

Act No. 291

**POLICE REGULATION (MERIT APPOINTMENTS)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Police Regulation (Appeals) Amendment Bill 1987 is cognate with this Bill.

The object of this Bill is to introduce in the police force merit-based appointments of sergeants and senior sergeants.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act. The amendments to the Principal Act relating to appointment of sergeants (other than senior sergeants) in the police force will commence on 1 April 1989. The rest of the proposed Act, including the amendments relating to appointment of senior sergeants, will commence on 1 January 1988.

Clause 3 gives effect to the Schedules of amendments to the Principal Act.

Clause 4 amends the Police Regulation (Allegations of Misconduct) Act 1978 as a consequence of the amendments to the Principal Act. The amendment will enable the Commissioner to obtain from the Internal Affairs Branch a report on a member of the police force being considered for appointment as a senior sergeant or sergeant.

**SCHEDULE 1—AMENDMENTS RELATING TO APPOINTMENTS OF SENIOR
SERGEANTS**

Schedule 1 (1) amends section 5 (Appointment and authority of superintendent etc.) of the Principal Act to provide that members of the police force who are not senior constables or of a higher rank may not be appointed as superintendents or inspectors.

Schedule 1 (2) amends section 6 (Appointment and authority of sergeants and constables of police) of the Principal Act so as to empower the Commissioner to appoint sergeants, including senior sergeants, so as to reflect the proposed structure for the rank of sergeant.

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Schedule 1 (3) repeals section 6A (Appointment of women police) of the Principal Act as this section is now obsolete.

Schedule 1 (4) repeals and substitutes section 6B (Priority lists for promotion to sergeant first class) of the Principal Act which presently deals with the procedure for promoting members of the police force to sergeant first class. Under the proposed section, vacant positions for senior sergeants (who will replace sergeants first class) will be required to be advertised. A member of the police force who is a senior constable or of a higher rank may be appointed to a vacant position. The Commissioner of Police will be required to appoint (except in specified circumstances) the applicant of the greatest merit. (The meaning of "merit" in the new section is similar to that in section 7A of the Police Board Act 1983). The Commissioner will be able to make a lateral transfer to fill a position without first advertising it if such a transfer is in the best interests of the police force.

Schedule 1 (5) amends section 6C (Priority lists for promotion to sergeant, other than senior sergeant) of the Principal Act so as to reflect the abolition of the ranks of sergeant third class and sergeant second class.

Schedule 1 (6) amends section 6D (Deferment of promotion) of the Principal Act so as to remove all references to section 6B. These references will be inappropriate in view of the new section 6B. Section 6D, as amended, will apply only to promotions to sergeant under section 6C.

Schedule 1 (7) amends section 12 (Rules for government and discipline of police) by repealing provisions which are now obsolete.

Schedule 1 (8) and (9) insert proposed section 36 and a Third Schedule (Savings, transitional and validation provisions) into the Principal Act. The Schedule will contain appropriate savings and validation provisions in relation to certain appointments made or to be made before the commencement of the proposed amendments. The proposed Schedule will also provide for rules to be made of a savings or transitional nature.

SCHEDULE 2—AMENDMENTS RELATING TO APPOINTMENTS OF
SERGEANTS

Schedule 2 (1) repeals and substitutes section 6C (Procedure for appointment as sergeant, other than senior sergeant) of the Principal Act. The proposed section will provide for merit-based appointments to vacant positions in the rank of sergeant (other than vacant positions for senior sergeants). Its provisions parallel those of proposed section 6B described above.

Schedule 2 (2) repeals section 6D (Deferment of promotion) of the Principal Act because of the amendments to be made by Schedule 2 (1).
