

POLICE ACT 1892**POLICE FORCE AMENDMENT REGULATIONS (No. 2) 1990****Arrangement****Reg**

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4. Regulation 702 amended
5. Regulation 706 amended
6. Part VIIA inserted—

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POLICE ACT 1892**POLICE FORCE AMENDMENT REGULATIONS (NO. 2) 1990**

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

Citation

1. These regulations may be cited as the *Police Force Amendment Regulations (No. 2) 1990*.

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 16 March 1990 see p. 338 of 1988 Index to the Statutes of Western Australia and Gazettes of 17 March, 9 June, 6 and 27 October, 17 November, 1 and 8 December 1989 and 2 February 1990.]

Regulation 201 amended

3. Regulation 201 of the principal regulations is amended in subregulation (1) by deleting paragraph (d) and substituting the following paragraph—

- “ (d) Aboriginal aides being—
 (i) senior aboriginal aides;
 (ii) aboriginal aides first class;
 (iii) aboriginal aides. ”

Regulation 702 amended

4. Regulation 702 of the principal regulations is amended in subregulation (2) (c) by deleting “Defaulter’s Sheet” and substituting the following—

- “ disciplinary charge sheet ”.

Regulation 706 amended

5. Regulation 706 of the principal regulations is amended by deleting “because of exceptional merit and ability”.

Part VIIA inserted

6. After Part VII of the principal regulations, the following Part is inserted—

“

PART VIIA—VACANCIES AND PROMOTIONS*Division 1—Preliminary***Interpretation of Part**

7A01. In this Part, unless the contrary intention appears—

“Board” means the Promotions Board constituted under regulation 7A07;
 “elective member” means a member of the Tribunal elected in accordance with Part 2 of the Fifth Schedule;

“office” includes offices in lower ranks where the duties of those offices are expressed in general terms only;

“panel” means a selection panel constituted under regulation 7A05;

“rank pool” means a pool of elective members referred to in regulation 7A10;

“recommended applicant” means the applicant for a vacancy who is recommended for appointment by a selection panel;

“suitability” in relation to an applicant for a vacancy means, in relation to the duties of the vacancy—

- (a) ability and skills which are relevant;
- (b) relevant knowledge;
- (c) work experience inside and outside the Force;
- (d) qualifications and training which are relevant;

“Tribunal” means the Promotions Appeal Tribunal constituted under regulation 7A09;

“union” means the Police Union of Workers of Western Australia;

“vacancy” means a present office in the Force which is vacant or a new office in the Force which is to be filled.

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 which the Commissioner has decided not to fill by the transfer of a member of the same rank as the rank which attaches to the vacancy.

(2) Such decision of the Commissioner reflects an intention that members in at least one lower rank are to be given the opportunity to seek appointment to the vacancy.

(3) Nothing in subregulation (1) or (2) affects the right of a member of a rank as referred to in subregulation (1) to be considered for appointment to a vacancy where he is eligible under regulation 7A15 to be considered for appointment.

System for filling vacancies

7A03. Subject to this Part, a vacancy must be filled by the following steps—

- (a) advertising of the vacancy in the *Police Gazette*;
- (b) assessment of applicants by a panel and a recommendation by it to the Board;
- (c) rejection by the Board of the recommended applicant or recommendation of his appointment to the Commissioner;
- (d) acceptance or rejection of the recommended applicant by the Commissioner;
- (e) in the case of acceptance, publication of the name of the recommended applicant in the *Police Gazette*;
- (f) a period for appeals by unsuccessful applicants;
- (g) determination of any appeals by the Tribunal;
- (h) appointment of the recommended applicant or a successful appellant.

Criteria for appointments

7A04. Subject to this Part, the member appointed to a vacancy must be—

- (a) in the case of a vacancy with commissioned officer rank, the applicant with the greatest suitability;
- (b) in the case of a vacancy with non-commissioned officer rank, the most senior applicant with acceptable suitability.

