



Queensland

*Police Service Administration Act 1990*

# **Police Service Administration Regulation 1990**

**Reprinted as in force on 6 October 2008**

**Reprint No. 2**

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# Information about this reprint

This regulation is reprinted as at 6 October 2008. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use standard punctuation consistent with current drafting practice (s 27).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘judgement’ has replaced ‘judgment’).

## Dates shown on reprints

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Queensland

# Police Service Administration Regulation 1990

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# Police Service Administration Regulation 1990

[as amended by all amendments that commenced on or before 6 October 2008]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Police Service Administration Regulation 1990*.

### 1.2 Definitions

In this regulation—

*ADA* see section 7A.3.

*allowed period for testing* see section 7A.2(2).

*random alcohol test notice* see section 7A.3.

### 1.6 Officers to be familiar with Act etc.

- (1) All officers are to take reasonable steps to familiarise themselves with the provisions of the Act, regulations made under the Act, and those codes of conduct, general instructions and determinations that apply to them.
- (2) The commissioner is to—
  - (a) direct the attention of all new officers to the requirements of subsection (1); and
  - (b) ensure that a copy of the Act, this regulation, and those codes of conduct, general instructions and determinations that apply to them are reasonably accessible to each officer.

[s 1.7]

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## **1.7 Queensland Police Gazette**

The commissioner is to cause there to be published on a regular basis in the State the Queensland Police Gazette.

# **Part 2 Oath and affirmation**

## **2.1 Oath of officer**

For the purposes of section 3.3 of the Act the following oath is prescribed—

“I, A.B., swear by almighty God that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second and Her Heirs and Successors according to law in the office of constable or in such other capacity as I may be hereafter appointed, promoted, or may be reduced, without favour or affection, malice or ill-will, from this date and until I am legally discharged; that I will cause Her Majesty’s peace to be kept and preserved; that I will prevent to the best of my power all offences against the same; and that while I shall continue to be a member of the Queensland Police Service I will to the best of my skill and knowledge discharge all the duties legally imposed upon me faithfully and according to law. So help me God.”.

## **2.2 Affirmation of officer**

For the purposes of section 3.3 of the Act the following affirmation is prescribed—

“I, A.B., do solemnly, sincerely and truly affirm and declare that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second and Her Heirs and Successors according to law in the office of constable or in such other capacity as I may be hereafter appointed, promoted, or may be reduced, without favour or affection, malice or ill-will, from this date and until I am legally discharged; that I will cause Her



Majesty's peace to be kept and preserved; that I will prevent to the best of my power all offences against the same; and that while I shall continue to be a member of the Queensland Police Service I will to the best of my skill and knowledge discharge all the duties legally imposed upon me faithfully and according to law.”.

### **2.3 Oath or affirmation**

- (1) A person who must take, or make, and subscribe an oath or affirmation under section 3.3 of the Act must do so before—
  - (a) a justice; or
  - (b) a justice of another State; or
  - (c) the commissioner, an executive officer or a commissioned officer; or
  - (d) a member of a police force or service of another State who may, under the law of that State, administer an oath or affirmation, or attest an engagement, of a police officer or special constable appointed for that State.
- (2) If the oath or affirmation for the appointment of a special constable in Queensland is administered outside Queensland, the person who administers the oath or affirmation must give the commissioner the following within 14 days after the oath or affirmation is administered—
  - (a) a statement, signed by the person, of—
    - (i) the person's name and contact address; and
    - (ii) the person's authority to administer the oath or affirmation;
  - (b) a copy of the oath or affirmation as subscribed by the special constable.
- (3) Failure to comply with subsection (2) does not invalidate the appointment of a special constable.

[s 3.1]

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## **Part 3 Performance appraisal**

### **3.1 Performance appraisal**

The commissioner is to ensure that a regular system of appraisal is established which will provide an officer with information on the officer's performance and on appropriate remedial steps to improve performance where this is considered appropriate.

## **Part 4 Transfers, vacancies and promotions**

### **4.1 Priorities concerning certain appointments**

When consideration is given under this part to applications for selection to a position, precedence is to be given to the relative merits of the officers applying for the position, over matters relating to whether the selection of 1 of those officers to the position, involving the promotion of that officer, may involve the transfer of that officer.

### **4.2 Transfers, vacancies and promotions**

- (1) Where the commissioner proposes to make an appointment to fill a vacancy in a position within the police service, the commissioner may cause a notification of the existence of the vacancy seeking applicants to fill the vacancy to be published in the Queensland Police Gazette at least 14 days before any appointment is made and may set out either generally or specifically criteria relevant to such position.
- (2) Such advertisement is to contain—
  - (a) a date on or before which applications for appointment to such vacancy may be made to the commissioner; and

- (b) where the tenure for the position departs from the general policy of the service, the maximum and minimum period during which the officer will be required to remain in the position.
- (3) Any officer of the rank specified for the position advertised, and (subject to any condition specified in such advertisement) any other officer, may apply for an advertised position.

