

POLICE ADMINISTRATION REGULATIONS

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REGULATIONS 1979, No 8*

Regulations under the *Police Administration Act*

I, JOHN ARMSTRONG ENGLAND, 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 eighteenth day of July, 1979.

J. A. ENGLAND
Administrator

POLICE ADMINISTRATION REGULATIONS

PART I—PRELIMINARY

- | | |
|------------|--|
| Citation | 1. These Regulations may be cited as the Police Administration Regulations. |
| Definition | <p>2.(1) In these Regulations, unless the contrary intention appears—</p> <p>“Constable” includes Constable First Class and Senior Constable;</p> <p>“Sergeant” includes Sergeant First, Second or Third Class.</p> <p>(2) For the purposes of these Regulations, a member is efficient in relation to a rank if he is capable of performing the duties of that rank having regard to—</p> <ul style="list-style-type: none"> (a) his aptitude for the discharge of those duties; (b) his relevant experience; (c) his training; (d) his capacity for development; (e) his relevant personal qualities; and (f) his conduct. <p>(3) A reference in these Regulations to a form by number is a reference to the form so numbered in Schedule 1.</p> |

PART II—ESTABLISHMENT

3. A determination under section 15 of the Act shall be notified in the *Police Gazette* within 14 days of its coming into effect.
4. For the purposes of section 17(1)(a) of the Act, the positions specified in Schedule 2 are the prescribed positions to which appointments may be made.

*Notified in the *Northern Territory Government Gazette* on 26 July, 1979.

PART III—APPOINTMENTS AND PROMOTIONS

Division I—Appointments and Promotions

5. For the purposes of section 16(1)(a) of the Act, a person is eligible for appointment to the Police Force if he is—

- (a) of good character; and
- (b) healthy and physically fit.

6. For the purposes of section 16(1)(b) and (3) of the Act, a member who holds a rank specified in Column 1 of Schedule 3 is qualified for promotion to the rank specified in Column 2 of that Schedule if he complies with the standards set out in Column 3 of that Schedule opposite that rank.

7. The appointment of a person to be a member shall be notified in the *Police Gazette*.

8.(1) Subject to sub-regulation (2), the Commissioner shall promote a member who holds the rank of—

- (a) Constable—to the rank of—
 - (i) Constable First Class; or
 - (ii) Senior Constable; or

(b) Constable First Class—to the rank of Senior Constable,
immediately upon the member becoming qualified for promotion to that rank.

(2) If the Commissioner is of the opinion that a member whom he is required by sub-regulation (1) to promote will be unable to efficiently discharge the duties of the rank to which the member is so required to be promoted, he shall—

- (a) refuse to so promote the member; and
- (b) serve on the member a notice in writing setting out his decision and the reason therefor.

9.(1) The Commissioner shall not promote a member otherwise than by a promotion under regulation 8 to any rank unless, within 14 days of the promotion he causes notice to be published in the *Police Gazette* seeking applications under sub-regulation (2) for promotion to that rank.

(2) An application referred to in sub-regulation (1) shall be in writing and shall set out—

- (a) the name, age and rank of the applicant;
- (b) the station to which the applicant is currently attached;
- (c) the qualifications of the applicant; and
- (d) any other matter which the applicant wishes the Commissioner to consider in relation to the application.

10. The Commissioner shall not promote a member under section 16(1)(b) or (3) of the Act in preference to another member who applied in accordance with regulation 9(2) to be promoted to that rank for any reason other than that the first-mentioned member is able to discharge the duties of the rank to which the member is to be appointed more efficiently than the second-mentioned member.

11.(1) The promotion of a member to a rank (a promotion referred to in regulation 8 excepted) shall be—

- (a) a provisional promotion; and
- (b) notified in the *Police Gazette*.

(2) At the expiration of 28 days from the date of publication of the notification referred to in sub-regulation (1)(b), the Commissioner shall, unless an appeal under Part IV of the Act has been instituted—

- (a) affirm the promotion; or
- (b) set the promotion aside.

(3) Where a provisional promotion is affirmed under sub-regulation (2)(a) or under section 74(1) of the Act, the member so promoted shall be deemed to have been promoted to the rank to which he was so provisionally promoted on the date on which the provisional promotion took effect.

Division 2—Examinations

12.(1) Subject to this Division, any member may apply to sit for an examination.

(2) No member shall apply to sit for an examination relating to promotion to a rank referred to in each of the following paragraphs unless he is a member referred to in that paragraph:

- (a) Sergeant Third Class—a member who has completed 3 years service as a Constable;
- (b) Sergeant Second Class—a member who has gained a pass in an examination relating to promotion to the rank of Sergeant Third Class;
- (c) Sergeant First Class—a member who has gained a pass in an examination relating to promotion to the rank of Sergeant Second Class; and
- (d) Inspector—a member who has gained a pass in an examination relating to promotion to the rank of Sergeant First Class.

