



ANNO DECIMO SEXTO

GEORGI V REGIS.

A.D. 1925.

No. 1676.

An Act to constitute a Police Appeal Board and to make provision for the Reference to that Board of Appeals by Members of the Police Force, and for other purposes.

[Assented to, November 12th, 1925.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Police Appeal Board Act, 1925." Short title.

2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended— Interpretation.
 - "Board" means the Police Appeal Board as constituted by this Act:
 - "Chairman" means the Chairman of the Board:
 - "Commissioner" means the Commissioner of Police:
 - "Member" means a Member of the Board:
 - "Secretary" means the person appointed by the Minister to act as secretary to the Board.

3. This Act shall come into operation on a day to be fixed by proclamation. Commencement of Act.

4. (1) The Governor may for the purposes of this Act constitute a Police Appeal Board. The Board shall consist of a Special Magistrate Constitution of Board.

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Magistrate (hereinafter referred to as "the Chairman") who shall be appointed by the Governor for a term of one year, and two other members.

(2) Each of the last mentioned members shall be appointed by the Governor for a term of one year; one shall be nominated by the Commissioner of Police and the other shall be a member of the Police Force nominated by the Police Force in manner prescribed.

Absence of Chairman or member.

5. (1) In the case of and during the absence from whatever cause of the Chairman, the Governor may appoint a deputy who shall have similar qualifications to those of the Chairman, and who during such absence, shall have the powers of the Chairman.

(2) In the case of and during the absence from whatever cause of any member other than the Chairman, another person who has been nominated in the manner prescribed shall, during such absence, act in the place of that member.

Quorum.

6. The Chairman together with one member of the Board shall constitute a quorum thereof.

Secretary to convene meetings and keep records.

7. The Minister shall appoint a secretary of the Board whose duty it shall be to convene all meetings of the Board, and to keep a record of all proceedings and decisions of the Board.

Appeal to Board and procedure thereon.

8. (1) Any person who, at the time of the decision of the Commissioner hereinafter in this subsection referred to, is a member of the Police Force, if dissatisfied with any decision of the Commissioner, made or given after the commencement of this Act, in regard to the granting or refusal of promotion to him or the imposition upon him of any punishment where such punishment consists of the infliction of a fine, suspension, reduction, whether in rank or pay, dismissal, or discharge, may give notice of appeal from that decision in the prescribed manner. The notice of appeal shall be given within thirty days after the decision becomes known to the appellant.

(2) The Secretary shall refer every such appeal to the Board, and the Board shall hear and consider every appeal so referred to it.

Hearing of appeal.

9. (1) Upon an appeal being referred to the Board the Chairman shall fix a date and place for the hearing thereof, and shall give at least seven days' notice to the parties of the date and place of the hearing.

(2) The Board may, upon the application of either party, by summons under the hand of the Secretary require any person to appear before the Board and give evidence, or require any person to produce to the Board any books, documents, or writings in his possession or under his control.

(3) Upon the hearing of any appeal the Board may take evidence upon oath and the Chairman may admit in evidence any statement or document which in his opinion is relevant whether or not such statement or document is legal evidence.

(4) Any

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(4) Any person summoned as aforesaid who without reasonable excuse fails to appear before the Board or to produce to the Board any books, documents, or writings, or refuses to give evidence, shall be liable to a penalty not exceeding Fifty Pounds. Any offence against this subsection shall be dealt with summarily.

(5) The Commissioner shall be entitled to be represented before the Board upon the hearing of any appeal.

(6) The appellant may appear before the Board in person or may nominate any person to appear on his behalf, and any person appearing before the Board may call and examine witnesses.

10. (1) The Chairman shall forward to the Commissioner a copy, certified under the hand of the Chairman, of the evidence taken, together with a statement of the decision of the Board. If the Chairman or any member does not agree with such decision he may forward a separate report stating his reasons for dissenting therefrom and making such recommendations as he may think fit. Decision of the Board.

(2) The Commissioner shall transmit the decision, evidence, recommendations and reports, together with his report and recommendations thereon, to the Minister.

(3) The decision of the Board, together with the report and recommendations (if any) of any member of the Board disagreeing with that decision, and the report and recommendation of the Commissioner, shall be considered by the Minister, whose decision shall be final.

11. The Board may decline to hear or determine any appeal which appears from the notice of appeal to be merely trivial, frivolous, or vexatious. Power of Board to reject trivial appeals.

12. Notwithstanding anything contained in any other Act, no appeal from a decision, either of the Appeal Board or the Minister (or, save as hereinbefore provided, of the Commissioner), with respect to any member of the Police Force shall lie or be permitted to any Court or tribunal whatsoever, and no writ of prohibition or *mandamus* or *certiorari* shall lie in respect thereof. No appeal from Appeal Board, &c.

13. The Governor may make regulations—

- (a) providing for the nomination of members :
 - (b) prescribing the method of appealing and the procedure of the Board :
 - (c) generally to carry out the purposes and provisions of and to prescribe the procedure under this Act.
- Regulations.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

T. SLANEY POOLE, Administrator.