#### **4.2A Transfer**

A basis specified in—

- (a) an industrial agreement between the commissioner and the Queensland Police Union of Employees and Queensland Police Officers' Union of Employees; or
- (b) an award replacing the agreement;

is a basis for the transfer of an officer under section 5.2(3) and (4) of the Act.

#### **4.3 Method of application**

Every application for appointment to a position advertised under section 4.2 is to be made in accordance with the directions of the commissioner.

#### **4.4 Applicants may be required to undergo assessment**

An officer who applies to be considered for selection to a position may be required by the commissioner to submit to examination or assessment to gauge the officer's potential and mental or physical fitness to discharge the duties of the position.

#### **4.5 Integrity and allegations against officers**

- (1) When an officer seeks promotion to a position the higher the rank of the position the more crucial to the commissioner's

[s 4.5]

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consideration will be the question of integrity on the suitability of the officer for the position.

- (2) When an officer seeks promotion the commissioner may seek the comments of the chairperson of the Crime and Misconduct Commission on the integrity of the officer prior to considering such officer for promotion.
- (3) If the chairperson informs the commissioner that there is at that time an allegation against the officer seeking promotion and that the allegation has—
  - (a) credibility; and
  - (b) a proper basis for belief; and
  - (c) a degree of seriousness such that if it were true it would actually debar the officer from promotion;

then the commissioner is to presume that the officer does not then have the required integrity for promotion.

- (4) If the chairperson informs the commissioner that there is at that time an allegation of misconduct against any person (including the officer seeking promotion) and that the officer seeking promotion has failed to—
  - (a) divulge any relevant information; or
  - (b) satisfactorily provide an explanation;

on any matter that the chairperson reasonably believes to be within the knowledge of the officer then the commissioner is to presume that the officer does not then have the required integrity for promotion.

- (5) A presumption created by subsection (3) or (4) is only to continue until—
  - (a) the chairperson of the Crime and Misconduct Commission clears the officer or otherwise decides that the officer will not be proceeded against; or
  - (b) the officer is dealt with by way of disciplinary proceedings, by way of a complaint for official misconduct or by way of proceedings for an offence; or

- (c) the officer divulges the relevant information or gives an explanation to the satisfaction of the chairperson;  
in respect of the allegation of misconduct that gave rise to the presumption.
- (6) An officer who has been presumed to be unsuitable for selection for promotion on the basis of this section is to have no adverse inference made against him or her in any court or tribunal on that basis alone.

#### **4.6 Constitution of selection panel**

Where any officer has applied to be considered for selection to a position the commissioner may convene a selection panel which panel is to consist of not less than 3 persons as appointed by the commissioner.

#### **4.7 Functions of selection panel**

The functions of a selection panel shall be as determined by the commissioner.

#### **4.8 Selection to be advertised**

All selections by the selection panel are to be advertised in the Queensland Police Gazette.

#### **4.9 Re-advertising vacancies**

- (1) Where the existence of a vacancy in a position within the police service has been notified in accordance with section 4.2 and no suitable officer has applied for appointment to the position (including by way of promotion), the commissioner may again cause a notification of the existence of the vacancy seeking applicants to fill the vacancy to be published in the Queensland Police Gazette.
- (2) Where a vacancy in a position within the police service has been notified in accordance with this section the commissioner may appoint to the position any officer who has

[s 4.10]

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applied for the position, even though the officer fails to meet the normal criteria for appointment to that or a similar position.

- (3) A person who is appointed to a position on promotion under this section is to only hold the rank promoted to whilst in the position unless the commissioner otherwise determines.

#### **4.10 Notifying appointments etc.**

The commissioner is to cause notification of every transfer, promotion and demotion of an officer to be published in the Queensland Police Gazette, and shall institute administrative arrangements accordingly.

#### **4.11 Part-time employment**

For the purposes of sections 5.7(1)(a) and 5.9(1)(b) of the Act, the following classes of positions are open to appointment on a part-time basis—

- (a) all positions as commissioned officers;
- (b) all positions as non-commissioned officers;
- (c) all positions as constables.

## **Part 5 Resignation, retirement and withdrawal of services**

### **5.1 Resignation**

An officer must give to the commissioner written notice of intention to resign at least 3 months prior to the date of the intended resignation unless the commissioner approves some shorter period.

## **5.2 Retirement**

For the purposes of section 8.2 of the Act, and subject to any other relevant Act which provides for any other retirement age, an officer may retire from the service upon, or at any time after, attaining the age of 55 years.

