# CONSTITUTION AND POLICE REGULATION (AMENDMENT) BILL

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*Schedule of Amendments referred to in Legislative Council's Message of* 1 *April,* 1964.

No. 1.—Page 2, clause 2, line 19. *After* "absence" *insert* **"for the purpose of contesting such election".**

No. 2.—Page 3, clause 2. *After* line 6 *insert* the following new paragraph:—

**The provisions of section one hundred and seventy-eight of the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, shall not apply to or in respect of any member of the police force while he is on leave of the nature referred to in paragraph (a) of subsection two of this section.**

54507 398—

*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.*

ALLAN PICKERING,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 18 *March,* 1964.

*The* LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

J. R. STEVENSON,
*Clerk of the Parliaments.*

*Legislative Council Chamber,*
*Sydney,* 1 *April,* 1964.

# New South Wales


ANNO TERTIO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. , 1964.

An Act to make provisions relating to the election of members of the police force of New South Wales to the Legislative Assembly and the appointment to the said police force of persons who have resigned therefrom in order to contest an election to the Parliament of the Commonwealth of Australia; for these purposes to amend the Constitution Act, 1902, as amended by subsequent Acts, and the Police Regulation Act, 1899, as amended by subsequent Acts; and for purposes connected therewith.

54507 398— BE

NOTE.—The words to be *inserted* are printed in **black letter.**

BE it enacted by the Queen'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 "Constitution and Police Regulation (Amendment) Act, 1964". Short title and citation.

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1964.

**2.** (1) Subject to subsection two of this section nothing in section twenty-six of the Constitution Act, 1902, as amended by subsequent Acts, shall extend to any person otherwise qualified who holds any office of profit as a member of the police force of New South Wales. Members of police force not to be disqualified from election to Legislative Assembly.

(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence **for the purpose of contesting such election** commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

(3) The provisions of section eighteen of the Police Regulation Act, 1899, as amended by subsequent Acts, shall not apply to or in respect of any resignation of a member of the said police force who resigns his office in the said police force in pursuance of the provisions of subsection two of this section.

**The provisions of section one hundred and seventy-eight of the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, shall not apply to or in respect of any member of the police force while he is on leave of the nature referred to in paragraph (a) of subsection two of this section.**

Salary and allowances not to be paid during absence from duty.

**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

This section shall not affect the right of any such member of the police force to leave of absence or salary or allowances under the Acts and rules made thereunder relating to the said police force.

Amendment of Act No. 20, 1899.

**4.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended by omitting section 10A and by inserting in lieu thereof the following section :—

Member of police force resigning to contest Commonwealth election.

10A. (1) Where a member of the police force—

(a) resigns from the police force by writing under his hand and such resignation takes effect not earlier than three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia and before the day fixed for nominations for that election; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

(c) becomes a candidate at that election; and

(d) fails to be elected at that election; and

(e)

(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

5 (f) furnishes with such application a certificate signed by the Secretary of the Police Superannuation and Reward Fund Board constituted by the rules made under this Act setting out that the moneys, if any, paid to him pur-
10 suant to section 29A of this Act, have been repaid by him to the Police Superannuation and Reward Fund and that he has also paid to that fund an amount equal to the amount which would have been deducted from his pay
15 and salary pursuant to section twenty-eight of this Act if he had not resigned,

he shall, notwithstanding anything contained in this Act, be entitled to appointment and be appointed to the police force in a position not lower in seniority and rank than
20 that which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him than those which were applicable to him at the date of his resignation.

(2) In the application of section 12C of this Act
25 to a member of the police force who resigns from the police force as is mentioned in subsection one of this section, the said section 12C shall have effect as if for the words "upon the termination of his services" there were substituted the words "upon his election to the Parlia-
30 ment of the Commonwealth of Australia, or upon his failure to apply for appointment to the police force in accordance with, and within the time prescribed by, subsection one of section 10A of this Act, as the case may be".

35 (3) The provisions of section eighteen of this Act shall not apply to or in respect of any resignation referred to in subsection one of this section.

(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964
[8*d*.]

