

POLICE BOARD (PROMOTIONS) AMENDMENT BILL, 1984

EXPLANATORY NOTE

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

This Bill is cognate with the Police Regulation (Promotions) Amendment Bill, 1984.

The objects of this Bill are to amend the Police Board Act, 1983—

- (a) to require the Police Board to make recommendations for all appointments to, and promotions and transfers within, the commissioned ranks of the police force (Schedule 1 (1));
 - (b) to require the Police Board, in making a recommendation referred to in paragraph (a), to prefer the applicant for appointment whose merit is greater than that of any other such applicant (Schedule 1 (2)); and
 - (c) to make other provisions of an ancillary nature.
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PROOF

POLICE BOARD (PROMOTIONS) AMENDMENT BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend the Police Board Act, 1983, with respect to the functions of the Police Board in connection with the appointment, promotion and transfer of commissioned police officers and in certain other respects.

[MR ANDERSON—10 *May*, 1984.]

Police Board (Promotions) 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 Board (Promotions) Amendment Act, 1984".

Commencement.

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

(2) Schedule 1 (1) and (2), and section 3 in its application to those provisions, shall commence on the day appointed and notified under section 2 (2) of the Police Regulation (Promotions) Amendment Act, 1984.

Amendment of Act No. 135, 1983.

15 3. The Police Board Act, 1983, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE BOARD ACT, 1983.

20 (1) (a) Section 7 (2) (f)—

Omit "officers to the rank of chief", insert instead "persons to the rank of".

Police Board (Promotions) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE BOARD ACT, 1983—*continued.*

(b) Section 7 (2) (g)—

Omit the paragraph, insert instead:—

- 5 (g) make a recommendation to the Minister in relation to each appointment to the rank of inspector of any grade, after considering—
- 10 (i) such information in relation to the applications for the appointment as the Board requires to be provided by the Commissioner; and
- (ii) the advice of the Commissioner;

(c) Section 7 (2) (h)—

Omit “chief”.

(2) Section 7A—

15 After section 7, insert:—

Merit to be primary consideration.

7A. (1) In this section, “merit”, in relation to an applicant for appointment to the rank of inspector or any higher rank, means—

- 20 (a) the possession by the applicant of qualifications determined by the Board in respect of the position to which a successful applicant would be appointed;
- (b) the aptitude of the applicant for the discharge of those duties in that position; and
- (c) the diligence and good conduct of the applicant.

Police Board (Promotions) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE BOARD ACT, 1983—*continued.*

5 (2) Subject to subsection (3), in deciding to make a recommendation under section 7 (2) (f) or (g) in relation to the appointment of any person, the Board shall, of the applicants for appointment, prefer the applicant whose merit is, in the opinion of the Board, greater than that of any other applicant.

10 (3) Where, in the opinion of the Board, there are 2 or more applicants for appointment as superintendent of any grade, or inspector of any grade, who are of equal merit, the Board shall, in deciding to make the recommendation referred to in subsection (2), prefer the person among the applicants of equal merit who, in accordance with the rules for determining seniority among members of the police force, is senior to the other applicant, or any of the
15 other applicants, of equal merit.

(4) The Board shall cause the prescribed notification of a recommendation under section 7 (2) (g) to be given as prescribed to each applicant for the appointment to which the recommendation relates.

20 (3) Schedule 1, clause 7 (2)—

Omit the subclause, insert instead:—

(2) The Governor may remove a part-time member from office for incapacity, incompetence or misbehaviour.

(4) Schedule 2, clause 2—

25 Omit the clause, insert instead:—

Quorum and voting.

30 2. (1) Two members shall form a quorum and any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise all the functions of the Board.

Police Board (Promotions) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE BOARD ACT, 1983—*continued.*

(2) A decision supported by at least 2 votes cast at a meeting of the Board at which a quorum is present shall be the decision of the Board.

BY APPOINTMENT
TO HIS MAJESTY THE KING