Division 2—Constitution and functions of selection panels, the Promotions Board and the Promotions Appeal Tribunal

Constitution of selection panels

7A05. (1) A selection panel is to be constituted separately in respect of each vacancy occurring in a portfolio, branch or other unit of the Force and is to comprise—

- (a) as chairman, the head of the unit in which the vacancy has occurred; and
- (b) one or 2 members of the Force appointed by the Commissioner, and so that—
 - (c) at least one member has a sound knowledge of the duties of the vacancy; and
 - (d) where practicable, each member has had training in personnel selection.

(2) Where 2 or more vacancies with equivalent duties are to be filled collectively, one selection panel may be constituted in respect of all such vacancies.

(3) A member of the Board or the Tribunal is ineligible to be a member of a panel.

Function of panel

7A06. It is the function of the panel to assess the claims of applicants for appointment to a vacancy and to recommend the appointment of the applicant who it considers is entitled to appointment under regulation 7A04.

Constitution of Promotions Board

7A07. There is to be a Promotions Board comprising—

- (a) as chairman, the Deputy Commissioner (Operations); and
- (b) two officers appointed by the Commissioner.

Function of Board

7A08. The function of the Board is to consider each recommendation made by a panel and—

- (a) where so required by regulation 7A21 or 7A24 (3), to forward the recommendation to the Commissioner; or
- (b) where so required by regulation 7A23 (1) or 7A24 (4) to reject the recommendation.

Constitution of Promotions Appeal Tribunal

7A09. (1) There is to be a Promotions Appeal Tribunal comprising—

- (a) as chairman, a person appointed by the Minister after agreement with the Commissioner and the union secretary;

- (b) a member of the Force appointed by the Commissioner; and
- (c) one member of the Force, to be chosen provisionally by the union secretary to act for the purposes of the particular appeal, selected from the applicable rank pool and being a member of a rank which is equal to or higher than the rank of the appellant.

(2) A member for the Board is ineligible to be a member of the Tribunal.

Pools of elective members

7A10. For the purposes of regulation 7A09 (1) (c), there are to be 24 members of the Tribunal elected in accordance with Part 2 of the Fifth Schedule divided into 2 pools comprising—

- (a) to act in relation to a vacancy with the rank of Senior Sergeant, Inspector, Chief Inspector or Superintendent, 3 elective members from each of those ranks (the senior rank pool); and
- (b) to act in relation to a vacancy with the rank of Sergeant or Sergeant First Class, 3 elective members from each of those ranks and the ranks of Senior Constable and Senior Sergeant (the junior rank pool).

Fifth Schedule

7A11. The Fifth Schedule applies concerning—

- (a) the members of the Tribunal; and
- (b) the election of members of the Tribunal.

Function of Tribunal

7A12. The function of the Tribunal is to hear and determine appeals against decisions of the Commissioner to accept a recommendation for the appointment of a recommended applicant.

Division 3—Advertising of and applications for vacancies

Vacancies to be advertised

7A13. Subject to regulation 7A53, the Commissioner shall—

- (a) cause each vacancy to be advertised in the *Police Gazette*; and
- (b) specify in the advertisement the ranks from which applications will be accepted.

Time for applications

7A14. Applications for appointment to a vacancy must be submitted to and received by the Commissioner not later than 3 weeks after the date of publication of the advertisement and an application received after 4 pm on the closing date is invalid.

Eligibility for consideration

7A15. (1) An applicant for appointment to a vacancy is not eligible for consideration for appointment unless—

- (a) his application is received by the closing time;
 - (b) he has expressed in his application a willingness to serve anywhere in the State in the office for which he is applying; and
 - (c) he is an eligible applicant.
- (2) In subregulation (1), “eligible applicant” means a member who is—
- (a) of a rank from which applications have been invited in the advertisement as to the vacancy; and
 - (b) where applicable, qualified under Part VIII for promotion to the rank concerned.