# CONSTITUTION AND POLICE REGULATION (AMENDMENT) BILL

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**The provisions of section one hundred and seventy-eight of the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, shall not apply to or in respect of any member of the police force while he is on leave of the nature referred to in paragraph (a) of subsection two of this section.**

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*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 18 *March,* 1964.

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J. R. STEVENSON,
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*Legislative Council Chamber,*
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# New South Wales


ANNO TERTIO DECIMO

# ELIZABETHÆ II REGINÆ

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## Act No. , 1964.

An Act to make provisions relating to the election of members of the police force of New South Wales to the Legislative Assembly and the appointment to the said police force of persons who have resigned therefrom in order to contest an election to the Parliament of the Commonwealth of Australia; for these purposes to amend the Constitution Act, 1902, as amended by subsequent Acts, and the Police Regulation Act, 1899, as amended by subsequent Acts; and for purposes connected therewith.

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**1.** (1) This Act may be cited as the "Constitution and Police Regulation (Amendment) Act, 1964". Short title and citation.

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1964.

**2.** (1) Subject to subsection two of this section nothing in section twenty-six of the Constitution Act, 1902, as amended by subsequent Acts, shall extend to any person otherwise qualified who holds any office of profit as a member of the police force of New South Wales. Members of police force not to be disqualified from election to Legislative Assembly.

(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence **for the purpose of contesting such election** commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

(3) The provisions of section eighteen of the Police Regulation Act, 1899, as amended by subsequent Acts, shall not apply to or in respect of any resignation of a member of the said police force who resigns his office in the said police force in pursuance of the provisions of subsection two of this section.

**The provisions of section one hundred and seventy-eight of the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, shall not apply to or in respect of any member of the police force while he is on leave of the nature referred to in paragraph (a) of subsection two of this section.**

Salary and allowances not to be paid during absence from duty.

**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

This section shall not affect the right of any such member of the police force to leave of absence or salary or allowances under the Acts and rules made thereunder relating to the said police force.

Amendment of Act No. 20, 1899.

**4.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended by omitting section 10A and by inserting in lieu thereof the following section:—

Member of police force resigning to contest Commonwealth election.

10A. (1) Where a member of the police force—

(a) resigns from the police force by writing under his hand and such resignation takes effect not earlier than three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia and before the day fixed for nominations for that election; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

(c) becomes a candidate at that election; and

(d) fails to be elected at that election; and

(e)

(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

5 (f) furnishes with such application a certificate signed by the Secretary of the Police Superannuation and Reward Fund Board constituted by the rules made under this Act setting out that the moneys, if any, paid to him pur-
10 suant to section 29A of this Act, have been repaid by him to the Police Superannuation and Reward Fund and that he has also paid to that fund an amount equal to the amount which would have been deducted from his pay
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he shall, notwithstanding anything contained in this Act, be entitled to appointment and be appointed to the police force in a position not lower in seniority and rank than
20 that which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him than those which were applicable to him at the date of his resignation.

(2) In the application of section 12C of this Act
25 to a member of the police force who resigns from the police force as is mentioned in subsection one of this section, the said section 12C shall have effect as if for the words "upon the termination of his services" there were substituted the words "upon his election to the Parlia-
30 ment of the Commonwealth of Australia, or upon his failure to apply for appointment to the police force in accordance with, and within the time prescribed by, subsection one of section 10A of this Act, as the case may be".

35 (3) The provisions of section eighteen of this Act shall not apply to or in respect of any resignation referred to in subsection one of this section.

(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964
[8*d*.]

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*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 18 *March,* 1964.

# New South Wales


ANNO TERTIO DECIMO

# ELIZABETHÆ II REGINÆ

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(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1964.

**2.** (1) Subject to subsection two of this section nothing in section twenty-six of the Constitution Act, 1902, as amended by subsequent Acts, shall extend to any person otherwise qualified who holds any office of profit as a member of the police force of New South Wales. Members of police force not to be disqualified from election to Legislative Assembly.

(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

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**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

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This section shall not affect the right of any such member of the police force to leave of absence or salary or allowances under the Acts and rules made thereunder relating to the said police force.

