

**POLICE REGULATION (PRIORITY LISTS)
AMENDMENT ACT, 1980, No. 40**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 40, 1980.

An Act to amend the Police Regulation Act, 1899, for the purpose of requiring a priority list of inspectors who are qualified for promotion to the rank of senior inspector to be prepared each year. [Assented to, 28th April, 1980.]

Police Regulation (Priority Lists) 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 :—

1. This Act may be cited as the "Police Regulation (Priority Lists) Amendment Act, 1980".

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Government and Related Employees Appeal Tribunal Act, 1980.

3. The Police Regulation Act, 1899, is amended—

Amendment
of Act No.
20, 1899.
Sec. 5AA.

(a) by inserting after section 5 the following section :—

5AA. (1) In this section—

"priority list" means a list prepared under subsection (2);

Priority
lists for
appoint-
ments of
inspectors
to senior
inspectors.

"qualified inspector" means an inspector who, according to the rules governing promotion in the police force and the principles determined by the Commissioner, is qualified to be appointed to the rank of senior inspector;

"supplementary priority list" means a list prepared under subsection (3);

"year" means any year commencing on 1st October.

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(2) Not later than 31st July next after the day appointed and notified under section 2 (2) of the Government and Related Employees Appeal Tribunal Act, 1980, and not later than 31st July in each subsequent year, the Commissioner shall prepare or cause to be prepared a list for the year next following the preparation of the list containing the names of such number of qualified inspectors as the Commissioner thinks fit, that number being not less than the number of vacancies in the rank of senior inspector expected to occur during that year.

(3) If, at any time during any year it appears to the Commissioner that the number of vacancies in the rank of senior inspector expected to occur during the remainder of that year will exceed the number of qualified inspectors whose names are then contained in the priority list prepared for that year, the Commissioner shall prepare or cause to be prepared a list for the remainder of that year containing the names of such number of qualified inspectors as the Commissioner thinks fit, that number being not less than the number of expected excess vacancies.

(4) The Commissioner may appoint such panels or committees, comprising such number of members of the police force of or above the rank of superintendent, as he thinks fit for the purpose of advising him or assisting in the preparation of any priority list or supplementary priority list for the purposes of this section.

(5) As soon as practicable after a priority list or a supplementary priority list has been prepared under this section, the Commissioner shall cause a copy of the list to be served on—

- (a) every inspector whose name is contained in the list; and

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- (b) every inspector whose name is not contained in the list but who is senior in that rank to the most junior inspector whose name is contained in the list.

(6) Service of a copy of a list under subsection (5) may be effected by delivering the copy to the inspector in person or by sending it to him by certified mail to his address last known to the Commissioner.

(7) An inspector shall not be recommended for appointment to the rank of senior inspector in any year—

- (a) unless, where his name is contained in the priority list for that year—
 - (i) the period within which appeals under section 4 (1) of the Police Regulation (Appeals) Act, 1923, relating to that list has expired; and
 - (ii) every appeal under section 4 (1) of that Act relating to that list has been finally determined or has been withdrawn; or
- (b) unless, where his name is contained in a supplementary priority list for a part of that year—
 - (i) the period within which appeals under section 4 (1) of the Police Regulation (Appeals) Act, 1923, relating to that list has expired; and
 - (ii) every appeal under section 4 (1) of that Act relating to that list has been finally determined or has been withdrawn.

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(8) A person shall not be recommended for appointment to the rank of senior inspector in any year unless he is a qualified inspector and—

- (a) his name is contained in the priority list for that year and is higher in order than the name of any other qualified inspector contained in that priority list; or
- (b) his name is contained in a supplementary priority list for a part of that year and—
 - (i) his name is higher in order than the name of any other qualified inspector contained in that supplementary priority list; and
 - (ii) the priority list for that year and any previously prepared supplementary priority list for a part of that year does not contain the name of any qualified inspector.

(9) A senior inspector whose name was contained—

- (a) in a priority list for any year and who was appointed to the rank of senior inspector pursuant to a recommendation of the Commissioner made in that year is senior, in the rank of senior inspector, to any other senior inspector whose name was contained—
 - (i) in that priority list lower in order than the name of the firstmentioned senior inspector;
 - (ii) in the priority list for any subsequent year; or
 - (iii) in a supplementary priority list for part of that or any subsequent year; or

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- (b) in a supplementary priority list for part of any year and who was appointed to the rank of senior inspector pursuant to a recommendation of the Commissioner made in that year is senior, in the rank of senior inspector, to any other senior inspector whose name was contained—
 - (i) in that supplementary priority list lower in order than the name of the firstmentioned senior inspector; or
 - (ii) in any priority list, other than the priority list for that or any previous year, or in any supplementary priority list, other than a previously prepared supplementary priority list.

- (10) For the purposes of subsections (8) and (9)—
 - (a) a reference to a priority list or a supplementary priority list is, where such a list has been varied under section 4 (2) of the Police Regulation (Appeals) Act, 1923, a reference to that list as so varied; and
 - (b) a supplementary priority list shall be deemed to have been prepared previously to another supplementary priority list if it purports to have been prepared on an earlier date.

- (b) (i) by omitting from section 5A (7) (a) (ii) the words “determined under section 4” and by inserting instead the word “determined”;
(ii) by omitting from section 5A (7) (b) (ii) the words “determined under section 4” and by inserting instead the word “determined”;

Sec. 5A.
(Priority lists for appointment of sergeants to inspectors.)

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Sec. 6B.
(Priority
lists for
promotion
to sergeant
first class.)

- (iii) by inserting in section 5A (10) (a) after the word "supplementary" the word "priority";
 - (c) (i) by omitting from section 6B (7) (a) (ii) the words "determined under section 4" and by inserting instead the word "determined";
 - (ii) by omitting from section 6B (7) (b) (ii) the words "determined under section 4" and by inserting instead the word "determined";
 - (iii) by inserting in section 6B (10) (a) after the word "supplementary" the word "priority".
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