

**POLICE REGULATION (APPEALS) APPEAL
TRIBUNAL (AMENDMENT) ACT, 1980, No. 41**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 41, 1980.

An Act to amend the Police Regulation (Appeals) Act, 1923, consequent on the enactment of the Government and Related Employees Appeal Tribunal Act, 1980, and with respect to appeals relating to lists of persons qualified for appointment to the rank of senior inspector. [Assented to, 28th April, 1980.]

Police Regulation (Appeals) Appeal Tribunal (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) Appeal Tribunal (Amendment) Act, 1980".

Commence-
ment.

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

(2) Except as provided by subsection (1), this Act shall commence on the appointed day.

Interpre-
tation.

3. In this Act, "appointed day" means the day appointed and notified under section 2 (2) of the Government and Related Employees Appeal Tribunal Act, 1980.

Amendment
of Act No.
33, 1923.

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

Savings—
certain
appeals.

5. (1) In this section, "cognate Acts" means the Government and Related Employees Appeal Tribunal Act, 1980, the Industrial Arbitration (Appeal Tribunal) Amendment Act, 1980, the Judges' Pensions (Appeal Tribunal) Amendment Act, 1980, the Supreme Court (Appeal Tribunal) Amendment Act, 1980, and the Statutory and Other Offices Remuneration (Appeal Tribunal) Amendment Act, 1980.

Police Regulation (Appeals) Appeal Tribunal (Amendment).

(2) An appeal—

- (a) under section 3 (1) of the Police Regulation (Appeals) Act, 1923, in respect of a decision of the Commissioner of Police, being a decision made before the appointed day; or
- (b) under section 4 (1) of that Act in respect of a list referred to in that subsection, being a list prepared before the appointed day,

may be made, continued and completed, and shall be given effect to, in all respects as if this Act and the cognate Acts had not been enacted, and not otherwise.

(3) For any purpose of or incidental to subsection (2), the provisions of the Police Regulation (Appeals) Act, 1923, as in force immediately before the appointed day, the Crown Employees Appeal Board Act, 1944, the Acts amended by the cognate Acts and any instrument made under those Acts and so in force shall, notwithstanding any other provision of this Act or the cognate Acts, continue in force.

(4) Nothing in this section limits any saving in the Interpretation Act, 1897.

(5) A person who is concerned in the hearing and determination of an appeal to which this section applies shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and an Act the provisions of which are continued in force by subsection (3).

Police Regulation (Appeals) Appeal Tribunal (Amendment).

Sec. 4.

SCHEDULE 1.

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

(1) (a) Section 2, definition of "Board"—

Omit the definition.

(b) Section 2, definition of "Tribunal"—

At the end of the section, insert :—

"Tribunal" means the Government and Related
Employees Appeal Tribunal established under
the Government and Related Employees
Appeal Tribunal Act, 1980.

(2) Section 2A—

After section 2, insert :—

Membership,
etc., of the
Tribunal.

2A. In order to determine the membership of and to constitute the Tribunal for the purpose of hearing and determining an appeal under this Act, a member of the police force shall be deemed to be an employee, within the meaning of the Government and Related Employees Appeal Tribunal Act, 1980, and the Commissioner shall be deemed to be the employer, within the meaning of that Act, of that member.

(3) Section 3—

Omit "Board" wherever occurring, insert instead "Tribunal".

(4) (a) Section 4 (1)—

After "section", insert "5AA,".

Police Regulation (Appeals) Appeal Tribunal (Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 4 (1)—

Omit “Board”, insert instead “Tribunal”.

(c) Section 4 (2)—

Omit “Board”, insert instead “Tribunal”.

(d) Section 4 (2)—

Omit “Board’s”, insert instead “Tribunal’s”.

(e) Section 4 (3)—

Omit “Board”, insert instead “Tribunal”.

(5) (a) Section 5 (2)—

Omit the subsection, insert instead :—

(2) Division 3 of Part III of the Government and Related Employees Appeal Tribunal Act, 1980, shall apply to and in respect of an appeal in the same way as it applies to and in respect of an appeal under section 24 of that Act, and for the purpose of that application a reference in that Division to a decision shall be construed so as to include a reference to the excluding of the name of a person from, or the placing of the name of a person in, a priority list as referred to in section 4 (1).

(b) Section 5 (3)—

Omit “Board” where firstly, secondly and thirdly occurring, insert instead “Tribunal”.

Police Regulation (Appeals) Appeal Tribunal (Amendment).

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

(c) Section 5 (3) (c)—

Omit “chairman of the Board”, insert instead “Senior Chairman presiding at the sitting of the Tribunal at which the appeal is heard or a Chairman so presiding”.

(d) Section 5 (4)—

Omit “chairman”, insert instead “Senior Chairman or a Chairman”.

(e) Section 5 (4)—

Omit “Board” wherever occurring, insert instead “Tribunal”.

(f) Section 5 (5)—

Omit “chairman of the Board”, insert instead “Senior Chairman or a Chairman of the Tribunal”.

(g) Section 5 (6)—

Omit “chairman” wherever occurring, insert instead “Senior Chairman”.

(h) Section 5 (6)—

Omit “Board”, insert instead “Tribunal”.

(i) Section 5 (7)—

Omit “chairman of the Board”, insert instead “Senior Chairman presiding at the sitting of the Tribunal at which the appeal is heard or a Chairman so presiding”.

Police Regulation (Appeals) Appeal Tribunal (Amendment).

SCHEDULE 1—*continued.*

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

- (j) Section 5 (9)—
Omit “Board” where firstly, thirdly and fourthly occurring, insert instead “Tribunal”.
- (k) Section 5 (9) (c)—
Omit “chairman of the Board”, insert instead “Senior Chairman presiding at the sitting of the Tribunal at which the appeal is heard or a Chairman so presiding”.
- (l) Section 5 (10)—
Omit “chairman of the Board”, insert instead “Senior Chairman presiding at the sitting of the Tribunal at which an appeal is heard or a Chairman so presiding”.
- (m) Section 5 (11)—
Omit “chairman of the Board”, insert instead “Senior Chairman presiding at the sitting of the Tribunal at which an appeal is heard or a Chairman so presiding”.
- (n) Section 5 (11)—
Omit “an appeal”, insert instead “the appeal”.
- (o) Section 5 (13)—
Omit “Board” wherever occurring, insert instead “Tribunal”.
- (p) Section 5 (14)—
Omit “Board” wherever occurring, insert instead “Tribunal”.
- (q) Section 5 (15)—
Omit “Board”, insert instead “Tribunal”.

Police Regulation (Appeals) Appeal Tribunal (Amendment).

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

- (6) (a) Section 6 (1)—
Omit “Board”, insert instead “Tribunal”.
- (b) Section 6 (1A) (b)—
Omit “Board”, insert instead “Tribunal”.
- (c) Section 6 (1A) (b)—
Omit “that Tribunal” wherever occurring, insert
instead “that Police Tribunal”.
- (d) Section 6 (2)—
Omit the subsection, insert instead :—
(2) The Government and Related Employees
Appeal Tribunal Act, 1980, shall apply to and in
respect of an appeal made to the Tribunal under this
section in the same way as it applies to and in respect
of an appeal under section 24 of that Act.
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