Division 4—Work of selection panel

Selection criteria

7A16. (1) The panel shall—

- (a) in writing—
- (b) by reference to the official position description applicable to the vacancy; and
- (c) before the vacancy is advertised,

draw up selection criteria to apply in respect of the filling of the vacancy.

(2) Where 2 or more vacancies with equivalent duties are to be filled collectively, one set of selection criteria may be used.

Applications to be referred to panel

7A17. Before making any decision as to the filling of an advertised vacancy, the Commissioner shall refer the applications received to the chairman of the panel.

Interviews

7A18. The panel shall select applicants for interview based on their apparent comparative claims for appointment in relation to the provisions of regulation 7A04.

Recommendation to in writing

7A19. After the panel has decided which applicant to recommend for appointment, its chairman shall submit the recommendation to the Board in writing.

Time for completion of action

7A20. The chairman of the panel shall ensure that, so far as is practicable, the panel completes its assessment and a recommendation is made to the Board within 3 weeks of the receipt by the chairman of the applications.

*Division 5—Work of Promotions Board***Conditions for endorsement of recommendation of panel**

7A21. The Board shall forward the recommendation of a panel to the Commissioner if it is satisfied as to the recommended applicant that—

- (a) he has been assessed by the panel on the basis of the applicable criterion for appointment specified in regulation 7A04;
- (b) his integrity is not in doubt; and
- (c) he is medically fit to perform the duties of the vacancy,

and the Board shall take this action within one week of becoming so satisfied.

Medical examination of recommended applicant

7A22. (1) Before forwarding the recommendation of a panel, the Board shall direct the recommended applicant to submit himself for examination by one or more medical practitioners nominated by the Board and the recommended applicant shall obey the direction.

(2) The cost of a medical examination is to be met by the Commissioner.

Rejection of recommendation of panel

7A23. (1) Where the Board is not satisfied as to the condition in relation to the recommended applicant specified in regulation 7A21 (b) or (c), it shall reject the recommendation of the panel and notify in writing—

- (a) the recommended applicant;
- (b) the panel; and
- (c) the Commissioner,

of—

- (d) the rejection,

and except in the case of the panel—

- (e) the condition or conditions as to which it was not satisfied; and
- (f) the reasons.

(2) Where the panel receives notice that the Board was not satisfied as to a condition specified in either regulation 7A21 (b) or (c), it shall recommend to the Board the appointment of the applicant who had been assessed as being next entitled to appointment in accordance with regulation 7A04.

Where appointment criteria not observed

7A24. (1) Where the, Board is not satisfied as to the condition in relation to the recommended applicant specified in 7A21 (a), it shall direct the panel to assess the recommended applicant on the basis of the applicable criterion for appointment specified in regulation 7A04.

(2) The panel shall comply with the direction and confirm or withdraw its recommendation.

(3) Where the panel confirms its recommendation and the Board is then satisfied as to all of the conditions in relation to the recommended applicant specified in regulation 7A21, the Board shall forward the recommendation of the panel to the Commissioner within one week of becoming so satisfied.

(4) Where the panel confirms its recommendation and the Board is still not satisfied as to the condition in relation to the recommended applicant specified in regulation 7A21 (a), the Board shall reject the recommendation of the panel and notify the recommended applicant, the panel and the Commissioner in writing of this fact and the reasons for its opinion.

*Division 6—Role of the Commissioner***Acceptance or rejection of recommendation**

7A25. The Commissioner may accept or reject a recommendation forwarded to him under regulation 7A21 or 7A24 (3).

Notice in Police Gazette

7A26. Where the Commissioner accepts a recommendation, he shall cause the name of the recommended applicant to be published in the *Police Gazette*.

Re-advertising of vacancy

7A27. A vacancy must be re-advertised where—

- (a) the Commissioner does not accept a recommendation;
- (b) a panel withdraws a recommendation under regulation 7A24 (2);
- (c) the Commissioner is notified that the Board was not satisfied as to the condition in relation to the recommended applicant specified in regulation 7A21 (a); or
- (d) a recommended applicant notifies the Commissioner in writing that he declines to accept appointment to the vacancy.

