

CONCURRENCE COPY

POLICE REGULATION (DEPUTY COMMISSIONERS) AMENDMENT BILL, 1981

EXPLANATORY NOTE

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

The Miscellaneous Acts (Deputy Commissioners of Police) Amendment Bill, 1981, is cognate with this Bill.

The objects of this Bill are—

- (a) to increase to 2 the number of Deputy Commissioners of Police (Schedule 1 (2) (a));
 - (b) to enable the Minister to nominate from time to time the Deputy Commissioner who is to act as Commissioner during the illness or absence of the Commissioner (Schedule 1 (2) (d), (e), (f));
 - (c) to abolish the office of Senior Assistant Commissioner of Police (Schedule 1 (3) (a)); and
 - (d) to make provisions consequential upon or ancillary to the foregoing.
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CONCURRENCE COPY

OFFICE OF THE ATTORNEY GENERAL (DEPUTY COMMISSIONER)
AMERICAN BAR ASSOCIATION

ATTORNEY GENERAL'S REPORT

The Commission on the Administration of Justice (the Commission) has the honor to acknowledge the receipt of your report on the subject of the proposed amendments to the Rules of the Supreme Court of the State of New York.

The Commission has carefully reviewed your report and is pleased to note the many suggestions which you have made for the improvement of the Rules. The Commission believes that many of these suggestions are of great value and should be adopted.

The Commission has also noted your suggestion that the Rules be amended to provide for the appointment of a judicial council to oversee the administration of the courts. The Commission believes that this suggestion is also of great value and should be adopted.

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**POLICE REGULATION (DEPUTY COMMISSIONERS)
AMENDMENT BILL, 1981**

No. , 1981.

A BILL FOR

An Act to amend the Police Regulation Act, 1899, to provide for the appointment of an additional Deputy Commissioner of Police and to abolish the office of Senior Assistant Commissioner of Police.

[MR ANDERSON—2 December, 1981.]

See also Miscellaneous Acts (Deputy Commissioners of Police) Amendment Bill, 1981.

Police Regulation (Deputy Commissioners) 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 (Deputy Commissioners) Amendment Act, 1981".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent
10 to this Act.

(2) Except as provided in subsection (1), this Act 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.

Amendment of Act No. 20, 1899.

15 **3.** The Police Regulation Act, 1899, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE REGULATION ACT, 1899.

20 (1) Section 3—

Omit "the Deputy Commissioner, the Senior Assistant Commissioner,"; insert instead "a Deputy Commissioner".

Police Regulation (Deputy Commissioners) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

(2) (a) Section 4A (1)—

5 Omit “a Deputy Commissioner”, insert instead “not more than 2 Deputy Commissioners”.

(b) Section 4A (2), (3), (4)—

Omit “The Deputy” wherever occurring, insert instead “A Deputy”.

(c) Section 4A (4)—

10 Omit “the Deputy”, insert instead “a Deputy”.

(d) Section 4A (4A)—

After section 4A (4), insert:—

15 (4A) The Minister may, by order in writing, nominate one of the Deputy Commissioners as the Deputy Commissioner referred to in subsection (5) (a).

(e) Section 4A (5) (a)—

20 Omit “the Deputy Commissioner”, insert instead “a Deputy Commissioner being, where there are 2 Deputy Commissioners, the Deputy Commissioner nominated by an order for the time being in force under subsection (4A),”.

(f) Section 4A (5) (a1)—

After section 4A (5) (a), insert:—

25 (a1) Where there are 2 Deputy Commissioners and the Deputy Commissioner nominated by an order for the time being in force under subsection (4A) is ill or absent or, though on duty, cannot be contacted, the other Deputy Commissioner shall, for the purposes of paragraph (a), be deemed to be the Deputy Commissioner so nominated.

Police Regulation (Deputy Commissioners) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

(g) Section 4A (5) (b)—

5 Omit “the Deputy” wherever occurring, insert instead “a Deputy”.

(3) (a) Section 4B (1)—

Omit “a Senior Assistant Commissioner of Police and”.

(b) Section 4B (2)—

10 Omit “The Senior Assistant Commissioner and each Assistant Commissioner are”, insert instead “An Assistant Commissioner is”.

(c) Section 4B (3)—

Omit “The Senior Assistant Commissioner and an”, insert instead “An”.

15 (4) Section 4C—

Omit the section.

(5) (a) Section 4D (1) (b)—

Omit the paragraph, insert instead:—

20 (b) be the subject of a direction by the Commissioner or a Deputy Commissioner,

but any such delegation or direction does not prevent the exercise or performance by the Commissioner or a Deputy Commissioner of any power, authority, duty or function so delegated or the subject of such a direction.

Police Regulation (Deputy Commissioners) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

- (b) Section 4D (2)—
Omit “or Deputy”, insert instead “or a Deputy”.
- 5 (c) Section 4D (3)—
Omit the subsection, insert instead:—
(3) The Commissioner may revoke a delegation by him under subsection (1) or a direction given by him or a Deputy Commissioner under that subsection, and a Deputy Commissioner may revoke a direction given by him under that
10 subsection.
- (6) Section 5 (2)—
Omit “the Deputy Commissioner, the Senior Assistant Commissioner”, insert instead “a Deputy Commissioner”.
- 15 (7) Section 9 (1)—
Omit “Senior Assistant Commissioner”.
- (8) Section 11A—
Omit “the Deputy Commissioner, the Senior Assistant Commissioner”, insert instead “a Deputy Commissioner”.
- 20 (9) Section 12G—
Omit “the Deputy Commissioner, Senior Assistant Commissioner”, insert instead “a Deputy Commissioner”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

Police Registrar (Deputy Commissioners) Amendment

SECTION 11

Amendments to the Police Registrar Act, 1950—continued.

