

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1984, No. 3 *

Regulations under the *Police Administration Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Police Administration Act*.

Dated this 25th day of January, 1984.

E. E. JOHNSTON

Administrator

By His Honour's Command

P. A. E. EVERINGHAM

Chief Minister

AMENDMENTS OF THE POLICE ADMINISTRATION REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Police Administration Amendment Act (No. 4) 1983*.

2. PRINCIPAL REGULATIONS

The Police Administration Regulations are in these Regulations referred to as the Principal Regulations.

3. INTERPRETATION

Regulation 2(2) of the Principal Regulations is amended by omitting "rank if he is capable of performing the duties of that rank" and substituting "position within a rank if he is capable of performing the duties attaching to the position".

* Notified in the *Northern Territory Government Gazette* on 1 FEB 1, 1984.

Police Administration Regulations

4. NEW REGULATION

The Principal Regulations are amended by inserting after regulation 3 the following:

"3A. RANKS OF POLICE FORCE

"In pursuance of section 167(2)(j) of the Act, the ranks of the Police Force are as follows:

- (a) Constable;
- (b) Constable First Class;
- (c) Senior Constable;
- (d) Sergeant Third Class
- (e) Sergeant Second Class;
- (f) Sergeant First Class;
- (g) Inspector;
- (h) Chief Inspector;
- (j) Superintendent; and
- (k) Chief Superintendent."

5. POSITIONS IN THE FORCE

Regulation 4 of the Principal Regulations is amended by omitting "section 17(1)(a)" and substituting "section 17".

6. ELIGIBILITY

Regulation 5 of the Principal Regulations is amended by inserting after "section 16(1)(a)" the words "and (aa)".

7. VACANCIES TO BE ADVERTISED

Regulation 9 of the Principal Regulations is amended by adding at the end the following:

"(3) This regulation does not prevent a member making an application referred to in sub-regulation (1) where the rank the subject of the application is lower than the rank held by him at the time of that application but, where such an application is successful and he is appointed to that lower rank, the terms and conditions of service as a member attaching to the rank held by him immediately before that appointment shall, on that appointment, cease and his terms and conditions of service shall, with effect on and from that appointment, be the terms and conditions of service attaching to the rank from time to time held by him after that appointment."

Police Administration Regulations

8. EFFICIENCY

Regulation 10 of the Principal Regulations is amended by inserting after "duties of" the words "the position within".

9. PROMOTIONS TO BE PROVISIONAL

Regulation 11 of the Principal Regulations is amended by inserting after "regulation 8" the words "and a promotion to a rank above the rank of Sergeant First Class".

10. SYLLABUSES

Regulation 13(2) of the Principal Regulations is amended by omitting "12 months" and substituting "6 months".

11. PART IV - POLICE PROMOTIONS BOARD

The heading to Part IV of the Principal Regulations is amended by inserting after "PROMOTIONS" the word "APPEAL".

12. REPEAL AND SUBSTITUTION

Regulations 20 and 21 of the Principal Regulations are repealed and the following substituted:

"20. APPEALS TO POLICE PROMOTIONS APPEAL BOARD

"For the purposes of section 67A of the Act, the prescribed form is Form 1.

"21. ADJOURNMENT OF HEARING BY AGREEMENT

"For the purposes of section 69(3) of the Act, the prescribed form is Form 2."

13. REPEAL AND SUBSTITUTION

Regulation 25 of the Principal Regulations is repealed and the following substituted:

"25. COSTS

"(1) Where the Police Promotions Appeal Board is of the opinion that an appeal was frivolous or vexatious, it may order that the appellant pay to the Commissioner an amount to be determined by the Board, being an amount not exceeding the costs of the hearing as assessed by the Board, and the amount so ordered to be paid shall be recoverable from the appellant as a debt due to the Commissioner in a court of competent jurisdiction or may be deducted from salary otherwise payable to the appellant.

Police Administration Regulations

"(2) The Police Promotions Appeal Board may adjourn proceedings before it on such conditions, including conditions as to costs, as it thinks fit."

14. REPEAL AND SUBSTITUTION

Regulations 28 and 29 of the Principal Regulations are repealed and the following substituted:

"28. FIXING OF APPEAL

"The Secretary shall fix a date, time and place for the hearing of an appeal and the hearing of a matter referred under section 87(2)(b) or (10) of the Act, but the date so fixed shall be a date not later than 28 days after -

- (a) in the case of an appeal - the date on which he received the notice of appeal under section 106 of the Act; and
- (b) in the case of a matter referred under section 87(2)(b) or (10) of the Act - the date on which the matter was so referred.

"29. APPELLANT TO BE NOTIFIED

"The Secretary shall, not later than 7 days after -

- (a) in the case of an appeal - the date on which he received the notice of appeal under section 106 of the Act; and
- (b) in the case of a matter referred under section 87(2)(b) or (10) of the Act - the date on which the matter was so referred,

notify in writing the appellant or member the subject of that matter of the date, time and place fixed for the hearing of the appeal or that matter."