Appointment of recommended applicant or successful appellant

7A28. (1) Where there is no appeal in relation to the proposed appointment of a recommended applicant or where all prescribed action in relation to an appeal has been completed, the Commissioner shall—

- (a) if the vacancy has the rank of commissioned officer, submit a recommendation to the Governor for appointment of the recommended applicant or the successful appellant; or
- (b) if the vacancy has the rank of non-commissioned officer, appoint the recommended applicant or the successful appellant, subject to the approval of the Governor.

(2) The Commissioner shall in writing notify a recommended applicant or a successful appellant of his appointment.

*Division 7—Appeals***Definition**

7A29. In this Division, "chairman" means chairman of the Tribunal.

Appeals co-ordinator

7A30. The Commissioner shall appoint an officer of the Department as appeals co-ordinator to act as secretary of the Tribunal and to carry out such other duties as are prescribed or are required by the Commissioner.

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—

- (a) in the case of a vacancy with commissioned officer rank, greater suitability;
- (b) in the case of a vacancy with non-commissioned officer rank, greater seniority and acceptable suitability.

Notification where no appeal

7A32. Where no appeal is lodged within the time prescribed by regulation

7A33 (1) (a), the appeals co-ordinator shall notify in writing—

- (a) the recommended applicant;
- (b) the Commissioner; and
- (c) the Board.

Notice of appeal

7A33. (1) An appeal is instituted by a notice of appeal which must—

- (a) be lodged with the appeals co-ordinator not later than 2 weeks after the date of publication of the name of the recommended applicant in the *Police Gazette* (which lodgement is to be treated as service on the Commissioner);
- (b) be in a form approved by the chairman;
- (c) state, clearly and precisely, the ground for the appeal and outline the supporting arguments;
- (d) be signed by the appellant or, where the appellant is through illness or other cause unable to sign, his agent;
- (e) state the names of the persons, if any, that the appellant intends to call to give evidence or produce documents.

(2) The appeals co-ordinator shall serve a copy of the notice of appeal on the recommended applicant.

Notification as to hearing

7A34. The appeals co-ordinator shall give written notice of the date, time and place for the hearing of an appeal to—

- (a) each party an appellant and the recommended applicant) to the appeal;
- (b) the Commissioner; and
- (c) the union secretary,

at least 10 days before the hearing or within such shorter time as the chairman may allow.

Resumes of evidence

7A35. (1) At least 5 working days before the hearing of an appeal, an appellant shall lodge with the appeals co-ordinator a resume of the evidence he intends to adduce at the hearing and where an appellant does not comply with this requirement, his right of appeal lapses.

(2) After being served with a copy of a notice of appeal and at least 5 working days before the hearing of an appeal, the recommended applicant shall lodge with the appeals co-ordinator a resume of the evidence he intends to adduce at the hearing.

(3) At least 3 working days before the hearing of an appeal, the appeals coordinator shall serve a copy of each resume of evidence received under subregulation (1) or (2) on—

- (a) each other party to the appeal; and
- (b) the Tribunal.

Commencement of hearing

7A36. The Tribunal shall, so far as is practicable, commence the hearing of an appeal not later than 30 days after the date of publication of the name of the recommended applicant in the Police Gazette.

Where appeal not contested

7A37. Where a recommended applicant does not contest an appeal, the Tribunal shall determine the appeal in his absence unless he is compelled to give evidence under regulation 7A40.

Hearing and determination of appeals

7A38. (1) Subject to this Division, the Tribunal shall—

- (a) hear an appeal in private;
- (b) make full enquiry into the respective claims for appointment to the vacancy of the recommended applicant and the appellant;
- (c) act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms;
- (d) determine the appeal on the applicable ground of appeal under regulation 7A31 in respect of the period up to the date of the advertising of the vacancy; and
- (e) make a determination in writing.

