

POLICE REGULATION.

No. 6 of 1950.

AN ACT to amend the *Police Regulation Act* 1898. [9 January, 1950.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Police Regulation Act* 1950.

(2) The *Police Regulation Act* 1898*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section forty-nine of the Principal Act the following Part is inserted:—

“ PART IVA.

“ POLICE CLASSIFICATION AND APPEAL BOARD.

Interpretation.

“ 49A. In this Part, unless the contrary intention appears—

‘ Association ’ means the Police Association:

‘ Board ’ means the Police Classification and Appeal Board constituted under this Part:

‘ Secretary ’ means the Secretary to the Board, appointed under section forty-nine J.

Constitution of the Board. Cf. No. 5126 (Vic.), s. 4.

“ 49B.—(1) For the purposes of this Act there shall be a Board, to be known as the Police Classification and Appeal Board, constituted as provided by this section.

(2) The Board shall consist of three persons appointed by the Governor, of whom—

I. One shall be a person holding office as chairman of such of the wages boards established under the *Wages Boards Act* 1920† as the Governor may determine, and such person shall be the chairman of the Board: and

II. One (in this section called ‘ the elected member ’) shall be a person elected, as prescribed, by police officers.

(3) If there is no candidate for election as a member of the Board under paragraph II. of subsection (2) of this section, or if for any reason no person is elected at any election under that paragraph, the Governor may appoint a police

* 62 Vict. No. 48. For this Act, as amended to 1948, see Appendix B to the annual volume of the Statutes for 1948. Subsequently amended by No. 44 of 1949.
 † 11 Geo. V. No. 51. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI, p. 1236. Subsequently amended by 2 & 3 Geo. VI. No. 71, 4 Geo. VI. No. 45, 6 Geo. VI. No. 31, 8 & 9 Geo. VI. No. 48, 9 & 10 Geo. VI. No. 65, and 10 Geo. VI. No. 25.

officer as a member of the Board, and the police officer so appointed shall, for all the purposes of this Act, be deemed to be the elected member of the Board.

(4) In the case of the illness or absence of the elected member, the Governor may, on the nomination of the Association, appoint a police officer to hold office as a member of the Board during such illness or absence.

“49C.—(1) Subject to this Part, each of the members of the Board shall hold office for a term of three years from the date of his appointment or election, as the case may be. Term of office of members.

(2) If any member of the Board is, at the time of his appointment or election, a police officer or an officer of the Public Service, he shall, subject to this Act and to the *Public Service Act 1923**, continue to be a police officer or an officer of the Public Service, as the case may be.

“49D. Each member of the Board, other than the chairman, shall be entitled to receive such fees and such travelling and out-of-pocket expenses, if any, as may be prescribed. Remuneration of members. Ibid., s. 7.

“49E. The office of a member of the Board shall become vacant— Vacation of office. Ibid., s. 10.

- I. At the expiration of his term of office:
- II. If he dies:
- III. If he becomes bankrupt or compounds with his creditors, or takes advantage of any provision of any law relating to bankruptcy:
- IV. If he is removed from office by the Governor on the ground that he has become of unsound mind or permanently incapable of performing his duties:
- V. If he resigns his office by writing under his hand addressed to the Governor: or
- VI. If, without the consent in writing of the Minister, he fails to attend three consecutive meetings of the Board.

“49F.—(1) The Governor may suspend any member of the Board from office, but no member shall be removed from office except as provided by this section. Suspension of members. Ibid., s. 9.

(2) The Minister shall cause to be laid before each House of Parliament a full statement of the grounds of suspension of any member of the Board within the first seven sitting days of such House after the suspension of that member.

(3) Any member so suspended shall be removed from office by the Governor if each House of Parliament, within seven sitting days after the day when such statement is laid before it, declares, by resolution, that the member ought to be removed from office, and unless each House within that time so declares the Governor shall remove the suspension and restore the member to office.

* 13 Geo. V. No. 25. For this Act, as amended to 1948, see Appendix C to the annual volume of the Statutes for 1948. Subsequently amended by No. 36 of 1949.

Extra-ordinary vacancies.
Ibid., s. 11.

“49G.—(1) If the office of any member of the Board becomes vacant otherwise than by the retirement of the member at the expiration of his term of office the vacancy shall be filled by the appointment or election, in accordance with section forty-nine B, of a person in lieu of the member whose office has become vacant.

(2) Any person appointed pursuant to this section to fill any vacancy shall, subject to this Part, be entitled to hold office for the remainder of the term of office of the member in whose place he is appointed.

Proceedings of the Board.
Ibid., s. 13.

“49H.—(1) The chairman shall preside at all meetings of the Board at which he is present, and in his absence the other appointed member shall preside.

