

CONCURRENCE COPY

POLICE REGULATION (APPEALS) 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 object of this Bill is to provide for an appeal against a decision of the Police Board to recommend a person for appointment to the rank of inspector (of any grade) within the police force.

The Bill adopts, with suitable modifications, the provisions of the Government and Related Employees Appeal Tribunal Act, 1980, relating to the informal hearing of an appeal under that Act against a decision of an employer in relation to promotion.

WORKING COPY

UNITED STATES GOVERNMENT

OFFICE

MEMORANDUM FOR THE DIRECTOR

FROM: SAC, NEW YORK

SUBJECT: [Illegible]

[Illegible text]

POLICE REGULATION (APPEALS) AMENDMENT BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend the Police Regulation (Appeals) Act, 1923, with respect to appointments to the rank of inspector (of any grade) in the police force.

[MR ANDERSON—10 *May*, 1984.]

Police Regulation (Appeals) 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 (Appeals) Amendment Act, 1984".

Commencement.

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Police Regulation (Promotions) Amendment Act, 1984.

Amendment of Act No. 33, 1923.

15 **3.** The Police Regulation (Appeals) Act, 1923, is amended in the manner set forth in Schedule 1.

Police Regulation (Appeals) Amendment.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE REGULATION (APPEALS)
ACT, 1923.

5 (1) Section 2A—

Omit “and the Commissioner shall be deemed to be the employer, within the meaning of that Act, of that member.”, insert instead:—

and—

10 (a) in the case of an appeal under section 3 (1) or 4 (1)—
the Commissioner; or

(b) in the case of an appeal under section 5A (1)—the Police Board,

shall be deemed to be the employer, within the meaning of that Act, of that member.

15 (2) Section 4 (1)—

Omit “5AA, 5A.”.

(3) Section 5A—

After section 5, insert:—

Appeal against decision to recommend appointment of inspector.

20 5A. (1) Where, under section 7 (2) (g) of the Police Board Act, 1983, the Police Board recommends the appointment of a member of the police force to the rank of inspector of any grade, any other member of the police force who was an applicant for the
25 appointment may, subject to this section, appeal to the Tribunal against the decision of the Police Board to make the recommendation.

30 (2) The only ground upon which an appeal may be made under subsection (1) is that the merit of the appellant, within the meaning of section 7A of the Police Board Act, 1983, is greater than that of the member of the police force to whom the decision appealed against relates.

Police Regulation (Appeals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION (APPEALS)
ACT, 1923—*continued.*

(3) Subject to subsection (4), the provisions of—

- 5 (a) Division 3 of Part III of the Government and Related
Employees Appeal Tribunal Act, 1980;
- (b) Part IV of that Act, sections 35, 36 and 38 excepted; and
- (c) Parts V and VI of that Act,

10 apply to and in respect of an appeal under subsection (1) in the
same way as they apply to and in respect of an appeal under section
20 of that Act.

(4) For the purposes of subsection (3), the provisions of the
Government and Related Employees Appeal Tribunal Act, 1980,
applied by that subsection shall be construed as if—

- 15 (a) references therein to an employee were references to a
member of the police force;
- (b) references therein to an employer were references to the
Police Board;
- 20 (c) references in sections 29 and 30 of that Act to section 19
(3) of that Act were references to section 7A (4) of the
Police Board Act, 1983;
- (d) section 34 of that Act had been amended by omitting the
words “may be formal or” and by inserting instead the
words “shall be”; and
- 25 (e) section 48 (3) of that Act had been amended by omitting
the words “and shall be given effect to by the employer
against whose decision the appeal was brought”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

**POLICE REGULATION (APPEALS) AMENDMENT
ACT, 1984, No. 82**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 82, 1984.

An Act to amend the Police Regulation (Appeals) Act, 1923, with respect to appointments to the rank of inspector (of any grade) in the police force.
[Assented to, 27th June, 1984.]

Police Regulation (Appeals) 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 (Appeals) Amendment Act, 1984".

Commencement.

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Police Regulation (Promotions) Amendment Act, 1984.

Amendment of Act No. 33, 1923.

3. The Police Regulation (Appeals) Act, 1923, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE REGULATION (APPEALS)
ACT, 1923.

(1) Section 2A—

Omit "and the Commissioner shall be deemed to be the employer, within the meaning of that Act, of that member.", insert instead:—

and—

(a) in the case of an appeal under section 3 (1) or 4 (1)—
the Commissioner; or

Police Regulation (Appeals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION (APPEALS)
ACT, 1923—*continued.*

- (b) in the case of an appeal under section 5A (1)—the Police Board,
shall be deemed to be the employer, within the meaning of that Act, of that member.
- (2) Section 4 (1)—
Omit “5AA, 5A.”.
- (3) Section 5A—
After section 5, insert:—

Appeal against decision to recommend appointment of inspector.

5A. (1) Where, under section 7 (2) (g) of the Police Board Act, 1983, the Police Board recommends the appointment of a member of the police force to the rank of inspector of any grade, any other member of the police force who was an applicant for the appointment may, subject to this section, appeal to the Tribunal against the decision of the Police Board to make the recommendation.

(2) The only ground upon which an appeal may be made under subsection (1) is that the merit of the appellant, within the meaning of section 7A of the Police Board Act, 1983, is **greater** than that of the member of the police force to whom the decision appealed against relates.

- (3) Subject to subsection (4), the provisions of—
- (a) Division 3 of Part III of the Government and Related Employees Appeal Tribunal Act, 1980;
 - (b) Part IV of that Act, sections 35, 36 and 38 excepted; and
 - (c) Parts V and VI of that Act,
- apply to and in respect of an appeal under subsection (1) in the same way as they apply to and in respect of an appeal under section 20 of that Act.

Police Regulation (Appeals) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION (APPEALS)
ACT, 1923—*continued.*

(4) For the purposes of subsection (3), the provisions of the Government and Related Employees Appeal Tribunal Act, 1980, applied by that subsection shall be construed as if—

- (a) references therein to an employee were references to a member of the police force;
- (b) references therein to an employer were references to the Police Board;
- (c) references in sections 29 and 30 of that Act to section 19 (3) of that Act were references to section 7A (4) of the Police Board Act, 1983;
- (d) section 34 of that Act had been amended by omitting the words “may be formal or” and by inserting instead the words “shall be”; and
- (e) section 48 (3) of that Act had been amended by omitting the words “and shall be given effect to by the employer against whose decision the appeal was brought”.

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

L. W. STREET,
By Deputation from
His Excellency the Governor.

Government House,
Sydney, 27th June, 1984.