

No. , 1920.

A BILL

To constitute a Police Appeal Board and to make provision for the reference to such board of appeals by members, and persons who have been members, of the police force ; and for purposes connected therewith.

[MR. DOOLEY;— *October, 1920.*]

BE it enacted by the King'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 Short title (Appeals) Act, 1920," and shall be read with the Police Regulation Act, 1899.

Interpreta-
tion.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Board” means Police Appeal Board as constituted by this Act.

“Chairman” means chairman of the board. 5

“Inspector-General” means Inspector-General of Police.

“Member” means member of the board.

“Prescribed” means prescribed by this Act or by regulation made thereunder. 10

“Secretary” means person authorised by the Minister to act as secretary of the board.

Constitution
of board.

3. (1) The Governor may for the purposes of this Act constitute a Police Appeal Board. The board shall consist of a chairman and two members. 15

(2) The chairman shall be appointed by the Governor.

(3) One member shall be such officer of the police force as the Inspector-General may from time to time authorise to act as a member to deal with the hearing of 20 any particular appeal or class of appeals. The other member shall be a member of the police force who is nominated or elected from time to time in the manner prescribed by the members of the police force, or some of them, to act on the hearing of any particular 25 appeal or class of appeals.

(4) The chairman and members shall be paid such salary, fees, and allowances as may be prescribed.

Absence of
chairman or
member.

4. (1) In the case of and during the absence from whatever cause of the chairman, the Governor may 30 appoint a deputy, who, during such absence, shall have the powers of the chairman.

(2) In the case of and during the absence from whatever cause of a member, another member who has been authorised, nominated, or elected, as the case may 35 be, in the manner prescribed shall, during such absence, act in the place of such member.

Appeal to
board and
procedure
thereon.

5. (1) Any person who is or has at any time been a member of the police force if dissatisfied with any decision of the Inspector-General, whether before or 40 after the commencement of this Act, in regard to the granting

granting or refusal of promotion or the imposition of any punishment where such punishment consists of the infliction of a fine, suspension in rank, dismissal, discharge, or disrating, may give notice of appeal from 5 such decision in the prescribed manner: Provided that in the case of any such decision after the commencement of this Act notice of appeal shall be given within thirty days after such decision.

10 (2) The Minister may refer any such appeal to the board, and the board shall hear and consider any appeal so referred to it by the Minister.

(3) The chairman shall cause the decision of and any recommendation made by the board, or a majority of the board, to be forwarded to the Minister. Any 15 member who does not agree with such decision or recommendation may forward a separate report stating his reasons for dissenting therefrom and making such other recommendation as he may think fit.

(4) Such recommendation, decision or report 20 shall be considered by the Minister, who may confirm, review, annul, rescind, or vary the decision appealed from or give such directions or make such order in reference thereto as he thinks fit.

6. (1) Upon the hearing of any appeal the board 25 may summon witnesses and examine them upon oath, and the chairman may admit in evidence any statement or document which in his opinion is relevant, whether or not such statement or document is legal evidence. Hearing of appeal.

(2) The Inspector-General shall be entitled to be 30 represented before the board upon the hearing of any appeal.

(3) The appellant may appear before the board in person, or may nominate a member of the police force to appear on his behalf, and any person appearing before 35 the board may call and examine witnesses.

(4) No counsel or solicitor shall be entitled to appear before the board.

7. It shall be the duty of the secretary to convene all meetings of the board, and to keep a record of all 40 proceedings and decisions of the board. Secretary to convene meetings and keep records.

8.

Regulations

8. The Governor may make regulations—

- (a) providing for the nomination or election from time to time of a representative or representatives of the police force to act as a member;
- (b) prescribing the method of appealing and the procedure of the board; 5
- (c) providing for the payment of salary, fees, and allowances to the chairman, members, and secretary;
- (d) generally to carry out the purposes and provisions of and to prescribe the procedure under this Act. 10

Such regulations shall—

- (i) be published in the Gazette;
 - (ii) take effect from the date of such publication, or from a later date to be specified in the regulations; 15
 - (iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect. 20 25
-