

**POLICE REGULATION (PRIORITY LISTS AND  
APPEALS) AMENDMENT ACT, 1980, No. 92**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 92, 1980.**

An Act to amend the Police Regulation Act, 1899, and the Police Regulation (Appeals) Act, 1923, with respect to the preparation of, and appeals relating to, lists of senior constables qualified for promotion to the rank of sergeant third class in the police force. [Assented to, 1st May, 1980.]

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*Police Regulation (Priority Lists and Appeals) Amendment.*

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**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 (Priority Lists and Appeals) Amendment Act, 1980".
- Schedules.**           **2.** This Act contains the following Schedules :—
- SCHEDULE 1.—AMENDMENT TO THE POLICE REGULATION ACT, 1899.
- SCHEDULE 2.—AMENDMENTS TO THE POLICE REGULATION (APPEALS) ACT, 1923.
- SCHEDULE 3.—AMENDMENTS TO THE POLICE REGULATION ACT, 1899, BY WAY OF STATUTE LAW REVISION.
- Amendment of Act No. 20, 1899.**   **3.** The Police Regulation Act, 1899, is amended in the manner set forth in Schedules 1 and 3.
- Amendment of Act No. 33, 1923.**   **4.** The Police Regulation (Appeals) Act, 1923, is amended in the manner set forth in Schedule 2.
- Saving.**               **5.** Notwithstanding the amendments made to the Police Regulation (Appeals) Act, 1923, by this Act, the provisions of that Act continue to apply to and in respect of a decision of the Commissioner of Police made on or before 31st March, 1981 (being a decision referred to in section 3 (1) of that Act as in force immediately before the commencement of this Act) as if this Act had not been enacted.
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*Police Regulation (Priority Lists and Appeals) Amendment.*

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SCHEDULE 1.

Sec. 3.

AMENDMENT TO THE POLICE REGULATION ACT, 1899.

Section 6C—

After section 6B, insert :—

6C. (1) In this section—

“lower ranking member of the police force” means a member of the police force lower in rank than the rank of sergeant third class;

Priority lists for promotion to sergeant third class.

“priority list” means a list prepared under subsection (2);

“qualified lower ranking member of the police force” means a lower ranking member of the police force who, according to the rules governing promotion in the police force, is qualified to be promoted to the rank of sergeant third class;

“sergeant third class” means a sergeant of a rank lower than the rank of any other rank of sergeant;

“supplementary priority list” means a list prepared under subsection (3);

“year” means any year commencing on 1st April.

(2) Not later than 31st December, 1980, and not later than 31st December in each subsequent year, the Commissioner shall prepare or cause to be prepared a list for the year next following the preparation of the list containing the names of such number of qualified lower ranking members of the police force as the Commissioner thinks fit, that number being not less than the number of vacancies in the rank of sergeant third class expected to occur during that year.

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*Police Regulation (Priority Lists and Appeals) Amendment.*

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

(3) If, at any time during any year, it appears to the Commissioner that the number of vacancies in the rank of sergeant third class expected to occur during the remainder of that year will exceed the number of qualified lower ranking members of the police force whose names are then contained in the priority list prepared for that year, the Commissioner shall prepare or cause to be prepared a list for the remainder of that year containing the names of such number of qualified lower ranking members of the police force as the Commissioner thinks fit, that number being not less than the number of expected excess vacancies.

(4) The Commissioner may appoint such panels or committees, comprising such number of members of the police force of or above the rank of inspector, as he thinks fit for the purpose of advising him or assisting in the preparation of any priority list or supplementary priority list for the purposes of this section.

(5) As soon as practicable after a priority list or supplementary priority list has been prepared under this section, the Commissioner shall cause a copy of the list to be served on—

- (a) every lower ranking member of the police force whose name is contained in the list; and
- (b) every lower ranking member of the police force whose name is not contained in the list but who is senior in rank to the most junior lower ranking member of the police force whose name is contained in the list.

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*Police Regulation (Priority Lists and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

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

(6) Service of a copy of a list under subsection (5) may be effected by delivering the copy to the lower ranking member of the police force in person or by sending it to him by certified mail to his address last known to the Commissioner.

