

CONCURRENCE COPY

POLICE REGULATION (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Police Regulation Act, 1899, so as to—

- (a) vary the provisions of that Act which relate to appointments to the rank of senior inspector as a consequence of the intended renaming of that rank as the rank of chief inspector (Schedule 1 (1)); and
- (b) provide that the Public Service Board of New South Wales—
 - (i) shall be deemed to be the employer of members of the police force for the purposes of certain proceedings relating to those members held before tribunals having power to deal with certain industrial matters;
 - (ii) may make determinations relating to the salary, wages or other remuneration of certain of those members; and
 - (iii) may enter into agreements as to certain industrial matters affecting those members,

(Schedule 1 (2)).

The Bill also contains certain saving and validation provisions (Schedule 2).

POLICE REGULATION (AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Police Regulation Act, 1899, so as to deem the Public Service Board of New South Wales to be the employer of members of the police force in certain respects, and for other purposes; and to make certain savings and validate certain matters.

[MR ANDERSON—24 *November*, 1982.]

Police Regulation (Amendment).

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:—

5 Short title.

1. This Act may be cited as the "Police Regulation (Amendment) Act, 1983".

Commencement.

2. (1) Except as provided by subsections (2) and (3), this Act shall
10 commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

(3) Schedule 1 (1) shall commence on such day as may be appointed
15 by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Police Regulation Act, 1899, is referred to in this Act as the Principal Act.

Schedules.

20 **4.** This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVING AND VALIDATION PROVISIONS.

Police Regulation (Amendment).

Amendment of Act No. 20, 1899.

5. The Principal Act is amended in the manner set forth in Schedule 1.

Saving and validation provisions.

6. Schedule 2 has effect.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 5AA—

10 Omit “senior inspector” wherever occurring, insert instead “chief inspector”.

(2) Section 13—

After section 12G, insert:—

Employer of members of police force for certain purposes.

13. (1) In this section—

15 “Board” means Public Service Board of New South Wales;

“industrial matters” has the meaning ascribed to that expression by section 5 (1) of the Industrial Arbitration Act, 1940, subject to the following modifications:—

20 (a) the references to “employers” and “their employer” shall be read and construed as references to the Crown;

(b) the references to “employees” shall be read and construed as references to members of the police force;

Police Regulation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (c) the references to “any industry” and “an industry” shall be read and construed as references to the police force; and

(d) the references to “industrial unions” and “trade union” shall be read and construed as references to any association or organisation representing any group or class of members of the police force;

10 “member of the police force” includes a person who—

(a) has applied to be a member of the police force; and

(b) is employed as a trainee as a prerequisite to his being appointed as a member of the police force.

15 (2) The Board shall, for the purposes of any proceedings relating to members of the police force held before a competent tribunal having power to deal with industrial matters, be deemed to be the employer of members of the police force, except for the purposes of any such proceedings relating to—

(a) the dismissal, suspension or reinstatement; or

20 (b) the powers of the Commissioner with respect to the discipline, promotion or transfer,

of members of the police force.

25 (3) Except in so far as provision is otherwise made by law, the salary, wages or other remuneration of members of the police force shall be as may be determined from time to time by the Board.

(4) A member of the police force may sue for and recover the amount of his salary, wages or other remuneration the subject of a determination under subsection (3).

30 (5) The Board may enter into an agreement with any association or organisation representing any group or class of members of the police force as to any industrial matters, other than an agreement relating to—

(a) the dismissal, suspension or reinstatement; or

Police Regulation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) the powers of the Commissioner with respect to the discipline, promotion or transfer,
5 of members of the police force.

(6) An agreement referred to in subsection (5) shall bind all members of the police force in the class or group affected by the agreement and no such member of the police force, whether a member of the association or organisation with which the agreement was
10 entered into or not, shall have any right of appeal against the terms of the agreement.

(7) Any order or determination made by a competent tribunal in any proceedings referred to in subsection (2), and any agreement referred to in subsection (5), shall be given effect to by
15 the Commissioner.

