

# **Police Regulation (Discipline) Act 1993**

**No. 35 of 1993**

## **TABLE OF PROVISIONS**

### *Section*

1. Purpose
2. Commencement
3. Principal Act
4. Repeal of section 2 and First Schedule
5. Amendment of reference to the Police Service Board
6. Promotion and transfer appeals
7. Change of heading to Part IV
8. Repeal of section relating to Police Service Board
9. Insertion of New Heading
10. Insertion of new Divisions 2 to 6 of Part IV

### **Division 2—Discipline**

69. Breaches of discipline
70. Preliminary investigation
71. Charging
72. Form of charge
73. Inquiry into a charge
74. Authorised officers
75. Procedure on an inquiry
76. Determination of the inquiry
77. Enforcement of the determination
78. Adjournment of charge

### **Division 3—Members Alleged to Have Committed Criminal Offences Punishable by imprisonment**

79. Where member believed to have committed a criminal offence punishable by imprisonment
80. Where charge found proven against a member
81. Action not to be taken against a member twice

### **Division 4—Fitness for Duty**

82. Inquiry into fitness for duty
83. Notice of the inquiry
84. Procedure on an inquiry
85. Determination of the inquiry

### **Division 5—Effect of Suspension Dismissal or Reduction of Rank of a Member**

86. Suspension of a member
- 86AA. No compensation for dismissal or reduction of rank

### **Division 6—Annual Report of Chief Commissioner**

- 86AB. Annual report of Chief Commissioner
- 11. Change of heading to Part V
- 12. Substitution of sections 87–91A

### **Division 1—Constitution of the Commission**

- 87. Establishment of the Commission
- 88. Functions of the Commission
- 89. Membership of the Commission
- 90. Remuneration
- 91. Term of office and re-appointment
- 91A. Vacancies, resignation, removal from office
- 91B. Casual vacancy
- 91C. Proceedings of the Commission
- 91D. Annual Report of the Commission

### **Division 2—Appeals and Reviews by the Commission**

- 91E. Appeals to the Commission
- 91F. Application for a review by the Commission
- 91G. Review
- 91H. Procedure on an appeal or review
- 91I. Extension of action taken against member
- 13. Insertion of new heading
- 14. Delivery of accoutrements
- 15. Appeals by protective service officers
- 16. Insertion of new section to follow section 129
  - 129A. Supreme Court—limitation of jurisdiction
- 17. Amendment of regulation-making powers
- 18. Continuation of office of members of the Police Service Board
- 19. Transitional provisions—abolition of Boards and proceedings before Boards



Victoria

No. 35 of 1993

## **Police Regulation (Discipline) Act 1993**

[Assented to 25 May 1993]

**The Parliament of Victoria enacts as follows:**

### **1. *Purpose***

The purpose of this Act is to amend the **Police Regulation Act 1958** to provide for the discipline of the Force, to establish a Police Review Commission and to make other minor amendments.

### **2. *Commencement***

- (1) Section 1, this section and section 18 come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 6 months beginning on and including the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

**3. *Principal Act***

In this Act the **Police Regulation Act 1958** is called the **Principal Act**.

**4. *Repeal of section 2 and First Schedule***

Section 2 of the Principal Act and the First Schedule to the Principal Act are **repealed**.

**5. *Amendment of reference to the Police Service Board***

In section 4 (2) of the Principal Act, for "Police Service Board" **substitute** "Minister".

**6. *Promotion and transfer appeals***

In section 8AA (1) of the Principal Act for "Police Service Board" **substitute** "Police Review Commission".

**7. *Change of heading to Part IV***

For the Heading to Part IV of the Principal Act, **substitute** "**PART IV—EMPLOYMENT, DISCIPLINARY AND OTHER MATTERS**".

**8. *Repeal of section relating to Police Service Board***

Section 68 of the Principal Act is **repealed**.

**9. *Insertion of New Heading***

Before section 68A of the Principal Act **insert** "**Division 1—Application of Employee Relations Act 1992**".

