,
 - (c) if the person is not permanently appointed to the position within the provisional period, the person's provisional appointment is revoked.
- (6) **Appointments to specialist positions that require specific qualifications**
The Commissioner may, in the case of a vacant specialist position identified by the Commissioner as requiring a specific qualification, appoint by way of promotion to the position a person who is on the promotion list for the rank concerned even though the person does not hold the qualification.
- (7) The following provisions apply to the appointment of a person to a specialist position under subsection (6):
- (a) the person is to be appointed to the position initially on a provisional basis,
 - (b) the person is, while appointed on such a basis, required to obtain the qualification within the period determined by the Commissioner,
 - (c) the person may be permanently appointed to the position only if the person obtains the qualification within that period,
 - (d) if the person does not obtain the qualification within that period, the person's provisional appointment is revoked.
- (8) **Psychological assessment of applicants for specialist positions**
The Commissioner may require a person applying for appointment by way of promotion to a vacant specialist position to undergo a psychological assessment of the person's suitability for the position. A person is not eligible to be appointed by way of promotion to a vacant specialist position in respect of which a psychological assessment is required if the person refuses to undergo the assessment or fails to satisfy the requirements or criteria relevant to the assessment.
- (9) Section 66 (4) does not apply to an appointment under this section.

66AB Promotion appointments—superintendents

- (1) The Commissioner may, in the case of a vacant position of the rank of superintendent, appoint by way of promotion from the promotion list for that rank a person who, in the opinion of the Commissioner, has the greatest merit among the candidates for the position regardless of the rankings on that list.
- (2) Any such appointment may only be made after a selection process.
- (3) This section does not limit section 66AA in its application to positions of the rank of superintendent.
- (4) Section 66 (4) does not apply to an appointment under this section.

66AC Promotion appointments—senior sergeants

- (1) The Commissioner may invite expressions of interest from police officers of the rank of sergeant for appointment to a position within the grade of senior sergeant.
- (2) Following a selection process, the Commissioner may appoint to such a position a person who, in the opinion of the Commissioner, has the greatest merit among the candidates for the position.
- (3) Except in such circumstances as may be determined by the Commissioner, a person is not eligible to be appointed to a position within the grade of senior sergeant unless the person has completed a period of, or periods totalling, not less than 2 years at the rank of sergeant.
- (4) A person who is appointed to a position within the grade of senior sergeant does not retain the title or any benefits associated with that grade if the person is transferred to a position within another grade.
- (5) Section 66 (4) does not apply to an appointment under this section.

[5] Section 67 Temporary appointments

Omit “or grade” from section 67 (2).

[6] Sections 70 (1) and (2) (d) and (e), 71 (1) (a) and 78 (1)

Omit “or grade within a rank” wherever occurring.

[7] Section 70 Promotion lists

Omit “senior sergeant,” from section 70 (1).

[8] Section 71 Integrity matters

Omit “(being information that was not considered when the decision to appoint the person was made)” from section 71 (4).

[9] Section 71 (6)

Omit “(being information that was not previously considered)”.

[10] Schedule 4 Savings, transitional and other provisions

Insert after “*Royal Commissions and Ombudsman Legislation Amendment Act 2013*” in clause 2 (1):

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