(8) Nothing in this section authorises—
(a) the Board to act as an employer; or
(b) any power, authority, duty or function to be exercised or performed by or in relation to the Board,
20 otherwise than for the purposes of and in accordance with this section.

SCHEDULE 2.

(Sec. 6.)

SAVING AND VALIDATION PROVISIONS.

Savings relating to certain lists and appointments.

25 1. (1) In this clause, "appointed day" means the day appointed and notified under section 2 (3).

(2) A priority list or supplementary priority list prepared before the appointed day under section 5AA (2) or (3) of the Principal Act, being a list prepared for the year commencing on 1st October, 1982, or any part of that year, as the case may be,
30 shall be deemed to have been or to be a priority list or supplementary priority list prepared, when it was or is so prepared, under section 5AA (2) or (3), as the case may require, of that Act, as amended by this Act, for that year or that part of that year.

*Police Regulation (Amendment).*SCHEDULE 2—*continued.*SAVING AND VALIDATION PROVISIONS—*continued.*

(3) Where, before the appointed day, a copy of a list referred to in subclause (2) was or is served on a person under section 5AA (5) of the Principal Act, nothing in the Principal Act, as amended by this Act, requires that the person be served with a further copy of that list on or after that day.

- (4) An inspector who was or is, before the appointed day—
- (a) recommended under the Principal Act for appointment under that Act to the rank of senior inspector, shall be deemed to have been or to be recommended, when he was or is so recommended, for appointment under that Act, as amended by this Act, to the rank of chief inspector; or
- (b) appointed under that Act to the rank of senior inspector, shall be deemed to have been or to be appointed, when he was or is so appointed, to the rank of chief inspector under that Act, as amended by this Act, but only if he holds the rank of senior inspector immediately before that day.

Validation.

2. (1) Any act, matter or thing—
- (a) which—
- (i) was done before 28th September, 1979, by any one or more of the members, from time to time, of the Public Service Board appointed under the Public Service Act, 1902; or
- (ii) purports to have been done before that date by the Public Service Board so appointed; and
- (b) which would have been authorised to be done by the Public Service Board of New South Wales if the Principal Act, as amended by this Act, had been in force when the act, matter or thing was done,

is hereby validated.

- (2) Any act, matter or thing—
- (a) which was done on or after 28th September, 1979, and before the date of assent to this Act by the Public Service Board of New South Wales or any other person; and
- (b) which could have lawfully been done only if the Principal Act, as amended by this Act, had been in force when the act, matter or thing was done,

is hereby validated.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

POLICE REGULATION (AMENDMENT) ACT, 1983, No. 5

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 5, 1983.

An Act to amend the Police Regulation Act, 1899, so as to deem the Public Service Board of New South Wales to be the employer of members of the police force in certain respects, and for other purposes; and to make certain savings and validate certain matters. [Assented to, 29th March, 1983.]

Police Regulation (Amendment).

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.

1. This Act may be cited as the "Police Regulation (Amendment) Act, 1983".

Commencement.

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1, commence on the day on which that provision commences.

(3) Schedule 1 (1) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Police Regulation Act, 1899, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVING AND VALIDATION PROVISIONS.

Police Regulation (Amendment).

Amendment of Act No. 20, 1899.

5. The Principal Act is amended in the manner set forth in Schedule 1.

Saving and validation provisions.

6. Schedule 2 has effect.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) Section 5AA—

Omit “senior inspector” wherever occurring, insert instead “chief inspector”.

- (2) Section 13—

After section 12G, insert:—

Employer of members of police force for certain purposes.

13. (1) In this section—

“Board” means Public Service Board of New South Wales;

“industrial matters” has the meaning ascribed to that expression by section 5 (1) of the Industrial Arbitration Act, 1940, subject to the following modifications:—

- (a) the references to “employers” and “their employer” shall be read and construed as references to the Crown;
- (b) the references to “employees” shall be read and construed as references to members of the police force;

Police Regulation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) the references to “any industry” and “an industry” shall be read and construed as references to the police force; and
- (d) the references to “industrial unions” and “trade union” shall be read and construed as references to any association or organisation representing any group or class of members of the police force;

“member of the police force” includes a person who—

- (a) has applied to be a member of the police force; and
- (b) is employed as a trainee as a prerequisite to his being appointed as a member of the police force.