**4.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended by omitting section 10A and by inserting in lieu thereof the following section:—

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10A. (1) Where a member of the police force—

Member of police force resigning to contest Commonwealth election.

(a) resigns from the police force by writing under his hand and such resignation takes effect not earlier than three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia and before the day fixed for nominations for that election; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

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(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

5 (f) furnishes with such application a certificate signed by the Secretary of the Police Superannuation and Reward Fund Board constituted by the rules made under this Act setting out that the moneys, if any, paid to him pur-
10 suant to section 29A of this Act, have been repaid by him to the Police Superannuation and Reward Fund and that he has also paid to that fund an amount equal to the amount which would have been deducted from his pay
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20 that which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him than those which were applicable to him at the date of his resignation.

(2) In the application of section 12C of this Act
25 to a member of the police force who resigns from the police force as is mentioned in subsection one of this section, the said section 12C shall have effect as if for the words "upon the termination of his services" there were substituted the words "upon his election to the Parlia-
30 ment of the Commonwealth of Australia, or upon his failure to apply for appointment to the police force in accordance with, and within the time prescribed by, subsection one of section 10A of this Act, as the case may be".

35 (3) The provisions of section eighteen of this Act shall not apply to or in respect of any resignation referred to in subsection one of this section.

(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964
[8*d*.]

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*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 18 *March,* 1964.

*The* LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,*
*Sydney,* *April,* 1964.

# New South Wales


ANNO TERTIO DECIMO

# ELIZABETHÆ II REGINÆ

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(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence **for the purpose of contesting such election** commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

(3) The provisions of section eighteen of the Police Regulation Act, 1899, as amended by subsequent Acts, shall not apply to or in respect of any resignation of a member of the said police force who resigns his office in the said police force in pursuance of the provisions of subsection two of this section.

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**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

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(a) resigns from the police force by writing under his hand and such resignation takes effect not earlier than three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia and before the day fixed for nominations for that election; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

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(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

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(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

No. , 1964

# A BILL

To make provisions relating to the election of members of the police force of New South Wales to the Legislative Assembly and the appointment to the said police force of persons who have resigned therefrom in order to contest an election to the Parliament of the Commonwealth of Australia; for these purposes to amend the Constitution Act, 1902, as amended by subsequent Acts, and the Police Regulation Act, 1899, as amended by subsequent Acts; and for purposes connected therewith.

[MR. HEFFRON;—17 *March*, 1964.]

54507 398— BE

BE it enacted by the Queen'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 "Constitution and Police Regulation (Amendment) Act, 1964". Short title and citation.

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1964.

**2.** (1) Subject to subsection two of this section nothing in section twenty-six of the Constitution Act, 1902, as amended by subsequent Acts, shall extend to any person otherwise qualified who holds any office of profit as a member of the police force of New South Wales. Members of police force not to be disqualified from election to Legislative Assembly.

(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

(3) The provisions of section eighteen of the Police Regulation Act, 1899, as amended by subsequent Acts, shall not apply to or in respect of any resignation of a member of the said police force who resigns his office in the said police force in pursuance of the provisions of subsection two of this section.

**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

Salary and allowances not to be paid during absence from duty.

This section shall not affect the right of any such member of the police force to leave of absence or salary or allowances under the Acts and rules made thereunder relating to the said police force.

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10A. (1) Where a member of the police force—

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(b) includes in such writing a notification of his intention to become a candidate at that election; and

(c) becomes a candidate at that election; and

(d) fails to be elected at that election; and

(e)

(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

5 (f) furnishes with such application a certificate signed by the Secretary of the Police Superannuation and Reward Fund Board constituted by the rules made under this Act setting out that the moneys, if any, paid to him pur-
10 suant to section 29A of this Act, have been repaid by him to the Police Superannuation and Reward Fund and that he has also paid to that fund an amount equal to the amount which would have been deducted from his pay
15 and salary pursuant to section twenty-eight of this Act if he had not resigned,

he shall, notwithstanding anything contained in this Act, be entitled to appointment and be appointed to the police force in a position not lower in seniority and rank than
20 that which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him than those which were applicable to him at the date of his resignation.