## **5.3 Withdrawal of services**

An officer must not—

- (a) withdraw from his or her duties whether as a constable or otherwise unless authorised by the Act, any regulations made under the Act or by the commissioner; or
- (b) do any act or make any omission which, if done or omitted to be done by 2 or more officers, would constitute a strike within the meaning of the *Industrial Relations Act 1999*.

Maximum penalty—100 penalty units.

# **Part 6 Awards**

## **6.1 Queensland Police Service Valour Award**

- (1) An officer who performs an act of exceptional bravery in hazardous circumstances, may be awarded by the commissioner a medal entitled the Queensland Police Service Valour Award.
- (3) An award may be made posthumously or to a person who has left the service.

## **6.2 Bar for the Queensland Police Service Valour Award**

In the event of an officer, who has previously been granted the Valour Award, performing an act of exceptional bravery in

[s 6.3]

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hazardous circumstances, the officer may be granted a Silver Bar to the Valour Award.

### **6.3 Wearing of Valour Award**

The wearing of the Valour Award shall be as determined by the commissioner.

### **6.4 Other awards etc.**

The commissioner may make such other awards as the commissioner determines to recognise and commend conspicuous or specially meritorious—

- (a) bravery; or
- (b) performance of police work;

by an officer acting in the execution of his or her duty as an officer.

### **6.5 Design of awards etc.**

- (1) The design of the Queensland Police Service Valour Award is to be as approved by the Governor in Council.
- (2) The design and style of any other awards authorised by this part are to be as determined by the commissioner.

### **6.6 Awards may be made for conduct which occurred prior to Act**

An award which is authorised by this part may be made for conduct which occurred prior to the commencement of the Act.





[s 7A.1]

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## **Part 7A                      Alcohol tests**

### **Division 1                      Criteria for conducting random alcohol tests without approval of commissioner or deputy commissioner**

#### **7A.1      When random alcohol test may be conducted without approval of commissioner or deputy commissioner**

- (1) This section states the criteria for deciding, under section 5A.9(2)(b) of the Act, when a random alcohol test may be conducted without the approval of the commissioner or deputy commissioner.
- (2) For the purpose of the criteria, the commissioner must divide all relevant members into groups as the commissioner considers appropriate.
- (3) The selection of a group for random alcohol testing must be performed using a system approved by the commissioner that—
  - (a) randomly selects from the groups the name or other identifier of 1 group; and
  - (b) ensures that 2 or more groups in the same command, region or division of the service are not selected in the 1 day; and
  - (c) gives the name or other identifier of the selected group.
- (4) However, enough groups must be selected using the system to ensure that, together, the number of relevant members in the groups selected during each year will comprise, when selected, at least 10% of the number of persons who were relevant members at the start of the year.
- (5) A random alcohol test may only be conducted without the approval of the commissioner or deputy commissioner on a relevant member who is—

- 
- (a) on duty when required to submit to the random alcohol test; and
  - (b) a member of the selected group as it exists at that time.
- (6) In this section—

**region** means 1 of the regions into which Queensland is split for the administration of the service.

## **7A.2 Time period for conducting random alcohol test**

- (1) This section states the criteria for deciding, under section 5A.9(2)(b) of the Act, when a random alcohol test may be conducted.
- (2) A random alcohol test may only be conducted on a relevant member within the period specified under subsection (3) (the ***allowed period for testing***).
- (3) The allowed period for testing of a relevant member is—
  - (a) if the relevant member and the nearest authorised person are stationed at the same place—24 hours after a random alcohol test notice is given in relation to a group that includes the relevant member; or
  - (b) if the relevant distance is not over 100km—24 hours after a random alcohol test notice is given in relation to a group that includes the relevant member; or
  - (c) if the relevant distance is over 100km but not over 200km—1 week after a random alcohol test notice is given in relation to a group that includes the relevant member; or
  - (d) if the relevant distance is over 200km but not over 300km—1 month after a random alcohol test notice is given in relation to a group that includes the relevant member; or
  - (e) if the relevant distance is over 300km—6 months after a random alcohol test notice is given in relation to a group that includes the relevant member; or

[s 7A.3]

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- (f) otherwise—6 months after a random alcohol test notice is given in relation to a group that includes the relevant member.
- (4) In this section—  
*relevant distance* means the distance, if any, by usable road between the place where a relevant member is stationed and the place where the nearest authorised person is stationed.

## Division 2 Arranging alcohol tests

### 7A.3 ADA to notify group's coordinator of group's selection

- (1) This section applies if—
  - (a) the system has given the name or other identifier of a selected group; and
  - (b) the commissioner has established as a unit of the service an alcohol and drug awareness section (*ADA*); and
  - (c) the commissioner has authorised a person to be the coordinator for subsection (2) for the selected group.
- (2) The ADA must give the coordinator written notice (*random alcohol test notice*)—
  - (a) of the name or other identifier of the selected group; and
  - (b) that the coordinator must advise an authorised person of the group that has been selected.