(2) The Board shall, for the purposes of any proceedings relating to members of the police force held before a competent tribunal having power to deal with industrial matters, be deemed to be the employer of members of the police force, except for the purposes of any such proceedings relating to—

- (a) the dismissal, suspension or reinstatement; or
- (b) the powers of the Commissioner with respect to the discipline, promotion or transfer,

of members of the police force.

(3) Except in so far as provision is otherwise made by law, the salary, wages or other remuneration of members of the police force shall be as may be determined from time to time by the Board.

(4) A member of the police force may sue for and recover the amount of his salary, wages or other remuneration the subject of a determination under subsection (3).

(5) The Board may enter into an agreement with any association or organisation representing any group or class of members of the police force as to any industrial matters, other than an agreement relating to—

- (a) the dismissal, suspension or reinstatement; or

Police Regulation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) the powers of the Commissioner with respect to the discipline, promotion or transfer,
of members of the police force.

(6) An agreement referred to in subsection (5) shall bind all members of the police force in the class or group affected by the agreement and no such member of the police force, whether a member of the association or organisation with which the agreement was entered into or not, shall have any right of appeal against the terms of the agreement.

(7) Any order or determination made by a competent tribunal in any proceedings referred to in subsection (2), and any agreement referred to in subsection (5), shall be given effect to by the Commissioner.

(8) Nothing in this section authorises—

(a) the Board to act as an employer; or

(b) any power, authority, duty or function to be exercised or performed by or in relation to the Board,

otherwise than for the purposes of and in accordance with this section.

SCHEDULE 2.

(Sec. 6.)

SAVING AND VALIDATION PROVISIONS.

Savings relating to certain lists and appointments.

1. (1) In this clause, "appointed day" means the day appointed and notified under section 2 (3).

(2) A priority list or supplementary priority list prepared before the appointed day under section 5AA (2) or (3) of the Principal Act, being a list prepared for the year commencing on 1st October, 1982, or any part of that year, as the case may be, shall be deemed to have been or to be a priority list or supplementary priority list prepared, when it was or is so prepared, under section 5AA (2) or (3), as the case may require, of that Act, as amended by this Act, for that year or that part of that year.

Police Regulation (Amendment).

SCHEDULE 2—*continued.*SAVING AND VALIDATION PROVISIONS—*continued.*

(3) Where, before the appointed day, a copy of a list referred to in subclause (2) was or is served on a person under section 5AA (5) of the Principal Act, nothing in the Principal Act, as amended by this Act, requires that the person be served with a further copy of that list on or after that day.

(4) An inspector who was or is, before the appointed day—

- (a) recommended under the Principal Act for appointment under that Act to the rank of senior inspector, shall be deemed to have been or to be recommended, when he was or is so recommended, for appointment under that Act, as amended by this Act, to the rank of chief inspector; or
- (b) appointed under that Act to the rank of senior inspector, shall be deemed to have been or to be appointed, when he was or is so appointed, to the rank of chief inspector under that Act, as amended by this Act, but only if he holds the rank of senior inspector immediately before that day.

Validation.

2. (1) Any act, matter or thing—

(a) which—

- (i) was done before 28th September, 1979, by any one or more of the members, from time to time, of the Public Service Board appointed under the Public Service Act, 1902; or
- (ii) purports to have been done before that date by the Public Service Board so appointed; and

(b) which would have been authorised to be done by the Public Service Board of New South Wales if the Principal Act, as amended by this Act, had been in force when the act, matter or thing was done,

is hereby validated.

(2) Any act, matter or thing—

- (a) which was done on or after 28th September, 1979, and before the date of assent to this Act by the Public Service Board of New South Wales or any other person; and

Police Regulation (Amendment).

SCHEDULE 2—*continued.*

SAVING AND VALIDATION PROVISIONS—*continued.*

(b) which could have lawfully been done only if the Principal Act, as amended by this Act, had been in force when the act, matter or thing was done, is hereby validated.

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 29th March, 1983.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