**10. Insertion of new Divisions 2 to 6 of Part IV**

For sections 69 to 86 of the Principal Act substitute—

**“Division 2—Discipline**

**69. Breaches of discipline**

- (1) A member of the force commits a breach of discipline if he or she—
- (a) contravenes a provision of this Act or the regulations; or
  - (b) fails to comply with a standing order or instruction of the Chief Commissioner; or
  - (c) engages in conduct that is likely to bring the force into disrepute or diminish public confidence in it; or
  - (d) fails to comply with a lawful instruction given by the Chief Commissioner, a member of or above the rank of senior sergeant or a person having the authority to give the instruction; or
  - (e) is guilty of disgraceful or improper conduct (whether in his or her official capacity or otherwise); or
  - (f) is negligent or careless in the discharge of his or her duty; or
  - (g) without the approval of the Chief Commissioner—
    - (i) applies for or holds a licence or permit to conduct any trade, business or profession; or
    - (ii) conducts any trade, business or profession; or
    - (iii) accepts any other employment; or

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

- (h) acts in a manner prejudicial to the good order or discipline of the force; or
  - (i) has been charged with an offence (whether under a Victorian law or under a law of another place) and the offence has been found proven.
- (2) A member of the force who aids, abets, counsels or procures, or who, by any act or omission, is directly or indirectly knowingly concerned in or a party to the commission of a breach of discipline, also commits a breach of discipline.

**70. Preliminary investigation**

- (1) If the Chief Commissioner reasonably believes that a member of the force may have committed a breach of discipline, the Chief Commissioner may begin an investigation of the matter.
- (2) Upon beginning an investigation into a matter the Chief Commissioner may—
  - (a) transfer the member to other duties; or
  - (b) direct the member to take any leave which has accrued to him or her under this Act; or
  - (c) suspend the member from the Force with pay.
- (3) If the Chief Commissioner has not charged a member within 3 months of taking action under sub-section (2), the Chief Commissioner must withdraw the transfer, direction or suspension.
- (4) The Chief Commissioner may apply to the Chairperson of the Police Review Commission for an extension of the time specified in sub-section (3).

- (5) The Chairperson may give the extension if he or she reasonably believes it is necessary for the inquiry.

**71. Charging**

- (1) If, after conducting a preliminary investigation, the Chief Commissioner or an officer authorised by the Chief Commissioner reasonably believes that a member of the force has committed a breach of discipline, the Chief Commissioner or authorised officer may charge the member with the commission of that breach of discipline.
- (2) The Chief Commissioner or authorised officer must not charge the member unless the Chief Commissioner has first given the member an opportunity to give a written explanation of the matter.
- (3) Upon charging a member, the Chief Commissioner or authorised officer may—
- (a) transfer the member to other duties; or
  - (b) direct the member to take any leave which has accrued to him or her under this Act; or
  - (c) suspend the member from the Force with or without pay.
- (4) Any action taken under sub-section (3) remains in force until the charge has been finally determined.

**72. Form of charge**

- (1) A charge must—
- (a) be in writing; and

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

- (b) contain particulars of the alleged breach of discipline; and
  - (c) specify when and where an inquiry into the charge is to be conducted; and
  - (d) specify that the member must state in writing whether or not he or she admits or denies the truth of the charge; and
  - (e) specify the time within which the member must make the statement under paragraph (d).
- (2) If a member has not made the statement required under sub-section (1) (d) within the time specified under sub-section (1) (e), the Chief Commissioner can proceed without the statement.

**73. *Inquiry into a charge***

The Chief Commissioner or an officer authorised by the Chief Commissioner must inquire into and determine a charge.

**74. *Authorised officers***

The Chief Commissioner may authorise any member of the force or any person appointed or employed under the **Public Sector Management Act 1992** to charge a member or to inquire into and determine a charge under section 73.

**75. *Procedure on an inquiry***

- (1) A member of the force who is charged with a breach of discipline may appear at the inquiry into the charge or may be represented by any person other than a



person admitted to practice as a barrister or solicitor of the Supreme Court.

- (2) If a member who is the subject of an inquiry does not attend in person or by representative at the time and place fixed for the inquiry, the person conducting the inquiry may proceed in his or her absence.
- (3) At an inquiry—
  - (a) subject to this section, the procedure of the inquiry is at the discretion of the person conducting it; and
  - (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and
  - (c) the person conducting the inquiry is not bound by the rules of evidence but may inform himself or herself in any way he or she sees fit; and
  - (d) the person conducting the inquiry is bound by the rules of natural justice.
- (4) Sections 14, 15, 16 and 21A of the **Evidence Act 1958** apply to the conduct of an inquiry as if the person conducting the inquiry were a Board or the Chairman of a Board appointed by the Governor in Council.