(2) In the application of section 12C of this Act
25 to a member of the police force who resigns from the police force as is mentioned in subsection one of this section, the said section 12C shall have effect as if for the words "upon the termination of his services" there were substituted the words "upon his election to the Parlia-
30 ment of the Commonwealth of Australia, or upon his failure to apply for appointment to the police force in accordance with, and within the time prescribed by, subsection one of section 10A of this Act, as the case may be".

35 (3) The provisions of section eighteen of this Act shall not apply to or in respect of any resignation referred to in subsection one of this section.

(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964
[8*d*.]

# CONSTITUTION AND POLICE REGULATION (AMENDMENT) BILL, 1964.

## EXPLANATORY NOTE.

THE objects of this Bill are—

(a) to remove the disqualification that precludes members of the police force of New South Wales being elected to the Legislative Assembly by reason of their holding offices of profit under the Crown as such members;

(b) to provide that if so elected any such member shall forthwith resign his position in the police force;

(c) to authorise the appointment to the police force of persons who have resigned therefrom to contest a Commonwealth election;

(d) to make other provisions consequential upon and ancillary to the foregoing.

54507 398—

*PROOF*

No. , 1964

# A BILL

To make provisions relating to the election of members of the police force of New South Wales to the Legislative Assembly and the appointment to the said police force of persons who have resigned therefrom in order to contest an election to the Parliament of the Commonwealth of Australia; for these purposes to amend the Constitution Act, 1902, as amended by subsequent Acts, and the Police Regulation Act, 1899, as amended by subsequent Acts; and for purposes connected therewith.

[MR. HEFFRON;—17 *March*, 1964.]

54507 398— BE

BE it enacted by the Queen'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 "Constitution and Police Regulation (Amendment) Act, 1964". Short title and citation.

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1964.

**2.** (1) Subject to subsection two of this section nothing in section twenty-six of the Constitution Act, 1902, as amended by subsequent Acts, shall extend to any person otherwise qualified who holds any office of profit as a member of the police force of New South Wales. Members of police force not to be disqualified from election to Legislative Assembly.

(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

(3) The provisions of section eighteen of the Police Regulation Act, 1899, as amended by subsequent Acts, shall not apply to or in respect of any resignation of a member of the said police force who resigns his office in the said police force in pursuance of the provisions of subsection two of this section.

**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

Salary and allowances not to be paid during absence from duty.

This section shall not affect the right of any such member of the police force to leave of absence or salary or allowances under the Acts and rules made thereunder relating to the said police force.

**4.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended by omitting section 10A and by inserting in lieu thereof the following section:—

Amendment of Act No. 20, 1899.

10A. (1) Where a member of the police force—

Member of police force resigning to contest Commonwealth election.

(a) resigns from the police force by writing under his hand and such resignation takes effect not earlier than three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia and before the day fixed for nominations for that election; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

(c) becomes a candidate at that election; and

(d) fails to be elected at that election; and

(e)

(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

5 (f) furnishes with such application a certificate signed by the Secretary of the Police Superannuation and Reward Fund Board constituted by the rules made under this Act setting out that the moneys, if any, paid to him pur-
10 suant to section 29A of this Act, have been repaid by him to the Police Superannuation and Reward Fund and that he has also paid to that fund an amount equal to the amount which would have been deducted from his pay
15 and salary pursuant to section twenty-eight of this Act if he had not resigned,

he shall, notwithstanding anything contained in this Act, be entitled to appointment and be appointed to the police force in a position not lower in seniority and rank than
20 that which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him that those which were applicable to him at the date of his resignation.

(2) In the application of section 12C of this Act
25 to a member of the police force who resigns from the police force as is mentioned in subsection one of this section, the said section 12C shall have effect as if for the words "upon the termination of his services" there were substituted the words "upon his election to the Parlia-
30 ment of the Commonwealth of Australia, or upon his failure to apply for appointment to the police force in accordance with, and within the time prescribed by, subsection one of section 10A of this Act, as the case may be".