(7) A lower ranking member of the police force shall not be promoted to the rank of sergeant third class in any year—

- (a) unless, where his name is contained in the priority list for that year—
  - (i) the period within which appeals under section 4 (1) of the Police Regulation (Appeals) Act, 1923, relating to that list has expired; and
  - (ii) every appeal under section 4 (1) of that Act relating to that list has been finally determined or has been withdrawn; or
- (b) unless, where his name is contained in a supplementary priority list for a part of that year—
  - (i) the period within which appeals under section 4 (1) of the Police Regulation (Appeals) Act, 1923, relating to that list has expired; and
  - (ii) every appeal under section 4 (1) of that Act relating to that list has been finally determined or has been withdrawn.

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*Police Regulation (Priority Lists and Appeals) Amendment.*

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

(8) A person shall not be promoted to the rank of sergeant third class in any year after the year ending on 31st March, 1981, unless he is a qualified lower ranking member of the police force and—

- (a) his name is contained in the priority list for that year and is higher in order than the name of any other qualified lower ranking member of the police force contained in that priority list; or
- (b) his name is contained in a supplementary priority list for a part of that year and—
  - (i) his name is higher in order than the name of any other qualified lower ranking member of the police force contained in that supplementary priority list; and
  - (ii) the priority list for that year and any previously prepared supplementary priority list for a part of that year does not contain the name of any qualified lower ranking member of the police force.

(9) A sergeant third class whose name was contained—

- (a) in a priority list for any year and who was promoted to the rank of sergeant third class in that year is senior, in the rank of sergeant third class, to any other sergeant third class whose name was contained—
  - (i) in that priority list lower in order than the name of the firstmentioned sergeant;

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*Police Regulation (Priority Lists and Appeals) Amendment.*

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SCHEDULE 1—*continued.*

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

- (ii) in the priority list for any subsequent year; or
  - (iii) in a supplementary priority list for part of that or any subsequent year; or
- (b) in a supplementary priority list for part of any year and who was promoted to the rank of sergeant third class in that year is senior, in the rank of sergeant third class, to any other sergeant third class whose name was contained—
- (i) in that supplementary priority list lower in order than the name of the firstmentioned sergeant; or
  - (ii) in any priority list, other than the priority list for that or any previous year, or in any supplementary priority list other than a previously prepared supplementary priority list.
- (10) For the purposes of subsections (8) and (9)—
- (a) a reference to a priority list or a supplementary priority list is, where such a list has been varied under section 4 (2) of the Police Regulation (Appeals) Act, 1923, a reference to that list as so varied; and
  - (b) a supplementary priority list shall be deemed to have been prepared previously to another supplementary priority list if it purports to have been prepared on an earlier date.
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*Police Regulation (Priority Lists and Appeals) Amendment.*

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Sec. 4.

## SCHEDULE 2.

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

- (1) Section 2, definitions of "Sergeant first class", "Sergeant third class"—

After the definition of "Commissioner", insert :—

"Sergeant first class" means a sergeant of a rank higher than the rank of any other rank of sergeant.

"Sergeant third class" means a sergeant of a rank lower than the rank of any other rank of sergeant.

- (2) Section 3 (1) (a)—

Omit "rank of sergeant first class", insert instead "rank of sergeant first class or the rank of sergeant third class".

- (3) Section 4 (1)—

Omit "5A or 6B", insert instead "5A, 6B or 6C".

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*Police Regulation (Priority Lists and Appeals) Amendment.*

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SCHEDULE 3.

**Sec. 3.**

AMENDMENTS TO THE POLICE REGULATION ACT, 1899,  
BY WAY OF STATUTE LAW REVISION.

(1) (a) Section 5A (9) (b)—

Omit “inspector to”, insert instead “inspector, to”.

(b) Section 5A (11)—

Omit “priority list” where fourthly occurring, insert  
instead “supplementary priority list”.

(2) Section 6B (10) (a)—

Omit “section 4B (2)”, insert instead “section 4 (2)”.

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