(2) Two members, one of whom is the elected member, shall form a quorum of the Board, and the Board may function, notwithstanding any vacancy in its membership, so long as a quorum remains.

(3) At any meeting of the Board the decision of the majority of the members present shall be the decision of the Board.

(4) If at any meeting of the Board at which only two members are present, the members present differ in opinion upon any matter, the determination of that matter shall be postponed to a full meeting of the Board.

(5) Subject to this Part, the Board may regulate its own procedure.

Secretary to the Board.
Ibid., s. 14.

“49J.—(1) The Minister may appoint a person as and to be the Secretary to the Board, and the person so appointed shall be entitled to receive such remuneration (if any) for his services as the Minister may approve.

(2) If any police officer or any officer of the Public Service is appointed as the Secretary under this section he shall be entitled to receive for his services as Secretary, and to retain, in addition to his salary as a police officer or an officer of the Public Service (as the case may be), any remuneration approved by the Minister pursuant to subsection (1) of this section.

(3) The Secretary shall keep records of all meetings and proceedings of the Board and shall perform such other duties as the Board may direct.

Powers and functions of the Board.
Ibid., ss. 3, 16, 18.
13 Geo. V. No. 25
(Tas.) ss., 12, 20, 72.

“49K.—(1) Subject to this Part, the Board shall have power and authority to—

I. Determine—

(a) The salaries and wages to be paid to the several ranks in the police force:

(b) The allowances to be paid—

(i) For the performance of such special duties as may be prescribed for the purposes of this section:

(ii) In respect of residence in localities prescribed for the purposes of this section:

(iii) In lieu of uniforms: and

(iv) For travelling and incidental expenses, relieving expenses, and expenses incurred in transfer, and for the performance, outside this State, of exchange duties, and attendance, outside this State, at courses of instruction:

- II. Hear and determine all appeals under section forty-nine R: and
- III. Make such investigations, and conduct such inquiries, as it may consider necessary for the proper exercise of the functions of the Board under this Part.

(2) For the purposes of exercising and performing its powers and functions under this Part, the Board—

- I. Shall have and may exercise all the powers and authorities conferred upon persons holding inquiries on commission by Division II. of Part II. of the *Evidence Act 1910**: and
- II. May enter upon any premises of the Police Department and inspect any work performed therein and interrogate any police officer with respect to the nature of any such work.

(3) Notwithstanding anything contained in this Part, the Board shall have no power to determine, or to make any recommendation to the Governor with respect to, the salary and allowances to be paid to the Commissioner or the Deputy-Commissioner.

“ 49L.—(1) As soon as practicable after the commencement of this section, the Board shall, in conformity with the provisions of this Part, make a determination with respect to the salaries, wages, and allowances (being the allowances referred to in sub-paragraph (b) of paragraph I. of section forty-nine K) to be paid to police officers.

Determinations relating to salaries, &c.

(2) At least twenty-eight days before proceeding to the making of any determination under this Part the Board shall cause notice of its intention to make the determination to be given to the Minister and to the secretary of the Association, and the Board shall, before making any such determination, hear and take into consideration any representations with respect to the proposed determination which may be made to the Board by or on behalf of the Minister or the Association.

(3) On the hearing of any such representations, the Minister and the Association, respectively, shall, subject to subsection (4) of this section, each be entitled to be represented before the Board, and to tender evidence in support of or in opposition to any such representations, and to examine any witness appearing before the Board.

(4) In no case shall any legal practitioner be permitted to appear before the Board, or to be heard, on the hearing of any such representations.

* 1 Geo. V. No. 20. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 751. Subsequently amended by 6 Geo. VI. No. 64, 7 Geo. VI. No. 40, and 10 Geo. VI. No. 11.

(5) After hearing all such representations and all evidence tendered in support of or in opposition thereto and such other evidence (if any) as the Board considers necessary, the Board may proceed to the making of the determination.

Notifica-
tion, &c., of
making of
determina-
tion.
No. 5126
(Vic.) s. 19
(1).
13 Geo. V.
No. 25
(Tas.), s. 20.

“49M.—(1) Upon making any determination under this Part, the Board shall submit the same to the Governor for his approval and, after the Governor’s approval thereto being signified, shall—

- I. Cause a notification of the making of the determination to be published in the *Gazette* and in the *Police Gazette*: and
- II. The chairman and at least one other member of the Board shall sign the determination and forward certified copies thereof to the Minister, the Treasurer, the Commissioner, and the secretary of the Association.

(2) Every notification under paragraph I. of subsection (1) of this section shall contain such particulars as are prescribed.

Variation,
&c., of
determina-
tions.