(2) The Tribunal is not bound by the rules of evidence and may inform itself as it considers appropriate.

Joint hearing

7A39. Where appeals are lodged by 2 or more unsuccessful applicants, the Tribunal shall hear and determine the appeals together.

Direction to give evidence

7A40. The chairman or the appeals coordinator may in writing direct a member or an aboriginal aide to give evidence or to produce documents in his possession or under his control and a member or an aboriginal aide who is given such a direction shall obey it, unless he satisfies the chairman or the appeals co-ordinator, as the case may be, that he has adequate reason for being excused from obeying the direction.

Attendance of member of panel

7A41. A member of the panel concerned nominated by the appeals co-ordinator shall attend before the Tribunal to explain the view which the panel had taken of the claims for appointment to the vacancy of each party to the appeal.

No right of representation

7A42. A party to an appeal is not entitled to be represented before the Tribunal.

Union representative may observe

7A43. A representative of the union may be present at the hearing of an appeal as an observer.

Quorum

7A44. (1) In hearing and determining an appeal, the Tribunal must be constituted by all members, except that where another member is unable to attend, the chairman may adjourn the hearing for not longer than one hour to enable the appointment of a temporary member and if a temporary member is not appointed within that time, the 2 other members are a quorum.

(2) A determination of 2 members of the Tribunal is a determination of the Tribunal.

Where appellant does not appear

7A45. Where an appellant does not appear before the Tribunal as required, the Tribunal may, if it is not satisfied with the reasons, if any, given by—the appellant for his failure to appear, strike out the appeal and, where this occurs, the right of appeal of the appellant is extinguished.

Selection as between successful appellants

7A46. Where more than one appeal in relation to a proposed appointment to a vacancy is allowed, the Tribunal shall decide, in accordance with regulation 7A04, which of the successful appellants should be appointed to the vacancy.

Medical fitness and personal integrity of successful appellant to be established

7A47. (1) Where an appeal is allowed, the appeals co-ordinator shall give written notice to the Board, which shall consider whether it is satisfied as to the successful appellant that—

- (a) his integrity is not in doubt; and
- (b) he is medically fit to perform the duties of the vacancy, and for the latter purpose—
- (c) the Board shall direct the successful appellant to submit himself for examination by one or more medical practitioners nominated by the Board;
- (d) the successful appellant shall obey that direction; and
- (e) the cost of a medical examination is to be met by the Commissioner.

(2) The Board shall notify the appeals co-ordinator in writing of its findings.

(3) Where the Board is not satisfied as to the matters specified in subregulation (1) (a) and (b), the successful appellant is not entitled to be appointed to the vacancy and the Tribunal shall select for appointment to the vacancy—

- (a) the recommended applicant; or
- (b) if more than one appeal was allowed, the other successful appellant or, where applicable, the successful appellant who is entitled to appointment in accordance with regulation 7A04.

(4) Where a successful appellant becomes disentitled to appointment under subregulation (3), the Board shall notify him in writing of its findings.

(5) In this regulation and regulation 7A48 (b) (i), "findings" includes, where applicable, the reasons why the Board was not satisfied as to either or both the conditions specified in subregulation (1) (a) and (b).

Notification of Commissioner

7A48. The chairman shall notify the Commissioner in writing of—

- (a) the result of an appeal; and
- (b) where an appeal is allowed—
 - (i) the findings of the Board under regulation 7A47 (1); and
 - (ii) where applicable, the person selected by the Tribunal under regulation 7A47 (3).

Where successful appellant declines appointment

7A49. Where a successful appellant notifies the Tribunal or the Commissioner in writing that he declines to accept appointment to the vacancy, the Tribunal shall select for appointment to the vacancy—

- (a) the recommended applicant; or
- (b) if more than one appeal was allowed, the other successful appellant or, where applicable, the successful appellant who is entitled to appointment in accordance with regulation 7A04.