#### **76. Determination of the inquiry**

- (1) If, after considering all the submissions made at an inquiry the person conducting the inquiry finds that the charge has been

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

proved, the person conducting the inquiry may make one or more of the following determinations—

- (a) to reprimand the member; or
  - (b) to adjourn the hearing of the inquiry into the charge on the condition that the member be of good behaviour for a period not exceeding 12 months; or
  - (c) to impose a fine not exceeding 40 penalty units; or
  - (d) to reduce rank or seniority of the member; or
  - (e) to reduce the remuneration of the member; or
  - (f) to transfer the member to other duties; or
  - (g) to dismiss the member.
- (2) The person conducting the inquiry may also determine that the member make any restitution or pay any compensation or costs that are appropriate for that matter.
- (3) If the person conducting the inquiry reduces a member in rank, the Chief Commissioner must determine the seniority of that member in relation to other members of that rank to which he or she has been reduced.
- (4) If the person conducting the inquiry finds that the charge has not been proved—
- (a) any suspension against the member relating to the charge expires; and
  - (b) if the member has been suspended without pay, an amount equal to the pay the member would have received during that period of

suspension must be paid to the member; and

- (c) if the member has been directed to take leave, the member must be credited with any leave taken at that direction.

***77. Enforcement of the determination***

- (1) The Chief Commissioner and, where the Chief Commissioner has not conducted the inquiry, the person conducting the inquiry must take all action necessary to give effect to a determination made on an inquiry.
- (2) A fine or requirement to pay compensation or costs or make restitution may be recovered in the Magistrates' Court as a civil debt or by deducting the amount from the pay of the member.

***78. Adjournment of charge***

- (1) If the hearing of an inquiry into a charge has been adjourned under section 76 (1) (b), the time and place of the further hearing must be fixed at the time of the adjournment.
- (2) If, at the further hearing of the inquiry into the charge, the person conducting the hearing is satisfied that the member has been of good behaviour, he or she must dismiss the charge, but in any other case the hearing must be continued in the same manner as if it had not been adjourned.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

**Division 3—Members Alleged To Have Committed Criminal  
Offences Punishable by Imprisonment**

**79. *Where member believed to have committed a  
criminal offence punishable by  
imprisonment***

- (1) If the Chief Commissioner reasonably believes a member of the force to have committed an offence punishable by imprisonment the Chief Commissioner may cause an investigation into the matter under the criminal law to be commenced and may—
  - (a) transfer the member to other duties;  
or
  - (b) direct the member to take any leave which has accrued to him or her under this Act; or
  - (c) suspend the member from the Force with pay.
- (2) If a member of the force has been charged under the criminal law with an offence punishable by imprisonment (whether or not within the State or within any other jurisdiction) the Chief Commissioner may—
  - (a) transfer the member to other duties;  
or
  - (b) direct the member to take any leave which has accrued to him or her under this Act; or
  - (c) suspend the member from the Force, with or without pay.

**80. *Where charge found proven against a member***

- (1) If a member of the force has been charged under the criminal law with an offence punishable by imprisonment (whether or not within the State or in any other jurisdiction) and the offence has been found proven, the Chief Commissioner may—
  - (a) reprimand the member; or
  - (b) require the member to be of good behaviour for a period not exceeding 12 months; or
  - (c) impose a fine not exceeding 40 penalty units; or
  - (d) reduce rank or seniority of the member; or
  - (e) reduce the remuneration of the member; or
  - (f) transfer the member to other duties; or
  - (g) dismiss the member.
- (2) If a member who has been dismissed under this section is subsequently pardoned or the conviction of the member is subsequently quashed or otherwise nullified, the member may be re-appointed to the force at the rank the member held before dismissal.
- (3) Upon a re-appointment under sub-section (2), the member is deemed to have continued in the force as if not dismissed and as if, during the period during which the member was not performing his or her duties because of the dismissal, the member had been on leave of absence without pay.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

- (4) For the purposes of sub-section (3), a member is not to be taken to be entitled to any other leave credits for any period during which he or she is to be taken to have been on leave of absence without pay.

**81. *Action not to be taken against a member twice***

The Chief Commissioner must not take action against a member under Division 2 in respect of an act for which that member has had action taken against him or her under section 80 (1).

**Division 4—Fitness for Duty**

**82. *Inquiry into fitness for duty***

- (1) If the Chief Commissioner reasonably believes that a member is incapable of performing his or her duties or inefficient in performing his or her duties and that incapacity or inefficiency is not caused by any infirmity of mind or body, the Chief Commissioner must inquire into the matter.
- (2) The Chief Commissioner may authorise a member of the force or a person employed under the **Public Sector Management Act 1992** to inquire into a matter under this Division.

