

**POLICE REGULATION (PROMOTIONS)
AMENDMENT ACT, 1984, No. 79**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 79, 1984.

An Act to amend the Police Regulation Act, 1899, with respect to the appointment and promotion of commissioned police officers. [Assented to, 27th June, 1984.]

See also Police Board (Promotions) Amendment Act, 1984; Police Regulation (Allegations of Misconduct) Amendment Act, 1984; Police Regulation (Appeals) Amendment Act, 1984; Police Regulation (Superannuation) (Election) Amendment Act, 1984; Workers' Compensation (Senior Police) Amendment Act, 1984.

Police Regulation (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:—

Short title.

1. This Act may be cited as the "Police Regulation (Promotions) 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 such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 20, 1899.

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

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE POLICE REGULATION ACT, 1899.

(1) Sections 5AAA, 5AA, 5A—

Omit the sections, insert instead:—

Procedure for appointment of Commissioner, Deputy Commissioner or Assistant Commissioner.

5AAA. (1) An appointment to the office of Commissioner, Deputy Commissioner or Assistant Commissioner shall not be made unless—

(a) applications for appointment to the office have been invited in accordance with subsection (2);

Police Regulation (Promotions) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

(b) the Police Board has made a recommendation under section 7 (2) (f) of the Police Board Act, 1983, in relation to the appointment; and

(c) the Minister has considered—

(i) the recommendation referred to in paragraph (b); and

(ii) a report under section 35A (1) (c) of the Police Regulation (Allegations of Misconduct) Act, 1978, in respect of the person to whom the recommendation relates.

(2) Applications referred to in subsection (1) (a) shall be invited—

(a) from members of the police force; or

(b) if the Minister, after considering a recommendation by the Police Board, so directs in a particular case—from members of the police force and other persons,

by advertisement in accordance with directions given by the Police Board in the case of each appointment.

(3) Where a person other than a member of the police force is appointed as Commissioner, a Deputy Commissioner or an Assistant Commissioner, the appointment shall be for such term, not exceeding 7 years, as is specified in the instrument of appointment.

(4) A person who first became a member of the police force by being appointed to an office referred to in subsection (3) shall, if subsequently appointed to any other office so referred to, be deemed for the purposes of that subsection to have been, immediately before the subsequent appointment, a person other than a member of the police force.

(5) A person appointed to an office for a term as provided by subsection (3) is eligible for re-appointment to the office for such term, not exceeding 7 years, as is specified in the instrument of re-appointment, and may be so re-appointed without subsection (1) (a) being complied with.

Police Regulation (Promotions) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.***Procedure for appointment as superintendent (any grade).**

5AA. An appointment to the rank of superintendent of any grade shall not be made unless—

- (a) applications for appointment to the rank have been invited from members of the police force by advertisement in accordance with directions given by the Police Board in the case of each appointment;
- (b) the Police Board has made a recommendation under section 7 (2) (f) of the Police Board Act, 1983, in relation to the appointment; and
- (c) the Minister has considered—
 - (i) the recommendation referred to in paragraph (b); and
 - (ii) a report under section 35A (1) (c) of the Police Regulation (Allegations of Misconduct) Act, 1978, in respect of the person to whom the recommendation relates.

Procedure for appointment as inspector (any grade).

5A. (1) An appointment to the rank of inspector of any grade shall not be made unless—

- (a) applications for appointment to the rank have been invited from members of the police force by advertisement in accordance with directions given by the Police Board in the case of each appointment;
- (b) the Police Board has made a recommendation under section 7 (2) (g) of the Police Board Act, 1983, in relation to the appointment;

Police Regulation (Promotions) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

- (c) the time for lodging an appeal under the Police Regulation (Appeals) Act, 1923, against the decision to make the recommendation referred to in paragraph (b) has expired or, if such an appeal has been lodged, it has been withdrawn or determined; and
- (d) subsection (2) has been complied with in relation to the appointment.

(2) This subsection is complied with in relation to an appointment to the rank of inspector of any grade if—

- (a) where no appeal has been lodged against the decision of the Police Board to make the recommendation referred to in subsection (1) (b) or, if such an appeal has been lodged, it has been withdrawn or disallowed—the appointment is made in accordance with the recommendation of the Police Board; or
- (b) where such an appeal has been lodged and allowed—the successful appellant is appointed.

(2) (a) Section 6D (1)—

Omit the subsection, insert instead:—

(1) In this section, “qualified member” means a member of the police force who is a qualified lower ranking member of the police force within the meaning of section 6B or 6C.

(b) Section 6D (2), (3)—

Omit “5AA (8), 5A (8),” wherever occurring.

Police Regulation (Promotions) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE REGULATION ACT, 1899—*continued.*

(3) (a) Section 6E (3)—

After "Sections", insert "5AAA,".

(b) Section 6E (4)—

Omit "section 5AA (9), 5A (9), 6B (9) or 6C (9)", insert instead "anything in this Act".

(4) Section 6F—

Omit "section 5AA (9), 5A (9), 6B (9) or 6C (9)", insert instead "anything in this Act".