### 7A.4 Authorised person must consult with ADA before requiring certain alcohol tests under Act, s 5A.8(c)

An authorised person who knows a relevant member has an agreement with the commissioner under section 7C.1 must, if reasonably practicable, consult with the ADA before requiring the relevant member to submit to an alcohol test under section 5A.8(c) of the Act.

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### **7A.5 When and where relevant member may be recalled to duty for alcohol test**

A relevant member who is not on duty must not be recalled to duty for the purpose of being required to submit to an alcohol test under part 5A of the Act unless—

- (a) the alcohol test is not a random alcohol test; and
- (b) the relevant member has been involved in a critical incident; and
- (c) the place where the relevant member is recalled to duty is not where the relevant member is living.

## **Division 3 Procedure for alcohol test and reporting test result**

### **7A.6 A way of requiring relevant member to submit to alcohol test**

An authorised person may use the following words to require a relevant member to submit to an alcohol test under part 5A of the Act—

- Under part 5A of the *Police Service Administration Act 1990*, I now require you to provide a specimen of your breath as directed by me for a random alcohol test. [Replace the words ‘random alcohol test’ with the words ‘alcohol test’ if the test is not a random alcohol test.]
- I direct you to place your mouth over the mouthpiece of the device and blow directly and continuously through the mouthpiece until I tell you to stop.
- Start blowing now.

### **7A.7 Sufficient specimen of breath for testing**

- (1) This section applies if an authorised person requires a relevant member to submit to an alcohol test under part 5A of the Act.

[s 7A.8]

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- (2) The authorised person may require the relevant member to blow into the instrument used to perform the alcohol test on as many occasions as are reasonably necessary to provide a sufficient specimen of breath for testing.

### **7A.8 Claim that alcohol is present in mouth**

- (1) This section applies if—
  - (a) an authorised person requires a relevant member to submit to an alcohol test under part 5A of the Act; and
  - (b) the relevant member tells the authorised person that—
    - (i) alcohol from a stated source is or may be present in the relevant member's mouth; and
    - (ii) the alcohol was taken into the relevant member's mouth within the last 20 minutes.
- (2) A specimen of the relevant member's breath may only be taken after 20 minutes has passed since the claim was made.

### **7A.9 Breath testing instruments**

- (1) This section applies if the commissioner issues a direction under the Act that a reading shown by a particular type of instrument approved under section 5A.10(4)(a) of the Act when used under part 5A of the Act must be reduced by a stated amount.
- (2) In deciding whether a relevant member is over the limit, the reading shown by the instrument must be reduced by the stated amount.

### **7A.10 Authorised person must report test result**

- (1) This section applies if an authorised person requires a relevant member to submit to an alcohol test under part 5A of the Act.
- (2) If the relevant member was over the limit applying to the member when tested, the authorised person must advise the

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relevant member, the ADA and the following person, in writing, of the information mentioned in subsection (3)—

*Editor's note—*

For a failure to provide a specimen as required, see section 5A.11 of the Act.

- (a) if there is a commissioned officer who is responsible for supervising the relevant member—the commissioned officer; or
  - (b) otherwise—the member of the service who is responsible for supervising the relevant member.
- (3) The information is—
- (a) if the relevant member failed to provide a specimen of breath as required—that fact; or
  - (b) the concentration of alcohol in the relevant member's breath when tested.
- (4) If the relevant member was not over the limit applying to the member when tested, the authorised person must advise the ADA, in writing, of that fact.

## **Division 4                    Other matters**

### **7A.11 Form of written approval of commissioner or deputy commissioner requiring submission to random alcohol test**

- (1) A written approval under section 5A.9(2)(a) of the Act may be given by reference to the members of a group, or class, as it exists when a relevant member is required to submit to an alcohol test under the approval.

*Examples of a group or class—*

- relevant members of a particular work unit
- relevant members stationed at a particular police station
- relevant members who occupy a particular building

[s 7B.1]

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- relevant members of a particular rank or a particular classification level in the public service
  - relevant members performing a particular function
- (2) This section does not limit the form in which a written approval may be given under section 5A.9(2)(a) of the Act.

## **Part 7B Targeted substance tests**

### **Division 1 Arranging targeted substance tests**

#### **7B.1 Authorised person must consult with ADA before requiring certain targeted substance tests**

An authorised person who knows a relevant member has a written agreement with the commissioner under section 7C.1 must, if reasonably practicable, consult with the ADA before requiring the relevant member to submit to a targeted substance test under section 5A.13(1)(b) of the Act.

