

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 November, 1921.*

New South Wales.



ANNO DUODECIMO

GEORGII V REGIS.

Act No. , 1921.

An Act to constitute a Police Appeal Board and to make provision for the reference to such board of appeals by members, and persons who have been members, of the police force ; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. This Act may be cited as the "Police Regulation Short title.
(Appeals) Act, 1921," and shall be read with the Police Regulation Act, 1899.

Police Regulation (Appeals).

2. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“Board” means Police Appeal Board as constituted by this Act.

5 “Inspector-General” means Inspector-General of Police.

“Prescribed” means prescribed by this Act or by regulation made thereunder.

10 “Secretary” means person authorised by the Minister to act as secretary of the board.

3. (1) The Governor may for the purposes of this Act constitute a Police Appeal Board. The board shall consist of a person who shall be appointed by the Governor (and who is hereinafter referred to as “the chairman”) and shall hold such appointment for a term of seven years: Constitution of board.

15 Provided that any party to an appeal before the board may require the appeal to be heard before the chairman and two assessors, in which case the board for the purpose of hearing such appeal shall consist of the chairman and two assessors.

(2) One of such assessors shall be such officer of the police force as the Inspector-General may from time to time authorise to act as an assessor to deal with the hearing of any particular appeal or class of appeals. The other assessor shall be a member of the police force who is nominated in the manner prescribed by a party to an appeal other than the Inspector-General:

25 Provided that for the purposes of this Act the secretary of the Police Association shall be deemed to be a member of the police force of New South Wales.

(3) The chairman and assessors shall be paid such salary, fees, and allowances as may be prescribed.

4. (1) In the case of and during the absence from whatever cause of the chairman, the Governor may appoint a deputy, who, during such absence, shall have the powers of the chairman. Absence of chairman or assessor.

(2) In the case of and during the absence from whatever cause of an assessor, another assessor who has been nominated in the manner prescribed shall, during such absence, act in the place of such assessor.

5.

Police Regulation (Appeals).

5. (1) Any person who is or has at any time been a member of the police force within two years prior to the commencement of this Act if dissatisfied with any decision of the Inspector-General, whether before or
5 after the commencement of this Act, in regard to the granting or refusal of promotion or the imposition of any punishment where such punishment consists of the infliction of a fine, suspension in rank, dismissal, discharge, transfer, or disrating, may give notice of appeal
10 from such decision in the prescribed manner : Provided that in the case of any such decision after the commencement of this Act notice of appeal shall be given within thirty days after such decision, and in the case of
15 this Act within six months after the commencement of this Act.

Appeal to board and procedure thereon.

(2) The secretary of the board shall refer any such appeal to the board, and the board shall hear and consider any appeal so referred to it.

20 (3) The chairman shall forward to the Minister the decision of the board, or a majority of the board, where an appeal is heard before the chairman and two assessors. If the chairman or any assessor does not agree with such decision he may forward a separate report
25 stating his reasons for dissenting therefrom and making such recommendation as he may think fit.

(4) Such recommendation, decision, or report shall be considered by the Minister, whose decision shall be final.

30 **6.** (1) Upon any such appeal being referred to the board the chairman shall fix a date and place for the hearing thereof, and shall give at least seven days' notice to the parties of the date and place of such hearing.

Hearing of appeal.

35 (2) The board may, upon the application of either party, by summons under the hand of the secretary of the board, require any person to appear before the board and give evidence or require any person to produce to the board any books, documents, or writings in his possession or under his control.

(3)

Police Regulation (Appeals).

(3) Upon the hearing of any appeal the board may take evidence upon oath and the chairman may admit in evidence any statement or document which in his opinion is relevant whether or not such statement or document is legal evidence. 5

(4) Any person summoned as aforesaid who fails to appear before the board or to produce to the board any books, documents, or writings, or refuses to give evidence, shall be liable to a penalty not exceeding fifty pounds. 10

(5) The Inspector-General shall be entitled to be represented before the board upon the hearing of any appeal.

(6) The appellant may appear before the board in person, or may nominate a member of the police force 15 or the secretary of the Police Association or any other person to appear on his behalf, and any person appearing before the board may call and examine witnesses.

(7) No barrister or solicitor shall be entitled to appear before the board. 20

Secretary to
convene
meetings and
keep records.

7. The Minister shall appoint a secretary of the board whose duty it shall be to convene all meetings of the board, and to keep a record of all proceedings and decisions of the board.

Regulations.

8. The Governor may make regulations— 25

- (a) providing for the nomination of assessors ;
- (b) prescribing the method of appealing and the procedure of the board ;
- (c) providing for the payment of salary, fees, and allowances to the chairman, assessors, and 30 secretary ;
- (d) generally to carry out the purposes and provisions of and to prescribe the procedure under this Act.

Such regulations shall— 35

- (i) be published in the Gazette ;
- (ii) take effect from the date of such publication, or from a later date to be specified in the regulations ;

(iii)

Police Regulation (Appeals).

- 5 (iii) be laid before both Houses of Parliament within
fourteen days after publication, if Parliament
is in session, and if not, then within fourteen
days after the commencement of the next
session. If either House of Parliament passes
a resolution, of which notice has been given, at
any time within fifteen sitting days after such
regulations have been laid before such House
10 disallowing any regulation or part thereof, such
regulation or part shall thereupon cease to have
effect.

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