

**POLICE REGULATION (AMENDMENT AND VALIDATION)
ACT, 1981, No. 33**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 33, 1981.

An Act to amend the Police Regulation Act, 1899, with respect to the offices held by members of the police force and to validate certain matters. [Assented to, 14th May, 1981.]

Police Regulation (Amendment and Validation).

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 (Amendment and Validation) Act, 1981".

Principal Act.

2. The Police Regulation Act, 1899, is referred to in this Act as the Principal Act.

Amendment of Act No. 20, 1899.

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

Reference to rank to include grades.

4. A reference in the Principal Act or any other Act, or in a regulation, rule, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind, however expressed, to a member of the

Police Regulation (Amendment and Validation).

police force who is a superintendent, inspector, sergeant or constable includes, and shall be deemed always to have included, a reference to a member of the police force who is a superintendent, inspector, sergeant or constable, as the case may be, of any grade.

Validation of certain rules.

5. A rule purporting to have been made under the Principal Act, as in force when the rule was made, is hereby validated if it could have been made had the Principal Act, as amended by this Act, been in force when the purported rule was made.

Validation—appointments and promotions.

6. (1) The appointment or promotion, or the purported appointment or promotion, to an office as a member of the police force, on or from a specified date before the commencement of this Act, of a person who, before he in any way acted in that office, failed to take and subscribe the oath, or to make and subscribe the affirmation, prescribed by section 9 of the Principal Act, as in force on that date, has effect, and shall be deemed always to have had effect, as if that person had duly taken and subscribed that oath or duly made and subscribed that affirmation, and as if that person had duly entered into the agreement referred to in section 10 of that Act, as so in force, and had done so in each case in relation to his capacity in the office to which he had been, or purported to have been, appointed or promoted.

(2) A failure, before the commencement of this Act, by a member of the police force to take and subscribe an oath, or make and subscribe an affirmation, referred to in subsection (1) does not invalidate anything done by him before that commencement that would have been valid had he not failed to take and subscribe that oath, or make and subscribe that affirmation.

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Validation—Commissioner.

7. The Principal Act shall be deemed never to have operated before the commencement of this Act to prevent the appointment as Commissioner of Police of a person of or above the age of 60 years.

Validation—Acting Commissioner.

8. (1) The Governor shall be deemed always to have been authorised to appoint a member of the police force as Acting Commissioner of Police during a vacancy in the office of Commissioner of Police and, for the purposes of this section, the Principal Act shall be deemed, while any person held office as Acting Commissioner of Police, to have operated as if there had been omitted from section 4A (5) (a) of that Act the words “or whenever there is a vacancy in the office of Commissioner”.

(2) An Acting Commissioner of Police who held office as such before the commencement of this Act shall be deemed—

- (a) to have had the powers, authorities, duties and functions of the Commissioner while he held office as Acting Commissioner; and
- (b) to have been entitled, while he held office as Acting Commissioner, to be paid remuneration as if he were Commissioner.

Validation—appointment under other Acts.

9. Where, before the commencement of this Act, an office under an Act other than the Principal Act was required to be filled by the appointment to the office by the Governor of a member of the police force, the purported filling of the vacancy before that commencement by the transfer or promotion of a member of the police force is hereby validated.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 5 (1)—

After “police”, insert “, of such grades as are specified by rules made under this Act,”.

(2) Section 6 (1)—

Omit “of different grades”, insert instead “, of such grades as are specified by rules made under this Act,”.