35 (3) The provisions of section eighteen of this Act shall not apply to or in respect of any resignation referred to in subsection one of this section.

(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

# New South Wales

ANNO TERTIO DECIMO

# ELIZABETHÆ II REGINÆ

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## Act No. 9, 1964.

An Act to make provisions relating to the election of members of the police force of New South Wales to the Legislative Assembly and the appointment to the said police force of persons who have resigned therefrom in order to contest an election to the Parliament of the Commonwealth of Australia; for these purposes to amend the Constitution Act, 1902, as amended by subsequent Acts, and the Police Regulation Act, 1899, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th April, 1964.]

59249 [8*d*.] BE

BE it enacted by the Queen'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:—

Short title and citation.

**1.** (1) This Act may be cited as the "Constitution and Police Regulation (Amendment) Act, 1964".

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1964.

Members of police force not to be disqualified from election to Legislative Assembly.

**2.** (1) Subject to subsection two of this section nothing in section twenty-six of the Constitution Act, 1902, as amended by subsequent Acts, shall extend to any person otherwise qualified who holds any office of profit as a member of the police force of New South Wales.

(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence for the purpose of contesting such election commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

(3) The provisions of section eighteen of the Police Regulation Act, 1899, as amended by subsequent Acts, shall not apply to or in respect of any resignation of a member of the said police force who resigns his office in the said police force in pursuance of the provisions of subsection two of this section.

The provisions of section one hundred and seventy-eight of the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, shall not apply to or in respect of any member of the police force while he is on leave of the nature referred to in paragraph (a) of subsection two of this section.

Salary and allowances not to be paid during absence from duty.

**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

This section shall not affect the right of any such member of the police force to leave of absence or salary or allowances under the Acts and rules made thereunder relating to the said police force.

Amendment of Act No. 20, 1899.

**4.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended by omitting section 10A and by inserting in lieu thereof the following section:—

Member of police force resigning to contest Commonwealth election.

10A. (1) Where a member of the police force—

(a) resigns from the police force by writing under his hand and such resignation takes effect not earlier than three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia and before the day fixed for nominations for that election; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

(c) becomes a candidate at that election; and

(d) fails to be elected at that election; and

(e)

(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

(f) furnishes with such application a certificate signed by the Secretary of the Police Superannuation and Reward Fund Board constituted by the rules made under this Act setting out that the moneys, if any, paid to him pursuant to section 29A of this Act, have been repaid by him to the Police Superannuation and Reward Fund and that he has also paid to that fund an amount equal to the amount which would have been deducted from his pay and salary pursuant to section twenty-eight of this Act if he had not resigned,

he shall, notwithstanding anything contained in this Act, be entitled to appointment and be appointed to the police force in a position not lower in seniority and rank than that which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him than those which were applicable to him at the date of his resignation.

(2) In the application of section 12C of this Act to a member of the police force who resigns from the police force as is mentioned in subsection one of this section, the said section 12C shall have effect as if for the words "upon the termination of his services" there were substituted the words "upon his election to the Parliament of the Commonwealth of Australia, or upon his failure to apply for appointment to the police force in accordance with, and within the time prescribed by, subsection one of section 10A of this Act, as the case may be".

(3) The provisions of section eighteen of this Act shall not apply to or in respect of any resignation referred to in subsection one of this section.

(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

*I certify that this* PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

ALLAN PICKERING,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney, 2 April,* 1964.

# New South Wales

ANNO TERTIO DECIMO

# ELIZABETHÆ II REGINÆ

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## Act No. 9, 1964.

An Act to make provisions relating to the election of members of the police force of New South Wales to the Legislative Assembly and the appointment to the said police force of persons who have resigned therefrom in order to contest an election to the Parliament of the Commonwealth of Australia; for these purposes to amend the Constitution Act, 1902, as amended by subsequent Acts, and the Police Regulation Act, 1899, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th April, 1964.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

HOWARD T. FOWLES,
*Chairman of Committees of the Legislative Assembly.*

BE it enacted by the Queen'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:—

Short title and citation.

