

# Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Police and Minister for Corrective  
Services

## 1 **Clause 9 (Replacement of pt 7 (Internal command and discipline))**

Page 22, line 19, after ‘proceeding’—

*insert—*

, started against a member of the service or a former officer within the meaning of section 7A.1(1)(b),

## 2 **Clause 22 (Amendment of s 219BA (Meaning of reviewable decision))**

Page 60, line 2, ‘officer.’—

*omit, insert—*

officer; or

(c) a decision under the *Police Service Administration Act 1990*, part 7A to do neither of the following in relation to a former officer—

- (i) give the former officer a written notice under section 7A.3(1)(a) of that Act;
- (ii) hold a disciplinary hearing under section 7A.3(1)(b) of that Act.

## 3 **After clause 22**

Page 60, after line 2—

*insert—*

### **22A Insertion of new s 219FA**

After section 219F—

*insert—*

**219FA Proceedings relating to particular  
reviewable decisions about former  
officers**

- (1) This section applies in relation to a reviewable decision mentioned in section 219BA(1)(c).
- (2) The commission may apply to QCAT, as provided under subsection (3), for a review of the reviewable decision.
- (3) The application must be made—
  - (a) within 28 days after the commission becomes aware of the decision; and
  - (b) as otherwise provided under the QCAT Act.
- (4) The commission must, within the period mentioned in the QCAT Act, section 37(2), give the former officer a copy of the application.
- (5) Subsection (4) does not limit the QCAT Act, section 37(2).
- (6) The parties to the proceeding are—
  - (a) the commission; and
  - (b) the person who made the reviewable decision; and
  - (c) if the former officer to whom the reviewable decision relates elects to become a party to the proceeding—the former officer.
- (7) Notice of an election under subsection (6)(c) must be given—
  - (a) to QCAT, the commission and the person who made the reviewable decision; and

- (b) within 14 days after the former officer is given notice of the application for review under subsection (4).

**4 Clause 23 (Amendment of s 219G (Proceedings relating to reviewable decisions))**

Page 60, after line 4—

*insert—*

- (1) Section 219G, heading, after ‘relating to’—

*insert—*

**other**

- (2) Section 219G, before subsection (1)—

*insert—*

- (1A) This section applies in relation to a reviewable decision mentioned in section 219BA(1)(a) or (b).

- (3) Section 219G(1), ‘a reviewable decision’—

*omit, insert—*

the reviewable decision

**5 Clause 23 (Amendment of s 219G (Proceedings relating to reviewable decisions))**

Page 60, line 5, before ‘Section’—

*insert—*

- (4)

**6 Clause 26 (Amendment of s 219J (Additional power for reviewable decisions))**

Page 61, after line 22—

*insert—*

- (1A) Section 219J, heading, after ‘for’—

*insert—*

**particular**

**7 Clause 26 (Amendment of s 219J (Additional power for reviewable decisions))**

Page 61, lines 23 to 25, from “QCAT”—

*omit, insert—*

‘, QCAT’—

*omit, insert—*

mentioned in section 219BA(1)(a) or (b),  
QCAT—

**8 After clause 26**

Page 62, after line 20—

*insert—*

**26A Insertion of new s 219JA**

After section 219J—

*insert—*

**219JA Requirement to return particular matters to commissioner of police**

- (1) This section applies in relation to a reviewable decision mentioned in section 219BA(1)(c) if, after reviewing the decision, QCAT sets aside the decision.
- (2) QCAT must return the matter to the commissioner of police with—
  - (a) a direction to give the former officer a written notice under the *Police Service Administration Act 1990*, section 7A.3(1)(a) or to hold a disciplinary hearing under section 7A.3(1)(b) of that Act; and

- (b) any other direction QCAT considers appropriate.
- (3) If QCAT makes an order under subsection (2), the commissioner of police must ensure a written notice under the *Police Service Administration Act 1990*, section 7A.3(1)(a), or a notice mentioned in section 7A.3(1)(b) of that Act, is given to the former officer within 6 months of the making of the order by QCAT.
- (4) Subsection (3) applies despite section 7A.1(4) of that Act.

**9 Clause 29 (Insertion of new ch 8, pt 16)**

Page 69, after line 33—

*insert—*

**452A Application of ch 5, pt 2—particular reviewable decisions relating to former officers**

- (1) This section applies in relation to a decision made after the commencement under the *Police Service Administration Act 1990*, part 7A to do neither of the following in relation to a former officer—
  - (a) give the former officer a written notice under section 7A.3(1)(a) of that Act;
  - (b) hold a disciplinary hearing under section 7A.3(1)(b) of that Act.
- (2) Chapter 5, part, 2, as amended by the *Police Service Administration (Discipline Reform) and Other Legislation Amendment Act 2019*, applies to the reviewable decision even if it relates to a disciplinary ground that arose before the commencement.

*Note—*

See also the *Police Service Administration Act 1990*, section 11.26.

(3) In this section—

*disciplinary ground* has the meaning given under the *Police Service Administration Act 1990*, previous section 1.4.

## 10 Schedule 1 (Acts amended)

Page 74, after line 6—

*insert—*

### 2 Section 49(4)(c) and (d), ‘or 219G’—

*omit, insert—*

, 219FA or 219G

### 3 Section 219B, definition *disciplinary proceeding*, paragraph (b), after ‘section’—

*insert—*

219FA or

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