#### **7B.2 Deciding time and place for targeted substance testing on covert operative**

An authorised person must, in deciding the time and place for conducting a targeted substance test under part 5A of the Act on a relevant member who is a covert operative, consider—

- (a) the safety of the relevant member; and
- (b) the effect requiring the relevant member to submit to the test at a particular time and place may have on any covert operation in which the relevant member is taking part.



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**7B.3 Limit on length of time that must be specified to provide specimen of urine**

- (1) For a requirement by an authorised person to provide a specimen of urine under section 5A.14(1) of the Act, the time specified for providing the specimen must not be more than 24 hours after the requirement is made.
- (2) However, the authorised person may specify a time of more than 24 hours, but not more than 36 hours, if the authorised person considers there are exceptional circumstances justifying the longer time.

*Example of exceptional circumstances—*

A doctor or registered nurse is not reasonably available to take the specimen of urine.

**7B.4 When and where relevant member may be recalled to duty for targeted substance test**

A relevant member who is not on duty must not be recalled to duty for the purpose of being required to submit to a targeted substance test under part 5A of the Act unless—

- (a) either—
  - (i) the relevant member has been involved in a critical incident; or
  - (ii) an authorised person reasonably suspects the relevant member has contravened section 5A.12 of the Act and the relevant member was on duty at the time of the suspected contravention; and
- (b) the place where the relevant member is recalled to duty is not where the relevant member is living.

[s 7B.5]

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## **Division 2                      Procedure for targeted substance test and reporting test result**

### **7B.5    A way of requiring relevant member to submit to targeted substance test**

An authorised person may use the following words when requiring a relevant member to submit to a targeted substance test under part 5A of the Act and to provide a specimen of urine for the purposes of the test—

- Under part 5A of the *Police Service Administration Act 1990*, I require you to provide a specimen of your urine to a doctor or registered nurse at [place] at [time] for a targeted substance test.

### **7B.6    Relevant member to advise details of medication etc.**

- (1) This section applies if an authorised person requires a relevant member to provide a specimen of urine for a targeted substance test under part 5A of the Act.
- (2) Before providing the specimen the relevant member must, unless the relevant member has a reasonable excuse, advise the commissioner in the approved form of details relevant to the following—
  - (a) any medication or other substance that—
    - (i) may result in there being evidence of a targeted substance in the relevant member's urine when tested; or
    - (ii) that may otherwise affect the result of the targeted substance test;

*Example of subparagraph (ii)—*

A substance that may affect the rate at which a targeted substance is excreted from the body or mask the use of a targeted substance.

- (b) any incident that may affect the result of the targeted substance test.

- (3) It is a reasonable excuse for a relevant member to fail to comply with subsection (2) if complying with the requirement might tend to incriminate the relevant member.
- (4) The relevant member must give the authorised person the completed approved form as soon as is reasonably practicable.
- (5) An authorised person who receives an approved form under subsection (4) must give the approved form to the ADA.

### **7B.7 If relevant member claims to be unable to provide specimen because of a medical condition**

- (1) This section applies if—
  - (a) an authorised person requires a relevant member to provide a specimen of urine for a targeted substance test under part 5A of the Act; and
  - (b) the relevant member tells the doctor or registered nurse to whom the specimen is required to be provided that the relevant member is unable to provide a specimen of urine because of a medical condition.
- (2) The relevant member must give the following information to the doctor or registered nurse—
  - (a) the name, if known, and nature of the medical condition;
  - (b) how the medical condition affects the relevant member's ability to provide a specimen of urine;
  - (c) how long the relevant member has had the medical condition;
  - (d) the name and address of any doctor treating the medical condition.
- (3) The relevant member must immediately advise the authorised person that the relevant member is unable to provide a specimen of urine because of a medical condition.

[s 7B.8]

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### **7B.8 Water may be drunk if relevant member claims to be unable to immediately provide specimen**

- (1) This section applies if—
  - (a) an authorised person requires a relevant member to provide a specimen of urine for a targeted substance test under part 5A of the Act; and
  - (b) the relevant member tells the doctor or registered nurse to whom the specimen is required to be provided that the relevant member is unable to immediately provide the specimen.
- (2) The doctor or registered nurse may—
  - (a) allow the relevant member to drink up to 500mL of water as soon as is reasonably practicable; and
  - (b) direct the relevant member to provide the specimen within 1 hour after drinking the water.

### **7B.9 Requirements about the collection of and dealing with urine specimens—Act, s 5A.14**

- (1) Subject to any direction by the commissioner—
  - (a) the requirements in the standard about the collection of drugs of abuse in human urine must be complied with as if the requirements applied to urine specimens under part 5A of the Act; and
  - (b) the requirements in the standard about the way a specimen of human urine must be dealt with after it has been obtained must be complied with as if the requirements applied to urine specimens under part 5A of the Act.