13.(1) The Commissioner shall, not less than once in every 12 months—

- (a) cause syllabuses to be prepared for the examinations referred to in regulation 12; and
- (b) cause the preparation of the syllabuses to be notified in the *Police Gazette*.

(2) No examination shall be held on a syllabus of which notice was given less than 12 months from the date on which preparation of the syllabus was notified in the *Police Gazette*.

14. An application under regulation 12(1) shall be made in writing to the Commissioner not less than 2 months before the examination the subject of the application is to be held.

15. The Commissioner shall, upon the written request of a member, make the material contained in the syllabus for the examination to which the request relates available to the member.

16.(1) Subject to these Regulations, an examination shall be held at the time, on the day and at the place notified by the Commissioner in the *Police Gazette*.

(2) The Commissioner may, by notice in the *Police Gazette*, alter the date, time or place of an examination for any reasonable cause.

17. Before holding any examination, the Commissioner shall cause—

- (a) a number to be allotted to each candidate; and
- (b) a list of the numbers which have been allotted to candidates, but not their names, to be furnished to the examiners.

18.(1) This regulation does not apply to members who are on approved leave.

(2) Subject to sub-regulation (3), a member who sits for an examination shall be regarded as being on duty for the period—

- (a) of the examination; and
 - (b) necessarily spent in travelling to the place at which the examination is held from the station to which he is attached and from that place to that station.
- (3) A member is not entitled to any payment on account of overtime for any time during which he is regarded as being on duty by reason only of this regulation.

19.(1) The Commissioner shall cause a list of the name of each candidate who gained a pass in each examination, his examination number and the number of marks gained by him to be published in the *Police Gazette*.

(2) An unsuccessful candidate who applies to the Commissioner shall be supplied with his examination number and the number of marks gained by him.

PART IV—POLICE PROMOTIONS BOARD

20.(1) An appeal under section 67 of the Act shall be instituted by posting or delivering a notice of appeal to the office of the Registrar of the Police Promotions Board.

(2) A notice of appeal shall be in accordance with Form 1.

21. No member shall post or deliver a notice of appeal under regulation 20(1) after the expiration of 7 days from—

- (a) if the appeal is an appeal in relation to a promotion under section 16 of the Act—the date on which notice of the promotion in respect of which the appeal is made was published in the *Police Gazette*;
- (b) if the appeal is an appeal in relation to a decision under section 23 or 24 of the Act—the date on which the appellant received written notice of the decision; or
- (c) if the appeal is an appeal in relation to a decision contrary to section 17 or 18(5) of the Act—the date on which notice of the appointment in respect of which the appeal is made was published in the *Police Gazette*.

22.(1) Subject to this regulation, the Registrar of the Police Promotions Board shall fix a date, time and place for the hearing of each appeal.

(2) The date fixed in relation to an appeal shall be a date not later than 28 days from the date of the notice of appeal.

23. The Registrar of the Police Promotions Board shall, within 7 days of receiving a notice of appeal, notify the appellant and the member, if any, whose promotion is the subject of the appeal, of the date, time and place of the hearing of the appeal.

24.(1) A witness at the hearing of an appeal, not being a member, Police aide or Police Cadet, shall, with the approval of the Chairman of the Police Promotions Board hearing the appeal, be paid an allowance by the Commissioner.

(2) The allowance referred to in sub-regulation (1) shall be an amount equal to the amount of salary or wages lost by the witness for the day or days of attendance at the hearing or, if the witness is not in receipt of salary or wages, an amount which would be reasonable having regard to the occupation of the witness and the time lost in attendance.

(3) Subject to sub-regulation (4), a witness shall be entitled to be paid, in addition to the allowance referred to in sub-regulation (1), the cost of his conveyance to the hearing and reasonable travelling expenses.

(4) Subject to sub-regulation (5), the Commissioner shall not be required to pay travelling expenses or any other expenses incurred by a witness summoned by or on behalf of an appellant.

(5) Sub-regulation (4) does not apply in a case where the Police Promotions Board hearing the appeal finds in favour of the appellant and the evidence given by the

witness summoned by or on behalf of the appellant was, in the opinion of the Chairman of the Board, material.

(6) All claims for witnesses' expenses in connection with the hearing of an appeal shall be submitted to the Chairman of the Police Promotions Board hearing the appeal who shall furnish to the Commissioner certificates as to attendance and such other particulars as may be necessary to enable the Commissioner to assess the amounts to be paid under this regulation.

