

AUSTRALIAN CAPITAL TERRITORY

POLICE (AMENDMENT) ORDINANCE 1979

EXPLANATORY STATEMENT

No. 19 of 1979

The Police (Amendment) Ordinance 1979 resolves a number of problems associated with procedures currently followed by the Police Arbitral Tribunal and the methods by which members of the A.C.T Police Force are promoted. Certain legal difficulties associated with these procedures were recently brought to the attention of the Department of the Capital Territory by the Auditor-General.

Section 5AE of the Police Ordinance 1927 (the Principal Ordinance) provides that the Minister shall cause notification of a promotion of a member of the Police Force, to be published in the Police Gazette. This section is amended to allow the notification to specify a date upon which the promotion shall take effect. This date may be one which is earlier than the gazettal date.

The Principal Ordinance is amended by the insertion of a new section 5AFA. This section provides that the Minister may cancel the provisional promotion of a member, provided the Minister is satisfied that the vacancy can be filled by transfer, or that further notification of the vacancy is desirable. This amendment provides the Minister with powers similar to those possessed by the Public Service Board under section 50(11) of the Public Service Act 1922.

Section 5AG of the Principal Ordinance relates to the confirmation and cancellation of provisional promotions. This section is amended to enable the date upon which a confirmation is deemed to have effect, to be specified as a date which is earlier than the date of gazettal.

Section 5E(3) is repealed and a new section 5EA is inserted in the Principal Ordinance. The effect of these amendments is to permit the Police Arbitral Tribunal to make determinations having retrospective effect.

A minor amendment is made to section 8 to allow a member to return his uniform and other property to the Commissioner or an authorised person, when that member leaves the Force.

Section 9 of the amending Ordinance validates all retrospective promotion dates, and determinations made by the Tribunal, prior to the Ordinance coming into effect.

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