

No. , 1922.

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## A BILL

To constitute a Police Appeal Board and to make provision for the reference to such board of appeals by members of the police force; to amend the Police Regulation Act, 1899, and certain other Acts; and for purposes connected therewith.

[MR. OAKES ;—15 *September*, 1922, A.M.]

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**B**E 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 the same, as follows :—

**1.** (1) This Act may be cited as the "Police Regulation (Appeals) Act, 1922," and shall be read with the Police Regulation Act, 1899.



(2) This Act shall come into force upon a date to be proclaimed by the Governor in the Gazette.

Interpreta-  
tion.

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

“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 appointed by the Minister to act as secretary of the board.

Constitution  
of board.

**3.** (1) The Governor may for the purposes of this Act constitute a Police Appeal Board. The board shall consist of a judge of a District Court (who is hereinafter referred to as “the chairman”) and shall be appointed by the Governor for a term of seven years: 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. 20

(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. 30

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

Absence of  
chairman or  
assessor.

**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. 35

(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. 40



5. 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.

Secretary to  
convene  
meetings and  
keep records.

5 6. (1) Any person who, at the time of the decision of the Inspector-General hereinafter in this subsection referred to, is a member of the police force, if dissatisfied with any decision of the Inspector-General, made or given after the commencement of this Act, in  
10 regard to the granting or refusal of promotion to him or the imposition upon him of any punishment where such punishment consists of the infliction of a fine, suspension, or reduction, whether in rank or pay, dismissal, discharge, or transfer, may give notice of appeal  
15 from such decision in the prescribed manner: Such notice of appeal shall be given within thirty days after such decision.

Appeal to  
board and  
procedure  
thereon.

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

(3) 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.

25 (4) The board may, upon the application of either party, by summons under the hand of the secretary 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  
30 under his control.

(5) 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  
35 document is legal evidence.

(6) 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*  
40 pounds.

(7)



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

(8) The appellant may appear before the board in person, or may nominate a member of the police force to appear on his behalf, and any person appearing before the board may call and examine witnesses. 5

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

Decision of  
the board.

**7.** (1) The chairman shall forward to the Inspector-General a copy, certified under the hand of the chairman, of the evidence taken, together with a statement of the decision of the board, or of 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 stating his reasons for dissenting therefrom and making such recommendation as he may think fit. 10 15

(2) The Inspector-General shall transmit such decision, evidence, recommendations, and reports, together with his report and recommendation thereon, to the Minister. 20

(3) The decision of the board, together with the report and recommendation (if any) of any member of the board disagreeing with such decision, and the report and recommendation of the Inspector-General, shall be considered by the Minister, whose decision shall be final. 25

No appeal  
from Appeal  
Board, &c.  
cf. Q'land  
Act, 1921;  
12 Geo. V,  
No. 4.

**8.** Notwithstanding anything contained in any other Act, no appeal from a decision, either of the Appeal Board or of the Minister (or, save as hereinbefore provided, from the Inspector-General), with respect to any member of the police force shall lie or be permitted to any court or tribunal whatsoever, and no writ of prohibition or mandamus or certiorari shall lie in respect thereof. 30 35

Regulations.

**9.** The Governor may make regulations—

- (a) providing for the nomination of assessors;
- (b) prescribing the method of appealing and the procedure of the board;

(c)



(c) providing for the payment of salary, fees, and allowances to the chairman, assessors, and secretary ;

5 (d) generally to carry out the purposes and provisions of and to prescribe the procedure under this Act.

Such regulations shall—

(i) be published in the Gazette ;

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

15 (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  
20 disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

[7d.]

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