**1.** (1) This Act may be cited as the "Constitution and Police Regulation (Amendment) Act, 1964".

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1964.

Members of police force not to be disqualified from election to Legislative Assembly.

**2.** (1) Subject to subsection two of this section nothing in section twenty-six of the Constitution Act, 1902, as amended by subsequent Acts, shall extend to any person otherwise qualified who holds any office of profit as a member of the police force of New South Wales.

(2) (a) No member of the said police force shall be entitled to contest an election of members of the Legislative Assembly of New South Wales unless he applies for and is granted leave of absence for the purpose of contesting such election commencing before the day of nomination under the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, and terminating not earlier than the polling-day fixed under that Act, as so amended.

(b) If any part of the leave granted to a member of the said police force pursuant to paragraph (a) of this subsection is leave without pay, he shall, before proceeding on leave, pay to the Police Superannuation and Reward Fund the amount which would, if that period of leave without pay were leave with pay, be deducted from his pay and salary pursuant to section twenty-eight of the Police Regulation Act, 1899, as amended by subsequent Acts.

(c) Any member of the said police force who is elected a member of the Legislative Assembly of New South Wales shall forthwith on being declared so elected resign his office in the said police force.

(3) The provisions of section eighteen of the Police Regulation Act, 1899, as amended by subsequent Acts, shall not apply to or in respect of any resignation of a member of the said police force who resigns his office in the said police force in pursuance of the provisions of subsection two of this section.

The provisions of section one hundred and seventy-eight of the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, shall not apply to or in respect of any member of the police force while he is on leave of the nature referred to in paragraph (a) of subsection two of this section.

Salary and allowances not to be paid during absence from duty.

**3.** Any member of the said police force who is contesting an election of a member or members of the Legislative Assembly of New South Wales shall not be entitled to any salary or allowances during his absence from duty owing to such contest.

This section shall not affect the right of any such member of the police force to leave of absence or salary or allowances under the Acts and rules made thereunder relating to the said police force.

Amendment of Act No. 20, 1899.

**4.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended by omitting section 10A and by inserting in lieu thereof the following section:—

Member of police force resigning to contest Commonwealth election.

10A. (1) Where a member of the police force—

(a) resigns from the police force by writing under his hand and such resignation takes effect not earlier than three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia and before the day fixed for nominations for that election; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

(c) becomes a candidate at that election; and

(d) fails to be elected at that election; and

(e)

(e) makes written application for appointment as a member of the police force within two months after the declaration of the result of the poll at that election; and

(f) furnishes with such application a certificate signed by the Secretary of the Police Superannuation and Reward Fund Board constituted by the rules made under this Act setting out that the moneys, if any, paid to him pursuant to section 29A of this Act, have been repaid by him to the Police Superannuation and Reward Fund and that he has also paid to that fund an amount equal to the amount which would have been deducted from his pay and salary pursuant to section twenty-eight of this Act if he had not resigned,

he shall, notwithstanding anything contained in this Act, be entitled to appointment and be appointed to the police force in a position not lower in seniority and rank than that which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him than those which were applicable to him at the date of his resignation.

(2) In the application of section 12C of this Act to a member of the police force who resigns from the police force as is mentioned in subsection one of this section, the said section 12C shall have effect as if for the words "upon the termination of his services" there were substituted the words "upon his election to the Parliament of the Commonwealth of Australia, or upon his failure to apply for appointment to the police force in accordance with, and within the time prescribed by, subsection one of section 10A of this Act, as the case may be".

(3) The provisions of section eighteen of this Act shall not apply to or in respect of any resignation referred to in subsection one of this section.

(4)

(4) A person appointed pursuant to subsection one of this section shall upon his appointment be deemed to have continued to be a member of the police force within the meaning of this Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.

(5) Section nine of this Act shall apply to every person appointed pursuant to subsection one of this section.

*In the name and on behalf of Her Majesty I assent to this Act.*

E. W. WOODWARD,
*Governor.*

*Government House,*
*Sydney, 9th April,* 1964.