- (2) In this section—

*standard* means joint Standards Australia and Standards New Zealand standard AS/NZS 4308, section 3 as published on 29 March 2001.

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**7B.10 Commissioner to advise relevant member of test result**

- (1) This section applies if an authorised person requires a relevant member to submit to a targeted substance test under part 5A of the Act.
- (2) The commissioner must advise the relevant member, in writing, of the information mentioned in subsection (4).
- (3) The information must be given as soon as is reasonably practicable after the test is completed.

*Editor's note—*

For a failure to provide a specimen as required, see section 5A.15 of the Act.

- (4) The information is—
  - (a) if the relevant member failed to provide a specimen of urine as required—that fact; or
  - (b) otherwise—
    - (i) whether the relevant member had evidence of a targeted substance in the relevant member's urine when tested; and
    - (ii) if the relevant member had evidence of a targeted substance in the relevant member's urine when tested—the targeted substance.

## **Part 7C                      Self-reporting by member of the service for counselling or rehabilitation in relation to alcohol or a drug**

### **7C.1 Self-reporting**

- (1) This section applies if a member of the service asks the ADA or an approved person for counselling or rehabilitation in relation to the member's personal use of alcohol or a drug.

- (2) The ADA may invite the member to enter into a written agreement with the commissioner for counselling or rehabilitation services for the member.
- (3) Without limiting the terms of the agreement, the agreement must state the following—
  - (a) the counselling, treatment or other rehabilitation to be provided under the agreement;
  - (b) that the service will pay the cost of the counselling, treatment or other rehabilitation;
  - (c) the ADA may at any time review the agreement;
  - (d) the agreement may only be changed with the written agreement of the parties;
  - (e) the agreement ends on the earliest of the following—
    - (i) the expiry of the agreement;
    - (ii) if the member has breached the agreement in a substantial way and the commissioner gives written notice ending the agreement to the member;
    - (iii) a party gives written notice ending the agreement to the other party;
    - (iv) the member stops being a member of the service.
- (4) The agreement may make provision about the testing of the member for alcohol or drugs.
- (5) In this section—

***approved person*** means a member of the service approved by the commissioner for this section.

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## Part 7D Provisions about exchange of policing information

### 7C.2 Law enforcement agencies—Act, s 10.2G

For section 10.2G of the Act, definition *law enforcement agency*, each of the following entities is a law enforcement agency—

- (a) the Crime and Misconduct Commission;
- (b) the Australian Crime Commission;
- (c) the Australian Security Intelligence Organisation;
- (d) the Australian Customs Service.

### 7C.3 Approved information—Act, s 10.2G

For section 10.2G of the Act, definition *approved information*, the approved information in a QPS database is the information stated in the schedule.

## Part 8 Miscellaneous

### 8.1 Local laws do not apply in relation to police dogs or horses etc.

A local law does not apply in relation to—

- (a) a police dog or police horse; or
- (b) a police dog handler in connection with the keeping, maintenance or use of any police dog for the purpose of discharging a function under the Act; or
- (c) an officer in connection with the keeping, maintenance or use of any police horse for the purpose of discharging a function under the Act.

[s 8.2]

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## **8.2 External service providers**

A public service employee who is employed in any of the following units of a department is an external service provider for the Act, section 1.4, definition *external service provider*—

- (a) for the department in which the *Queensland Treasury Corporation Act 1988* is administered—CorpTech;
- (b) for the department in which the *State Buildings Protective Security Act 1983* is administered—
  - CITEC
  - Shared Service Agency.



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**Schedule                      Approved information****section 7C.3**

- 1 In relation to a person—
  - name
  - alias
  - date of birth
  - gender
  - residential or other address
  - drivers licence number
  - physical or racial description
  - whether the person is an Aboriginal or Torres Strait Islander
  - distinguishing features, including, for example, tattoos and scars
  - criminal history
  - whether a warrant has been issued in relation to the person and the details of the warrant
  - whether the person is or has been a person of interest in Queensland or interstate and the details of why the person is or has been a person of interest
  - whether a domestic violence order has been made against the person and the details of the order
  - whether the person's name has been entered on the child protection register
  - whether a warning, including, for example, a warning about the health or behaviour of the person has been recorded in a document in the possession of the Queensland Police Service and the details of the warning

Schedule

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- whether the person has been granted bail and any conditions of the bail
  - whether the person has held a licence for, or possessed, a weapon and the details of the licence or possession
  - whether the person is or has been an escapee and the details relating to the escape
  - whether the person is or has been a missing person
  - whether a DNA sample has been provided by the person
  - a fingerprint identification number
  - a jurisdictional reference number recorded in a QPS database for the person
  - a photograph of the person
  - deceased date.
- 2 In relation to a matter or thing—
- the details of an unidentified person report
  - the details of an unidentified body report.

