

POLICE

PE301

POLICE ACT 1892

POLICE FORCE AMENDMENT REGULATIONS 1992

Made by the Commissioner of Police under section 9 with the approval of the Minister for Police.

Citation

1. These regulations may be cited as the *Police Force Amendment Regulations 1992*.

Principal regulations

2. In these regulations, the *Police Force Regulations 1979** are referred to as the principal regulations.

[* Reprinted in the Gazette of 24 September 1986 at pp.3463-3517.
For amendments to 29 June 1992 see 1991 Index to Legislation of
Western Australia, pp.450-2.]

Regulation 103 amended

3. Regulation 103 of the principal regulations is amended —
 - (a) in the definition of "Deputy Commissioner" by deleting "an" and substituting the following —

" the ";

and
 - (b) by deleting the definitions of "regulation", "Schedule", "subregulation" and "the Act".

Regulation 201 amended

4. Regulation 201 (1) (a) to (d) of the principal regulations are deleted and the following paragraphs are substituted —

" (a) Officer ranks —

 - (i) Commissioner;
 - (ii) Deputy Commissioner;
 - (iii) Assistant Commissioner;
 - (iv) Commander;
 - (v) Chief Superintendent;

- (vi) Superintendent;
- (vii) Chief Inspector;
- (viii) Inspector;
- (b) Non-commissioned officer ranks —
 - (i) Senior Sergeant;
 - (ii) Sergeant First Class;
 - (iii) Sergeant;
- (c) Other ranks —
 - (i) Senior Constable;
 - (ii) Constable First Class;
 - (iii) Constable; and
- (d) Aboriginal aide ranks —
 - (i) senior aboriginal aide;
 - (ii) aboriginal aide first class;
 - (iii) aboriginal aide. ”.

Regulation 505A amended

5. Regulation 505A (1) of the principal regulations is repealed and the following subregulation is substituted —

- “ (1) A person appointed as a member is on probation for a period of 2 years beginning on the day of his induction into the Police Academy or, where the person did not attend the Police Academy, beginning on the day of his appointment as a member. ”.

Regulation 705 amended

6. Regulation 705 of the principal regulations is amended by deleting “Deputy Commissioner (Administration)” in both places where it occurs and substituting the following —

- “ Assistant Commissioner (Personnel) ”.

Regulation 7A01 amended

7. Regulation 7A01 of the principal regulations is amended —

- (a) by inserting after the definition of “elective member” the following definition —
 - “ **“merit”**, in relation to an applicant for a vacancy, means —
 - (a) possession of the following attributes to the extent that they are relevant to the duties of the vacancy —
 - (i) ability, skills and knowledge;
 - (ii) work experience inside and outside the Force; and
 - (iii) qualifications and training;
 - and
 - (b) potential ability to perform the duties of the vacancy and the duties of any office of the rank applicable to the vacancy; ”.

- (b) by inserting after the definition of "office" the following definition —

“ **“promotion”** means movement from one office to another office that has a salary, conditions of employment and duties that are, overall, superior to those of the previous office; ”;

- (c) by deleting the definition of "suitability"; and

- (d) by deleting the definition of "vacancy" and substituting the following definition —

“ **“vacancy”** means a present office in the Force that is vacant or a new office in the Force that is to be filled and that the Commissioner has determined will be filled by the promotion of a member under this Part. ”.

Regulation 7A02 repealed and a regulation substituted

8. Regulation 7A02 of the principal regulations is repealed and the following regulation is substituted —

“ **Application of Part**

7A02. (1) This Part applies to and in relation to the filling of vacancies with commissioned officer rank or non-commissioned officer rank.

(2) Nothing in subregulation (1) or regulation 7A01 affects the right of any member of the same rank as the rank applicable to a vacancy to apply and be considered for appointment to the vacancy where the member is eligible under regulation 7A15 to be considered for appointment. ”.

Regulation 7A04 repealed and a regulation substituted

9. Regulation 7A04 of the principal regulations is repealed and the following regulation is substituted —

“ **Criterion for appointments**

7A04. Subject to this Part, the member appointed to a vacancy must be the applicant with the greatest merit. ”.

Regulation 7A05 amended

10. Regulation 7A05 (1) (a) of the principal regulations is amended by inserting after "occurred" the following —

“ or, where it is impracticable for that person to act, a member of the Force appointed by the Commissioner ”.

Regulation 7A07 amended

11. Regulation 7A07 of the principal regulations is amended by deleting paragraphs (a) and (b) and substituting the following —

“ (a) as chairman, the Deputy Commissioner;
 (b) two officers appointed by the Commissioner; and
 (c) the person holding, or acting in, the office of Executive Director of the Department under the *Public Service Act 1978*. ”.

Regulation 7A08 repealed and a regulation substituted

12. Regulation 7A08 of the principal regulations is repealed and the following regulation substituted —

“ **Functions of Board**

7A08. The functions of the Board are —

- (a) when notification under regulation 7A20A is received from an aggrieved applicant, to review the selection process by the panel to which the notified grievance relates in accordance with regulations 7A20B and 7A20C; and
- (b) to consider each recommendation made by a panel and —
 - (i) where so required by regulation 7A21 or 7A24 (3), to forward the recommendation to the Commissioner; or
 - (ii) where so required by regulation 7A23 (1) or 7A24 (4), to reject the recommendation. ”.