15. REPEAL AND SUBSTITUTION

Regulation 31 of the Principal Regulations is repealed and the following substituted:

"31. COSTS

"(1) Where the Police Appeal Board is of the opinion that an appeal was frivolous or vexatious, it may order that the appellant pay to the Commissioner an amount to be determined by the Board, being an amount not exceeding the costs of the hearing as assessed by the Board, and the amount so ordered to be paid shall be recoverable from the appellant as a debt due to the Commissioner in a court of competent jurisdiction or may be deducted from salary otherwise payable to the appellant.

Police Administration Regulations

"(2) The Police Appeal Board may adjourn proceedings before it on such conditions, including conditions as to costs, as it thinks fit."

16. REPEAL AND SUBSTITUTION

Regulation 33 of the Principal Regulations is repealed and the following substituted:

"33. FORMS OF APPEAL, &c.

"(1) For the purposes of section 87(2)(b) and (10) of the Act, the prescribed form is Form 3.

"(2) For the purposes of section 106(1) of the Act, the prescribed form is Form 4.

"(3) For the purposes of section 107(1) of the Act, the prescribed form is Form 5."

17. NEW REGULATION

The Principal Regulations are amended by inserting after regulation 43 the following:

"44. PRESCRIBED AMOUNT

"For the purposes of section 17A(1) of the Act, the prescribed amount is \$5,000 per annum."

18. REPEAL AND SUBSTITUTION

Schedules 1 and 2 to the Principal Regulations are repealed and the following substituted:

"SCHEDULE 1

FORM 1

Regulation 20

NORTHERN TERRITORY OF AUSTRALIA

Police Administration Act

Section 67A

NOTICE OF APPEAL

To: The Registrar, Police Promotions Appeal Board

I appeal to the Police Promotions Appeal Board against the decision of the Commissioner specified below:

APPELLANT:

Name:
Rank:
Number:
Station:

Police Administration Regulations

PROMOTION, DECISION, APPOINTMENT OR ACTION APPEALED AGAINST:

- * Promotion under section 16(1)(b) or (3) of the Act:
Name of member promoted:
Rank to which provisional promotion made:
Date of publication in the *Police Gazette* of notice of provisional promotion:
- * Decision referred to in section 17(b) of the Act/ appointment contrary to section 18(5) of the Act*: ..
Nature of decision/appointment*:
Date on which decision/appointment* appealed against was notified in the *Police Gazette*:
- * Action taken under section 23 or 24 of the Act:
Nature of action:
Date of action:
(Attach a copy of the letter advising of the action)

Dated this day of, 19....

.....
Signature

* Delete where inapplicable

"FORM 2

Regulation 21

NORTHERN TERRITORY OF AUSTRALIA

Police Administration Act

Section 69(3)

NOTICE OF AGREEMENT TO ADJOURN

To: The Registrar, Police Promotions Appeal Board

We, the parties to the appeal set down for, 19..., have agreed that on that date we intend only to seek an adjournment of the appeal.

Dated this day of, 19....

.....
Commissioner

.....
Appellant

Police Administration Regulations

"FORM 3

Regulation 33(1)

NORTHERN TERRITORY OF AUSTRALIA

Police Administration Act

Section 87(2)(b)/(10)*

NOTICE OF REFERRAL OF MATTER TO BOARD

To: The Secretary, Police Appeal Board

From: The Commissioner

I,, the Commissioner, in pursuance of section 87(2)(b)/(10)* of the *Police Administration Act*, hereby refer to the Police Appeal Board for hearing and determination the disciplinary matter the details of which are set out in the accompanying documentation.

Dated this day of, 19....

.....
Commissioner

* Delete where inapplicable

Police Administration Regulations

"FORM 4

Regulation 33(2)

NORTHERN TERRITORY OF AUSTRALIA

Police Administration Act

Section 106(1)

NOTICE OF APPEAL

To: The Secretary, Police Appeal Board

I appeal to the Police Appeal Board against the decision specified below:

Decision appealed against:
(Attach a copy of the letter advising of the decision)

Date of decision:

Nature of disciplinary offence:

Ground(s) on which the appeal is made:

* that the Commissioner's determination that I committed a breach of discipline was wrong.

* that the punishment is unduly severe.

.....
Signature

* Delete if inapplicable

Police Administration Regulations

"FORM 5"

Regulation 33(3)

NORTHERN TERRITORY OF AUSTRALIA

Police Administration Act

Section 107(1)

NOTICE OF AGREEMENT TO ADJOURN

To: The Secretary, Police Appeal Board

We, the parties to the appeal set down for,
19..., have agreed that on that date we intend only to
seek an adjournment of the appeal.

Dated this day of, 19....

.....
Commissioner

.....
Appellant

"SCHEDULE 2

Regulation 4

PRESCRIBED POSITIONS

Constable First Class
Senior Constable
Sergeant Third Class
Sergeant Second Class
Sergeant First Class
Inspector
Chief Inspector
Superintendent
Chief Superintendent

Police Administration Regulations

18. FURTHER AMENDMENTS

The Principal Regulations are further amended as set out in the Schedule.

SCHEDULE

Regulation 19

AMENDMENTS

Provision of Principal Regulations	Amendment	
	omit	substitute
Regulations 22(1) and 23	"of the Police Promotions Board"	
Regulations 24(1), (5), (6) and 26(1)(a)	"Promotions"	"Promotions Appeal"