Statement of reasons

7A50. The Tribunal shall prepare a reasonably particularized statement of its reasons for determining an appeal as it did and supply a copy to—

- (a) each party to the appeal;
- (b) the Commissioner;
- (c) the Board; and
- (d) the panel concerned.

Procedure generally

7A51. The Tribunal shall determine its procedure to the extent to which its procedure is not prescribed by this Division.

General power of chairman

7A52. The chairman is empowered to and shall give such directions and take such other action as he considers necessary to give effect to this Division.

*Division 8—Special promotions by Commissioner***Power of commissioner**

7A53. The Commissioner may—

- (a) recommend to the Governor the appointment of a member to a vacancy with the rank of commissioned officer; or
- (b) appoint, subject to the approval of the Governor, a member to a vacancy with the rank of non-commissioned officer, without the other Divisions having been complied with where he considers that such recommendation or appointment is warranted because of the special skills or qualifications of the member. "

Heading to Part VIII amended

7. The heading to Part VIII of the principal regulations is amended by deleting "Examinations and Promotions" and substituting the following—

" and Examinations ".

Regulation 801 amended

8. Regulation 801 of the principal regulations is amended by deleting the definitions of "Promotions Appeal Board", "Promotional assessment Course" and "Selection Board".

Regulation 807 amended

9. Regulation 807 of the principal regulations is amended—

- (a) by repealing subregulations (3) and (4); and
- (b) in subregulation (6) by deleting "or a Promotional Assessment Course".

Regulation 808 amended

10. Regulation 808 of the principal regulations is amended

- (a) by inserting after Subregulation (2b) the following subregulation—

" (2c) Commissioner may prescribe courses to be undertaken by members as a qualification for promotion to Sergeant or Senior Sergeant. ";
- (b) in subregulation (3) by deleting "attained that rank and achieved a pass in a Promotional assessment Course" and substituting the following—

" passed a course, if any, prescribed under subregulation (2c) for promotion to Sergeant ";
- (c) in subregulations (3a), (5) (b), (5c) and (6) (c) by deleting "Promotional Assessment Course" and substituting the following—

" course, if any, prescribed under subregulation (2c) ";
- (d) in subregulation (7) by deleting paragraph (b); and
- (e) by repealing subregulation (7c) and substituting the following subregulation—

" (7c) The Commissioner may require a member who has been promoted to Commissioned Rank to attend a post promotion course.

Regulation 808B amended

11. Regulation 808B of the principal regulations is amended in subregulation (1) by deleting "promotional assessment Course" and substituting the following—

" course, if any, prescribed under regulation 808 (2c)

Regulation 808C amended

12. Regulation 808C of the principal regulations is amended by deleting "Promotional Assessment Course" and substituting the following—

" course, if any, prescribed under regulation 808 (2c) ".

Regulation 810 amended

13. Regulation 810 of the principal regulations is amended—

(a) by deleting "mark allotted to Recruit Training Courses, Correspondence Courses for Promotion and Promotional Assessment Courses are as follows" and substituting the following—

" marks for Recruit Training Courses and correspondence Courses for Promotion are"; and

(b) by deleting paragraph (j).

Regulation 812 amended

14. Regulation 812 of the principal regulations is amended in paragraph (c) by deleting "and Promotional Assessment Courses for promotion".

Regulation 812A inserted

15. After regulation 812 of the principal regulations, the following regulation is inserted—

Reimbursement of educational expenses

" 812A. A member, cadet or aboriginal aide who intends to undertake a course of study at a public educational institution in the State and to seek reimbursement of the enrolment, faculty or examination fees must apply in writing to the Commissioner for his consent to pay such fees in respect of that course of study, and where the Commissioner gives his consent, the member, cadet or aboriginal aide is, on passing each examination, entitled to reimbursement of such fees paid by him in relation to that stage of the course of study, on production of the receipt for the payment of those fees.