Regulation 7A15 amended

13. Regulation 7A15 (2) of the principal regulations is repealed and the following subregulations are substituted —

- “ (2) In subregulation (1), “eligible applicant” means a member —
- (a) who is of a rank the members of which have been invited, in the advertisement for the vacancy, to apply for appointment to the vacancy; and
 - (b) who, in the case of a vacancy with non-commissioned officer rank, has held the rank referred to in paragraph (a) for at least 2 years, except where that rank is the rank applicable to the vacancy.
- (3) The Commissioner may, in respect of a particular vacancy, waive the requirement prescribed by subregulation (2) (b). ”.

Regulation 7A18 amended

14. Regulation 7A18 of the principal regulations is amended —

- (a) by inserting after “7A18.” the following —
 - “ (1) ”; and
- (b) by inserting the following subregulation —
 - “ (2) To assist in the selection of applicants under subregulation (1), the panel may request an applicant to perform tasks that are relevant to the duties of the vacancy. ”.

Regulations 7A20A — 7A20D inserted

15. Division 5 of the principal regulations is amended by inserting before regulations 7A21 the following regulations —

“ **Applicant may notify Board of selection irregularity**

7A20A. An applicant under Division 3 who is aggrieved by a perceived irregularity in the selection procedure adopted by a panel under Division 4 may notify the Board, in writing, of the irregularity and that notification —

- (a) shall be made within a reasonable time of the applicant becoming aware of the irregularity; but
- (b) may not be made after the Commissioner has accepted a recommendation, based on that selection procedure, under regulation 7A25.

Board to review selection process

7A20B. Upon receipt of notification in accordance with regulation 7A20A, the Board shall review the process of selection outlined in the notification, and in doing so may inform itself in such manner as the Board sees fit.

Boards powers following review

7A20C. Following a review under regulation 7A20B, —

- (a) if the matter alleged in the notice is confirmed by the Board, the Board shall advise the Commissioner, and the chairman of the panel, and cause the vacancy to be readvertised in the *Police Gazette*; or
- (b) if the Board does not find the alleged irregularity to have occurred, the Board shall advise the aggrieved applicant and proceed under regulation 7A21.

Regulations 7A20A to 7A20C not to affect regulations 7A21 to 7A24

7A20D. Regulations 7A20A to 7A20C do not affect the Boards duties and powers under regulations 7A21 to 7A24. ”

Regulation 7A27 amended

16. Regulation 7A27 of the principal regulations is amended —

- (a) by deleting the “or” after paragraph (c); and
- (b) by deleting the full stop at the end of paragraph (d) and substituting the following —
 - “ ; or
 - (e) the Board confirms that an irregularity existed in the selection procedure under regulation 7A20C (a). ”

Regulation 7A31 repealed and a regulation substituted

17. Regulation 7A31 of the principal regulations is repealed and the following regulation is substituted —

“ **Ground for an appeal**

7A31. An unsuccessful applicant for appointment to a vacancy with any rank from Sergeant to Superintendent may appeal against the appointment of the recommended applicant on the ground of greater merit. ”.

Regulation 7A38 amended

18. Regulation 7A38 (1) (d) of the principal regulations is amended by deleting “applicable”.

Regulation 801 amended

19. Regulation 801 of the principal regulations is amended by deleting the definitions of “Extension Studies (Stage 3)”, “Rank” and “Transitional Student”.

Regulation 806 repealed

20. Regulation 806 of the principal regulations is repealed.

Regulation 807 amended

21. Regulation 807 (8) to (14) of the principal regulations are repealed.

Regulation 808 amended

22. Regulation 808 (3) to (7b) of the principal regulations are repealed.

Regulations 808B and 808C repealed and a regulation substituted

23. Regulations 808B and 808C of the principal regulations are repealed and the following regulation is substituted —

“ **Credit for pass in former course**

808B. A member who, before the commencement of the *Police Force Amendment Regulations 1992*, had obtained a pass in the whole or a part of a course for qualification for promotion to Sergeant or Senior Sergeant shall be deemed to have obtained a pass in, as applicable, the whole or an equivalent part of a course prescribed under regulation 808 (2c) for promotion on merit. ”.

Regulation 810 amended

24. Regulation 810 of the principal regulations is amended —

(a) by deleting “for Recruit Training Courses and correspondence Courses for Promotion”; and

(b) by deleting paragraphs (d) to (i) and substituting the following paragraph —

“ (d) Business Communication 1A and 1B — as determined by the Ministry of Education. ”.

Regulation 811 repealed and a regulation substituted

25. Regulation 811 of the principal regulations is repealed and the following regulation is substituted —

“ **Exemptions may be claimed**

811. (1) A member who intends to undertake an external course of study for the purposes of regulation 808 (2) may apply to the principal of the Police Academy for the grant of an exemption from the need to study any nominated subject forming part of the course.

(2) In deciding an application, the principal shall have regard to —

- (a) whether the applicant has already passed a subject that is the same as or equivalent to the nominated subject;
- (b) how long ago that subject was passed; and
- (c) any internal or external studies since undertaken by the member.

(3) A member who is dissatisfied with the decision of the principal on his application may apply for a review of the decision by the Board of Examiners, which shall, on receiving such an application, review the decision and confirm or reverse it.

(4) A member shall be credited with a pass in a subject for which he is granted an exemption and the personal record of the member shall be noted accordingly. ”.

Regulation 8A11 amended

26. Regulation 8A11 of the principal regulations is amended in subregulation (2) (b) by deleting “Commissioners” and substituting the following —

“ Commissioner ”.

Regulation 1106 amended

27. Regulation 1106 of the principal regulations is amended by deleting “additional annual leave” and substituting the following —

“ leave (not being annual leave) ”.

B. BULL, Commissioner of Police.
Dated 29th June 1992.

Approved—

G. EDWARDS, Minister for Police.
Dated 30th June 1992.