# Endnotes

## 1 Index to endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 October 2008. Future amendments of the Police Service Administration Regulation 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	up to 2004 SL No. 273	10 December 2004	
1A	2005 SL No. 271	18 November 2005	
1B	2006 SL No. 146	1 July 2006	
1C	2008 SL No. 53	14 March 2008	
1D	2008 SL No. 209	1 July 2008	
1E	2008 Act No. 49	6 October 2008	R1E withdrawn, see R2
2	—	6 October 2008	

## 5 List of legislation

### **Police Service Administration Regulation 1990**

made by the Governor in Council on 14 June 1990

pubd gaz 16 June 1990 pp 924–32

commenced 18 June 1990 (see s 2)

exp 31 August 2009 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **regulations published gazette (pre SL Series)—**

16 February 1991 p 871

commenced on date of publication

9 March 1991 p 1141

commenced on date of publication

### **Police Service (Administration) Amendment Regulation (No. 3) 1991 SL No. 108**

pubd gaz 26 October 1991 pp 822–4

commenced on date of publication

### **Police Service Administration Amendment Regulation (No. 1) 1992 SL No. 237**

notfd gaz 31 July 1992 pp 2655–6

commenced on date of notification

### **Police Service Administration Amendment Regulation (No. 1) 1993 SL No. 481**

notfd gaz 17 December 1993 pp 1812–21

commenced on date of notification

- Police Service Administration Amendment Regulation (No. 1) 1998 SL No. 127**  
notfd gaz 15 May 1998 pp 311–16  
commenced on date of notification
- Police Powers and Responsibilities and Other Legislation Amendment Act 2003 No. 92 s 1, pt 10**  
date of assent 3 December 2003  
commenced on date of assent
- Police Service Legislation Amendment Regulation (No. 1) 2004 SL No. 94 ss 1, 3 sch 1**  
notfd gaz 25 June 2004 pp 573–81  
s 3 sch 1 amdt 6 (amdt could not be given effect)  
commenced on date of notification
- Police Service Administration Amendment Regulation (No. 1) 2004 SL No. 273**  
notfd gaz 10 December 2004 pp 1195–8  
commenced on date of notification
- Police Service Administration Amendment Regulation (No. 1) 2005 SL No. 271**  
notfd gaz 18 November 2005 pp 1052–3  
commenced on date of notification
- Police Service Administration Amendment Regulation (No. 1) 2006 SL No. 146**  
notfd gaz 23 June 2006 pp 898–902  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2006 (see s 2)
- Police Service Administration Amendment Regulation (No. 1) 2008 SL No. 53**  
notfd gaz 14 March 2008 pp 1469–72  
commenced on date of notification
- Public Service Regulation 2008 SL No. 209 ss 1–2, 20 sch 2**  
notfd gaz 27 June 2008 pp 1268–78  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)
- Police Service Administration and Other Legislation Amendment Act 2008 No. 49 pts 1, 3**  
date of assent 19 September 2008  
ss 1–2 commenced on date of assent  
remaining provisions commenced 6 October 2008 (see s 2)

## 6 List of annotations

### PART 1—PRELIMINARY

**pt hdg** (prev pt I hdg) renum 2004 SL No. 94 s 3 sch 1

#### Short title

**s 1** sub 1991 SL No. 108 s 4; 1992 SL No. 237 s 3

Endnotes

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**Definitions**

s 1.2 prev s 1.2 om 2004 SL No. 94 s 3 sch 1  
pres s 1.2 ins 2004 SL No. 273 s 3

**Repeal**

s 1.3 om 2004 SL No. 94 s 3 sch 1

**Arrangement**

s 1.4 om 1992 SL No. 237 s 4

**Interpretation**

s 1.5 om 1992 SL No. 237 s 4

**Officers to be familiar with Act etc.**

s 1.6 amd 2004 SL No. 94 s 3 sch 1

**PART 2—OATH AND AFFIRMATION**

pt hdg (prev pt II hdg) renum 2004 SL No. 94 s 3 sch 1

**Oath or affirmation**

s 2.3 amd 2004 SL No. 273 s 2 sch  
sub 2005 SL No. 271 s 3

**PART 3—PERFORMANCE APPRAISAL**

pt hdg (prev pt III hdg) renum 2004 SL No. 94 s 3 sch 1

**PART 4—TRANSFERS, VACANCIES AND PROMOTIONS**

pt hdg (prev pt IV hdg) renum 2004 SL No. 94 s 3 sch 1

**Transfers, vacancies and promotions**

s 4.2 amd 2004 SL No. 273 s 2 sch

**Transfer**

s 4.2A ins 1993 SL No. 481 s 3

**Method of application**

s 4.3 amd 2004 SL No. 94 s 3 sch 1

**Applicants may be required to undergo assessment**

s 4.4 amd 2004 SL No. 94 s 3 sch 1 (amdt could not be given effect); 2004 SL No.  
273 s 2 sch

