

[Act 2000 No 99]



New South Wales

Police Service Amendment (Selection and Appointment) Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to require the Commissioner of Police, when selecting the applicant of greatest merit for a vacant sergeant or non-executive commissioned officer position, to select only from among applicants who are not currently selected for any other Police Service position of the same or a greater maximum salary, and
 - (b) to enable the Commissioner to create eligibility lists of applicants for all police and administrative non-executive officer positions (except constable positions) and to use such a list within a specified period after it is created to fill the position for which the list was created if it becomes vacant or to fill a position that is determined to be substantially the same as the position for which the list was created, without the need for the position to be advertised or for eligible persons to apply for the position, and
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- (c) to confirm the validity of selections and appointments made on the basis of, and to allow the continued use of, eligibility lists created for non-executive administrative officer positions before the commencement of the amendments, and
- (d) to make minor and consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Police Service Act 1990* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] provides for the creation of eligibility lists as described in paragraph (b) of the Overview.

Schedule 1 [2], [4] and [6] provide that a vacant position need not be advertised if an eligibility list under the proposed new provisions is current and applicable to the position.

Schedule 1 [3] substitutes the provision that deals with appointments to vacant positions of non-executive commissioned police officer, to make the following changes to the selection and appointment process:

- (a) when selecting a person to fill a vacant position, the required selection of the applicant of greatest merit is to be made only from among applicants who have not currently been selected for any other police service position of the same or a greater maximum salary,
- (b) when selecting a person to fill a vacant position that has not been advertised because there is a current eligibility list for the position (under the proposed amendments concerning eligibility lists), the person on the eligibility list who is of greatest merit and who has not been selected for any other police service position of the same or a greater maximum salary is to be selected for the position without the need to apply for the position,

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- (c) a right of appeal to GREAT is preserved so that an applicant for a position who is not selected because he or she has already been selected for another position will retain a right of appeal against that non-selection on the basis that he or she was the applicant of greatest merit.

This amendment also deletes existing subsections (2)–(4) of section 71, which duplicate section 64 (4)–(6).

Schedule 1 [5] substitutes the provision dealing with appointments to vacant positions of police officer of the rank of sergeant, to effect the same changes as are proposed for non-executive commissioned police officer positions.

Schedule 1 [7] and **[8]** amend the provision dealing with appointments to vacant non-executive administrative officer positions to provide that when selecting a person to fill a position that has not been advertised because there is a current eligibility list for the position (under the proposed amendments concerning eligibility lists), the person on the eligibility list who is of greatest merit is to be selected for the position without the need to apply for the position.

Schedule 1 [9] allows savings and transitional regulations to be made consequent on the enactment of the proposed Act.

Schedule 1 [10] confirms, in respect of non-executive administrative officer positions, the validity of the creation and use of eligibility lists prior to the commencement of the proposed provisions for eligibility lists. This will operate to confirm selections and appointments already made on the basis of such an eligibility list and will also enable the continued use of an eligibility list created before the commencement of the new provisions (subject to the requirement that eligibility lists only remain current for 6 or 12 months after they are created).