“49N.—(1) Subject to this section, the Board may, as and when it considers it necessary or desirable so to do, vary any determination under this Part to such extent as it thinks fit, or may revoke the same and make a fresh determination in lieu thereof.

(2) The Board shall not vary any determination under this Part (in this subsection called an ‘existing determination’) or make a fresh determination in lieu of an existing determination within the period of twelve months after the date on which the making of the existing determination is notified in accordance with paragraph I. of subsection (1) of section forty-nine M except—

- I. Upon the ground that, by any error or omission, any injustice has been caused by the existing determination: or
- II. For the purpose of determining the allowances to be paid for the performance of any special duties, or in respect of residence in any locality, prescribed (after the date of the making of the existing determination) for the purposes of section forty-nine K.

(3) The provisions of sections forty-nine L, forty-nine M, forty-nine P, and forty-nine Q, with such modifications (if any) as may be prescribed, shall apply to and in respect of the variation of determinations pursuant to this section in the same manner and to the same extent as they apply to the making of determinations under this Part, and any reference in those sections to a determination shall be read and construed accordingly as including a reference to a variation of a determination.

Dates from
which
determina-
tions are to
take effect.

“49P.—(1) The determination referred to in subsection (1) of section forty-nine L shall take effect from the first day of July, 1949, and every other determination under this

Part shall take effect from such date (either before or after the date on which the determination is made) as the Board may determine in that behalf and as may be specified in the determination, but the date so determined shall not be a date earlier than the first day of the financial year in which the determination is made.

(2) Any salaries, wages, expenses, or allowances determined by the Board pursuant to this Part shall, subject to this Part, be the salaries, wages, expenses, or allowances payable to the police officers to whom the determination applies.

“49Q. The Minister shall cause a copy of each determination under this Part to be laid before each House of Parliament within the first thirty sitting days of such House after the receipt by him of the certified copy thereof.

Copies of determinations to be laid before Parliament.

Ibid., s. 19 (2).

“49R.—(1) In any case where the Governor or the Commissioner, as the case may be, proposes to appoint any police officer to a higher rank than that then held by such police officer, notice of intention of the Governor or, as the case may be, of the Commissioner, to appoint that police officer to that higher rank shall be published in the *Police Gazette* as provided by subsection (2) of this section.

Appeals in resp et of promotions.

(2) A notice under subsection (1) of this section shall be in the prescribed form and shall be published—

- I. By the Minister, in the case of a proposed appointment to any rank referred to in section ten: and
- II. By the Commissioner, in any other case.

(3) Any police officer (in this section called ‘the appellant’) who considers that he is more entitled to appointment to the relevant rank than the police officer proposed to be appointed thereto may, by notice in writing, delivered or forwarded by post to the Secretary, appeal against the proposed appointment.

(4) Every notice under subsection (3) of this section shall be delivered to, or posted so as to reach, the Secretary within twenty-one days after the publication in the *Police Gazette* of the notification referred to in subsection (1) of this section, and shall set forth particulars of the ground of the appeal.

(5) An appeal under this section may be made on the ground of superior efficiency (as defined in this section) but on no other ground.

(6) The Board shall, on the receipt of an appeal under this section, make full enquiry into the claims of the appellant and the officer proposed to be appointed, and shall determine the appeal.

(7) If any appeal under this section is upheld by the Board the appellant shall be entitled to be appointed to the relevant rank, and shall be appointed thereto accordingly.

(8) Where all appeals under this section in respect of any proposed appointment are disallowed, or no appeals are made within the prescribed time, the Governor or the Commissioner, as the case may be, may proceed with the making of the proposed appointment.

(9) The decision of the Board on any appeal under this section shall be final.

(10) Subject to this section, appeals under this section shall be instituted, heard, and determined in accordance with the regulations.

(11) In this section, 'efficiency' means special qualifications and aptitude for the discharge of the duties of the position to be filled, together with merit and good conduct.

Representa-
tion on
appeal.

"49S.—(1) On the hearing of any appeal under section forty-nine R—

- I. The Commissioner shall be entitled to appear in person or to be represented by a person authorised by him for that purpose, who shall be entitled to tender evidence and to examine witnesses: and
- II. The appellant and the police officer referred to in the notification under subsection (1) of that section shall each be entitled to be present and to tender evidence, and, subject to subsection (2) of this section, to be represented by an agent.

(2) No agent, other than a police officer or an officer of the Association or a person nominated by it, shall appear or be heard on the hearing of any appeal under section forty-nine R, and, in no case, shall any legal practitioner be permitted to appear or to be heard on the hearing of any such appeal."

RURAL INDUSTRIES.

No. 7 of 1950.

AN ACT to amend the *Rural Industries Act* 1943.
[9 January, 1950.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Rural Industries Act* 1950.