Regulations 813 to 826 repealed

16. Regulations 813 to 826 of the principal regulations are repealed.

First Schedule amended

17. The First Schedule to the principal regulations is amended by inserting after the present form the following forms—

FORM 2

(Reg. 7A11 and cl. 6 (2)
Fifth Schedule)

Western Australia

Police Force

**NOMINATION OF MEMBER OF THE FORCE
FOR ELECTION TO THE PROMOTION APPEAL TRIBUNAL**

I, the undersigned member of the Force, nominate

.....
(insert rank) (insert name)
of
as a candidate for election to the senior rank pool/junior rank pool of
(delete whichever is inapplicable)
members of the Promotions Appeal Tribunal.

Signature of member
Name and signature of
witness to member signing

I am the member of the Force nominated above and I declare my willingness to serve on the Promotions Appeal Tribunal if elected.

Signed

Date / /

FORM 3

(Reg. 7All and cl. 9
Fifth Schedule)Western Australia
Police ForceReturning
Officer's Initials

BALLOT PAPER

Election of 12 members of the Force to the senior rank pool of members of the
Promotions Appeal Tribunal.

Candidates: (Rank of Senior Sergeant)

..... []
..... []
..... []
..... []

Candidates: (Rank of Inspector)

..... []
..... []
..... []
..... []

Candidates: (Rank of Chief Inspector)

..... []
..... []
..... []
..... []

Candidates: (Rank of Superintendent)

..... []
..... []
..... []
..... []

COUNTERFOIL

Signature of Member:
Rank:No.:
location:

FORM 4

(Reg. 7-1 and cl. 9
Fifth Schedule)Western Australia
Police ForceReturning
Officer's Initials

BALLOT PAPER

Election of 12 members of the Force to the junior rank pool of members of the
Promotions Appeal Tribunal.

Candidates: (Rank of Senior Constable)

..... []
..... []
..... []
..... []

Candidates: (Rank of Sergeant)	[]
.....	[]
.....	[]
.....	[]
Candidates: (Rank of Sergeant First Class)	[]
.....	[]
.....	[]
.....	[]
Candidates: (Rank of Senior Sergeant)	[]
.....	[]
.....	[]
.....	[]
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COUNTERFOIL

Signature of Member:

No.:

Rank:

Location: "

Fifth Schedule added

18. After the Fourth Schedule to the principal regulations, the following Schedule is added—

" **FIFTH SCHEDULE** (Reg. 7A11)
PROMOTIONS APPEAL TRIBUNAL
PART 1—MEMBERS

Definition

1. In this Part, "member" means member of the Tribunal.

Term of office

2. Subject to clause 4 (1), the term of office of a member expires on 30 June in the second year after the year in which the member was appointed or elected and, subject to regulation 7A10, he is eligible for re-appointment or re-election from time to time.

Remuneration

3. (1) The chairman of the Tribunal is entitled to such salary, allowances and other benefits as the Minister may determine.

(2) Other members are entitled to such allowances as the Minister may determine.

Vacation of office

4. (1) The office of a member becomes vacant if the member—

- (a) resigns;
- (b) becomes incapable of continuing as a member;
- (c) is guilty of misconduct inside or outside the Force;
- (d) being an elective member, is promoted or demoted to a rank which under regulation 7A10 makes him ineligible to be an elective member of the rank pool concerned; or
- (e) being a member of the Force, is required to perform duties of a nature or at a location which, in the opinion of the Commissioner, makes it undesirable or inconvenient for him to continue in office.

(2) Where the office of a member other than an elective member becomes vacant, a successor is to be appointed in the manner corresponding to the manner of appointment of that member for the balance of the term of that member.

(3) Where the office of an elective member becomes vacant, the successor to that member is—

- (a) if he is willing and able to act, the member of the Force who received the fourth highest number of votes in respect of the rank concerned at the last election for elective members; or
- (b) where no successor is available under paragraph (a), a member of the Force appointed by the union secretary,

and a person who gains office under this subclause is to be taken to be an elective member for the balance of the term of office of the member whose office was vacated.