25. If the Police Promotions 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 any court of competent jurisdiction or may be deducted from salary otherwise payable to the appellant.

26.(1) Subject to sub-regulation (2), a member, Police aide or Police Cadet who is a party to or a witness summoned to attend a hearing shall be regarded as being on duty for the period—

- (a) during which he is required to attend the Police Promotions Board; and
- (b) necessarily spent in travelling to the place at which the hearing is being held from the station to which he is attached and from that place to that station.

(2) A member is not entitled to any payment on account of overtime for any time during which he is regarded as being on duty by reason only of this regulation.

PART V—POLICE APPEAL BOARD

27. Subject to the terms of any agreement between the parties to an appeal, the rules of evidence and procedure followed in the Supreme Court shall be followed in the conduct of proceedings before the Police Appeal Board.

28.(1) Subject to this regulation, the Secretary of the Police Appeal Board shall fix a date, time and place for the hearing of each appeal.

(2) The date fixed in relation to an appeal shall be a date not later than 28 days from the date of the notice of appeal.

29. The Secretary of the Police Appeal Board shall, within 7 days of receiving a notice of appeal, notify the appellant in writing of the date, time and place of hearing of the appeal.

30.(1) A witness at the hearing of an appeal, not being a member, Police aide or Police Cadet, shall, with the approval of the Chairman of the Police Appeal Board hearing the appeal, be paid an allowance by the Commissioner.

(2) The allowance referred to in sub-regulation (1) shall be an amount equal to the amount of salary or wages lost by the witness for the day or days of attendance at the hearing or, if the witness is not in receipt of salary or wages, an amount which would be reasonable having regard to the occupation of the witness and the time lost in attendance.

(3) Subject to sub-regulation (4), a witness shall be entitled to be paid, in addition to the allowance referred to in sub-regulation (1), the cost of his conveyance to the hearing and reasonable travelling expenses.

(4) Subject to sub-regulation (5), the Commissioner shall not be required to pay travelling expenses or any other expenses incurred by a witness summoned by or on behalf of an appellant.

(5) Sub-regulation (4) does not apply in a case where the Police Appeal Board hearing the appeal finds in favour of the appellant and the evidence given by the

witness summoned by or on behalf of the appellant was, in the opinion of the Chairman of the Board, material.

(6) All claims for witnesses' expenses in connection with the hearing of an appeal shall be submitted to the Chairman of the Police Appeal Board hearing the appeal who shall furnish to the Commissioner certificates as to attendance and such other particulars as may be necessary to enable the Commissioner to assess the amounts to be paid under this regulation.

31. If 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 any court of competent jurisdiction or may be deducted from salary otherwise payable to the appellant.

32.(1) Subject to sub-regulation (2), a member who is a party to or a witness summoned to attend a hearing shall be regarded as being on duty for the period—

- (a) during which he is required to attend the Police Appeal Board; and
- (b) necessarily spent in travelling to the place at which the hearing is being held from the station to which he is attached and from that place to that station.

(2) A member is not entitled to any payment on account of overtime for any time during which he is regarded as being on duty by reason only of this regulation.

33. A notice of appeal under section 106(2) of the Act shall be in accordance with Form 2.

PART VI—POLICE POWERS

34.(1) The Commissioner shall cause a copy of an application under section 147(3)(a) of the Act to be served on the person the subject of the examination, prints or photographs referred to in that sub-section or from whom the specimen referred to in that sub-section was taken, together with a notice setting out the time, date and place at which the application will be determined.

(2) A person referred to in sub-regulation (1) may appear before the Magistrate to whom the application there referred to was made and make such submissions in relation to the application as he sees fit.

PART VII—GENERAL

Division 1—Service Record

35.(1) The Commissioner shall cause to be kept a Service Record concerning the conduct and service of each member.

(2) Information recorded on the record in relation to each member shall be—

- (a) in Part I, a personal record showing the full name, registered service number, dates of appointment and promotions, police examinations passed, personal description, marital status and termination of service;
- (b) in Part II, subject to regulation 36, a record of all offences, and punishments and reprimands imposed or given for misconduct or breaches of discipline, or convictions by a Court, and such other entries as are directed by the Commissioner. Cautions are not to be entered on the record, except in those instances in which a caution is administered in respect of one incident which, with others, is the subject of a charge or charges and punishment upon some other phase of the matter which is entered upon the record;

- (c) in Part III, a record of special awards or qualifications gained or services performed. Any action by a member recorded in this Part of the record shall be brought at once to the notice of the Commissioner; and
 - (d) in Part IV, a record of the various stations to which the member is sent during his service, and any appointments which are made concerning the member.
- (3) Records shall be carefully kept up to date at Police Headquarters, and only such entries made as are provided for by these Regulations.