(b) Section 40 (1)---

Chief or Deputy, insert instead of a Deputy,

(c) Section 40 (3)---

omit the sub-section that in sub-section---

(2) The Commission may confer a delegation by sub-section (1) or a direction given by law or a Deputy Commissioner, and a direction given by a Deputy Commissioner may confer a delegation on the holder of that sub-section.

(d) Section 5 (3)---

omit the Deputy Commissioner, the Senior Assistant Commissioner, insert instead a Deputy Commissioner.

(e) Section 9 (1)---

omit Senior Assistant Commissioner.

(f) Section 11A---

omit the Deputy Commissioner, the Senior Assistant Commissioner, insert instead a Deputy Commissioner.

(g) Section 13A---

omit the Deputy Commissioner, Senior Assistant Commissioner, insert instead a Deputy Commissioner.

**POLICE REGULATION (DEPUTY COMMISSIONERS)
AMENDMENT ACT, 1981, No. 120**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 120, 1981.

An Act to amend the Police Regulation Act, 1899, to provide for the appointment of an additional Deputy Commissioner of Police and to abolish the office of Senior Assistant Commissioner of Police. [Assented to, 22nd December, 1981.]

See also Miscellaneous Acts (Deputy Commissioners of Police) Amendment Act, 1981.

Police Regulation (Deputy Commissioners) 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 (Deputy Commissioners) Amendment Act, 1981".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act 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.

Amendment of Act No. 20, 1899.

3. The Police Regulation Act, 1899, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE REGULATION ACT, 1899.

(1) Section 3—

Omit "the Deputy Commissioner, the Senior Assistant Commissioner," insert instead "a Deputy Commissioner".

Police Regulation (Deputy Commissioners) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

(2) (a) Section 4A (1)—

Omit “a Deputy Commissioner”, insert instead “not more than 2 Deputy Commissioners”.

(b) Section 4A (2), (3), (4)—

Omit “The Deputy” wherever occurring, insert instead “A Deputy”.

(c) Section 4A (4)—

Omit “the Deputy”, insert instead “a Deputy”.

(d) Section 4A (4A)—

After section 4A (4), insert:—

(4A) The Minister may, by order in writing, nominate one of the Deputy Commissioners as the Deputy Commissioner referred to in subsection (5) (a).

(e) Section 4A (5) (a)—

Omit “the Deputy Commissioner”, insert instead “a Deputy Commissioner being, where there are 2 Deputy Commissioners, the Deputy Commissioner nominated by an order for the time being in force under subsection (4A),”.

(f) Section 4A (5) (a1)—

After section 4A (5) (a), insert:—

(a1) Where there are 2 Deputy Commissioners and the Deputy Commissioner nominated by an order for the time being in force under subsection (4A) is ill or absent or, though on duty, cannot be contacted, the other Deputy Commissioner shall, for the purposes of paragraph (a), be deemed to be the Deputy Commissioner so nominated.

Police Regulation (Deputy Commissioners) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

(g) Section 4A (5) (b)—

Omit “the Deputy” wherever occurring, insert instead “a Deputy”.

(3) (a) Section 4B (1)—

Omit “a Senior Assistant Commissioner of Police and”.

(b) Section 4B (2)—

Omit “The Senior Assistant Commissioner and each Assistant Commissioner are”, insert instead “An Assistant Commissioner is”.

(c) Section 4B (3)—

Omit “The Senior Assistant Commissioner and an”, insert instead “An”.

(4) Section 4C—

Omit the section.

(5) (a) Section 4D (1) (b)—

Omit the paragraph, insert instead:—

(b) be the subject of a direction by the Commissioner or a Deputy Commissioner,

but any such delegation or direction does not prevent the exercise or performance by the Commissioner or a Deputy Commissioner of any power, authority, duty or function so delegated or the subject of such a direction.

(b) Section 4D (2)—

Omit “or Deputy”, insert instead “or a Deputy”.

Police Regulation (Deputy Commissioners) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

(c) Section 4D (3)—

Omit the subsection, insert instead:—

(3) The Commissioner may revoke a delegation by him under subsection (1) or a direction given by him or a Deputy Commissioner under that subsection, and a Deputy Commissioner may revoke a direction given by him under that subsection.

(6) Section 5 (2)—

Omit “the Deputy Commissioner, the Senior Assistant Commissioner”, insert instead “a Deputy Commissioner”.

(7) Section 9 (1)—

Omit “Senior Assistant Commissioner”.

(8) Section 11A—

Omit “the Deputy Commissioner, the Senior Assistant Commissioner”, insert instead “a Deputy Commissioner”.

(9) Section 12G—

Omit “the Deputy Commissioner, Senior Assistant Commissioner”, insert instead “a Deputy Commissioner”.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 22nd December, 1981.*



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