**Integrity and allegations against officers**

s 4.5 amd 2004 SL No. 94 s 3 sch 1; 2004 SL No. 273 s 2 sch

**Constitution of selection panel**

s 4.6 amd reg pubd gaz 16 February 1991 p 871

**Re-advertising vacancies**

s 4.9 amd 2004 SL No. 94 s 3 sch 1; 2004 SL No. 273 s 2 sch

**Notifying appointments etc.**

s 4.10 amd 2004 SL No. 94 s 3 sch 1

**Part-time employment**

s 4.11 ins 1992 SL No. 237 s 5

**PART 5—RESIGNATION, RETIREMENT AND WITHDRAWAL OF SERVICES****pt hdg** (prev pt V hdg) renum 2004 SL No. 94 s 3 sch 1**Withdrawal of services****s 5.3** amd 2004 SL No. 94 s 3 sch 1; 2004 SL No. 273 s 2 sch**PART 6—AWARDS****pt hdg** (prev pt VI hdg) renum 2004 SL No. 94 s 3 sch 1  
amd 2004 SL No. 273 s 2 sch**Queensland Police Service Valour Award****s 6.1** amd reg pubd gaz 9 March 1991 p 1141**Bar for the Queensland Police Service Valour Award****s 6.2** amd reg pubd gaz 9 March 1991 p 1141**Other awards etc.****s 6.4** amd 2004 SL No. 94 s 3 sch 1; 2004 SL No. 273 s 2 sch**PART 7—CONTINUOUS SERVICE****pt hdg** (prev pt VII hdg) renum 2004 SL No. 94 s 3 sch 1**Calculation of continuous service****s 7.2** amd 2004 SL No. 94 s 3 sch 1; 2004 SL No. 273 s 2 sch; 2008 SL No. 209 s 20 sch 2**PART 7A—ALCOHOL TESTS****pt hdg** ins 2004 SL No. 273 s 4**Division 1—Criteria for conducting random alcohol tests without approval of commissioner or deputy commissioner****div 1 (ss 7A.1–7A.2)** ins 2004 SL No. 273 s 4**Division 2—Arranging alcohol tests****div 2 (ss 7A.3–7A.5)** ins 2004 SL No. 273 s 4**Division 3—Procedure for alcohol test and reporting test result****div 3 (ss 7A.6–7A.10)** ins 2004 SL No. 273 s 4**Division 4—Other matters****div 4 (s 7A.11)** ins 2004 SL No. 273 s 4**PART 7B—TARGETED SUBSTANCE TESTS****pt hdg** ins 2004 SL No. 273 s 4**Division 1—Arranging targeted substance tests****div 1 (ss 7B.1–7B.4)** ins 2004 SL No. 273 s 4**Division 2—Procedure for targeted substance test and reporting test result****div 2 (ss 7B.5–7B.10)** ins 2004 SL No. 273 s 4**PART 7C—SELF-REPORTING BY MEMBER OF THE SERVICE FOR COUNSELLING OR REHABILITATION IN RELATION TO ALCOHOL OR A DRUG****pt 7C (s 7C.1)** ins 2004 SL No. 273 s 4

**PART 7D—PROVISIONS ABOUT EXCHANGE OF POLICING INFORMATION**

**pt 7D (ss 7C.2–7C.3)** ins 2008 Act No. 49 s 13

**PART 8—MISCELLANEOUS**

**pt hdg** prev pt 8 hdg om 2004 SL No. 94 s 3 sch 1  
pres pt 8 hdg (prev pt 10 hdg) ins 1998 SL No. 127 s 3  
renum 2004 SL No. 94 s 3 sch 1

**Local laws do not apply in relation to police digs or horses etc.**

**prov hdg** amd 2004 SL No. 94 s 3 sch 1  
**s 8.1** prev s 8.1 amd 1991 SL No. 108 s 5  
om 2004 SL No. 94 s 3 sch 1  
pres s 8.1 (prev s 10.1) ins 1998 SL No. 127 s 3  
renum 2004 SL No. 94 s 3 sch 1

**External service providers**

**s 8.2** (prev s 10.2) ins 2003 Act No. 92 s 37  
renum 2004 SL No. 94 s 3 sch 1  
amd 2005 SL No. 271 s 4  
sub 2006 SL No. 146 s 4  
amd 2008 SL No. 53 s 3

**PART IX—NOTICE TO VACATE PREMISES**

**pt IX (s 9.1)** om 2004 SL No. 94 s 3 sch 1

**SCHEDULE**

prev sch om 2004 SL No. 94 s 3 sch 1  
pres sch ins 2008 Act No. 49 s 14