36. Before any adverse entry is placed on a member's Service Record, the member shall be permitted by the Commissioner to examine and copy, in the presence of a person nominated by the Commissioner, the paper forming the basis of the proposed adverse entry and to submit to the Commissioner any respectfully worded communication in rebuttal, defence, extenuation, or as the case may be.

37. A member may, on application to an Inspector, be permitted by the Commissioner to examine and take copies of information on his Service Record in the presence of a person nominated by the Commissioner.

38.(1) A member may, at any time, request the Commissioner to remove from the Service Record kept in relation to the member a specified adverse entry.

- (2) The Commissioner shall, upon receiving a request under sub-regulation (1)—
- (a) remove the entry specified in the request from the Service Record; or
 - (b) advise in writing the member who made the request of his reasons for not removing the entry.

Division 2—Police Gazette

39. The matters set out in Column 1 of Schedule 4 are required to be published in the *Police Gazette* at such times as are specified in Column 2 of that Schedule opposite that matter.

40. It is the duty of every member to diligently read the *Police Gazette* as soon as is practicable after it is published, having regard to the circumstances of the member.

Division 3—Seniority

41. Subject to this Division, each member who holds a rank is senior to the members—

- (a) whose appointments or promotions to that rank were confirmed after his appointment or promotion to that rank was confirmed; or
- (b) holding a lower rank.

42.(1) The Commissioner may determine the relative seniority of members whose appointments or promotions to the same rank occurred on the same day.

(2) The Commissioner shall, in determining seniority under sub-regulation (1), take into account—

- (a) the ranks, if any, from which the members were so promoted;
- (b) the relative seniority of those members within the rank from which they were so promoted; and
- (c) the marks gained by them in any examination relating to promotion to that rank.

Division 4—Miscellaneous

43. A notice or other document required under these Regulations to be served on a person may be served by post.

SCHEDULE 1
FORM 1

Regulation 20(2)

THE NORTHERN TERRITORY OF AUSTRALIA

Police Administration Act

Section 67

NOTICE OF APPEAL

To: The Registrar, Police Promotions Board

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

APPELLANT:

Name:
Rank:
Number:
Station:

DECISION APPEALED AGAINST:

* Promotion under section 16 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 under section 23 or 24 of the Act:
Nature of decision:
Date of decision:
(Attach a copy of the letter advising of the decision)

* Decision contrary to section 17 or 18(5) of the Act:
Nature of decision:
Date on which decision appealed against was notified in the *Police Gazette*:

.....
Signature
/ /19

* Delete if inapplicable.

FORM 2

Regulation 33

THE NORTHERN TERRITORY OF AUSTRALIA

Police Administration Act

Section 106(2)

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

/ /19

* Delete if inapplicable

SCHEDULE 2

Regulation 4

PRESCRIBED POSITIONS

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

SCHEDULE 3

Regulation 6

QUALIFICATIONS FOR PROMOTION

Column 1	Column 2	Column 3
Rank of member	Rank to which member is qualified for promotion	Standards
Constable	Constable First Class	Completion of 4 years service as a member
Constable	Senior Constable	Completion of 4 years service as a Constable and a pass in the examination relating to promotion to the rank of Sergeant Third Class
Constable First Class	Senior Constable	Completion of 10 years service as a Constable or a pass in the examination relating to promotion to the rank of Sergeant Third class
Senior Constable	Sergeant Third Class	A pass in the examination relating to the promotion to the rank of Sergeant Third Class
Sergeant Third Class	Sergeant Second Class	A pass in the examination relating to the promotion to the rank of Sergeant Second Class
Sergeant Second Class	Sergeant First Class	A pass in the examination relating to the promotion to the rank of Sergeant First Class
Sergeant First Class	Inspector	A pass in the examination relating to the promotion to the rank of Inspector
Inspector	Chief Inspector or Superintendent	A pass in the examination relating to the promotion to the rank of Inspector

SCHEDULE 4

Regulation 39

MATTER TO BE PUBLISHED IN THE
POLICE GAZETTE

Column 1	Column 2
Matter to be published	Frequency of publication
Seniority list	Annually
List of stations, including the number and ranks of members attached to each station	Annually
Transfers within the Police Force	As they occur
Retirements from the Police Force	As they occur
Dismissals from the Police Force	As they occur
Variations in salaries and allowances	As they occur
Public holidays	Annually
Leave roster	Annually