PART 2—ELECTION OF ELECTIVE MEMBERS

Returning officer

5. The union secretary is the returning officer for an election.

Nomination of candidates

6. (1) The returning officer shall fix a closing date for the receipt of nominations of candidates for election as members of the Tribunal by members of the Force and cause notice of that date to be published in the Police Gazette at least 2 weeks before the date occurs.

(2) A nomination must be—

- (a) in accordance with Form 2 in the First Schedule;
- (b) signed by a member of the Force and endorsed with the name and signature of a person who witnessed the member signing; and
- (c) endorsed with the consent of the nominee to serve as a member of the Tribunal, if elected.

Automatic election

7. (1) Where there are fewer than 4 candidates in respect of a rank, the returning officer shall declare each candidate elected.

(2) Where the number of candidates elected under subclause (1) is less than 3, the union secretary shall nominate such number of members of the Force as corresponds to the deficit to be elective members of the Tribunal and—

- (a) the members of the Force so nominated are to be taken to have been nominated under clause 6; and
- (b) the returning officer shall declare them elected.

Polling date

8. The returning officer shall fix a day and time for the closing of the poll for an election and the day must be at least 2 weeks after but not more than 3 weeks after the closing date for the receipt of nominations of candidates.

Ballot papers

9. The returning officer shall—

- (a) cause ballot papers in accordance with forms 3 and 4 in the First Schedule to be printed, subject to any necessary modification where candidates in respect of a rank have been elected under clause 7;
- (b) send a ballot paper which is a facsimile of form 3 and has attached a counterfoil initialled by the returning officer to every member of the Force of the rank of Senior Sergeant, Inspector, Chief Inspector or Superintendent; and
- (c) send a ballot paper which is a facsimile of form 4 and has attached a counter foil initialled by the returning officer to every member of the Force up to the rank of Sergeant First Class.

Eligibility to vote

10. (1) Members of the Force of the rank of Senior Sergeant, Inspector, Chief Inspector or Superintendent may vote for the election of members of the senior rank pool of elective members.

(2) Members of the Force up to the rank of Sergeant First Class may vote for the election of members of the junior rank pool of elective members.

Preferential voting

11. Voting is by the preferential system.

Manner of voting

12. A person voting shall—

- (a) record his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate who has his first preference and place the numerals 2, 3 etc. opposite the names of other candidates in the order of his preference;
- (b) detach the counterfoil from the ballot paper and complete and sign the counterfoil;
- (c) enclose the ballot paper in an envelope marked "ballot paper" and seal the envelope;

- (d) forward the counterfoil and the sealed envelope to the returning officer to be received by the day and time of the close of the poll.

Scrutiny and count of votes

13. (1) A ballot paper received by the returning officer after the close of the poll is invalid.

(2) Each candidate may appoint a person residing in the metropolitan area as a scrutineer to represent him at the scrutiny and count of the votes.

(3) The scrutiny and count of votes are to be conducted by the returning officer and the scrutineers appointed under subclause (2).

(4) The 3 candidates for election in respect of each rank with the highest number of votes as to that rank are to be declared elected.

(5) Where the votes for candidates are equal, the successful candidate is to be determined by lot.

(6) Any question as to the validity of a vote is to be determined by the returning officer and his decision is final.

(7) Except as otherwise provided by this Part, the scrutiny and count of votes are to be conducted in accordance with the provisions of Division 4a of Part IV of the Electoral Act 1907 and such provisions apply, subject to any necessary modifications, in the same way as they apply to and in relation to the election of members of the Legislative Assembly. "

B. BULL, Commissioner of Police.

Dated 19 February 1990.

Approved

G. EDWARDS, Minister for Police
and Emergency Services.

Dated 20 March 1990.