**83. *Notice of the inquiry***

- (1) The person conducting the inquiry must give notice of the inquiry in writing to the member who is the subject of the inquiry.

- (2) A notice under sub-section (1) must—
  - (a) state the time and place at which the inquiry is to be conducted; and
  - (b) give particulars of the alleged incapacity or inefficiency.

**84. *Procedure on an inquiry***

- (1) A member of the force who is the subject of an inquiry may appear at the inquiry or may be represented by any person other than a person admitted to practice as a barrister or solicitor of the Supreme Court.
- (2) If a member who is the subject of an inquiry does not attend in person or by representative at the time and place fixed for the inquiry, the person conducting the inquiry may proceed in his or her absence.
- (3) At an inquiry—
  - (a) subject to this section, the procedure of the inquiry is at the discretion of the person conducting it;
  - (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit;
  - (c) the person conducting the inquiry is not bound by the rules of evidence but may inform himself or herself in any way he or she sees fit; and
  - (d) the person conducting the inquiry is bound by the rules of natural justice.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

- (4) Sections 14, 15, 16 and 21A of the **Evidence Act 1958** apply to the conduct of an inquiry as if the person conducting the inquiry were a Board or the Chairman of a Board appointed by the Governor in Council.

**85. *Determination of the inquiry***

If, after considering all the submissions made at the inquiry, the person conducting the inquiry finds that the member is incapable of performing his or her duties or inefficient in performing his or her duties, the person conducting the inquiry may—

- (a) transfer the member to other duties;  
or
- (b) reduce the member in rank; or
- (c) dismiss the member.

**Division 5—Effect of Suspension Dismissal or  
Reduction of Rank of a Member**

**86. *Suspension of a member***

- (1) Despite anything to the contrary in this or any other Act or regulation, a member of the force who has been suspended without pay under section 71 (3) (c) or 79 (2) (c), may, with the approval of the Chief Commissioner, undertake paid employment during the period of that suspension.
- (2) Immediately upon being suspended, a member must surrender his or her certificate of identity, uniform and equipment issued to him or her for the performance of his or her duties.



- (3) A member who does not comply with sub-section (2) is guilty of an offence and liable to be dealt with as for an offence under section 96, and a search warrant may be issued, subject to this section, under the **Magistrates' Court Act 1989** to search for the member's certificate of identity, uniform and any equipment issued to him or her.
- (4) A search warrant issued under sub-section (3) authorises the person to whom it is directed—
  - (a) to break, enter and search any place named or described in the warrant for any certificate of identity, uniform or equipment named or described in the warrant; and
  - (b) to seize the certificate, uniform or equipment and deliver it to the Chief Commissioner.
- (5) The Chief Commissioner must retain custody of any certificate of identity, uniform or equipment seized under a search warrant until the charge against the member has been determined.
- (6) A member who has been suspended from the Force must comply with an order from a superior officer to temporarily return to work. A member who does not comply with such an order is guilty of an offence and liable upon conviction to a penalty of 5 penalty units.
- (7) A member who is suspended must not, while on suspension, enter any police premises, other than those areas available to the public, unless under a direction to do so.

Penalty: 5 penalty units.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

**86AA. *No compensation for dismissal or reduction of rank***

A member of the force is not entitled to any compensation for a reduction in his or her salary which is consequent upon a reduction in his or her rank or his or her dismissal under this Part except in accordance with any arrangement made with the employer of members of the force about the termination of employment of members of the force.

**Division 6—Annual Report of Chief Commissioner**

**86AB. *Annual report of Chief Commissioner***

- (1) The Chief Commissioner must prepare a report in respect of each year ending on 30 June on any action taken by the Chief Commissioner or an authorised officer under this Part and on the outcome of any such action and on any action taken by the Chief Commissioner upon reviews by the Police Review Commission.
- (2) The Chief Commissioner must submit the report to the Minister not later than 30 September in that year.”

**11. *Change of heading to Part V***

For the Heading to Part V of the Principal Act substitute “**PART V—CONSTITUTION AND BUSINESS OF THE POLICE REVIEW COMMISSION**”.

**12. *Substitution of sections 87–91A***

For sections 87 to 91A of the Principal Act substitute—

**"Division 1—Constitution of the Commission**

**87. *Establishment of the Commission***

There is established a Commission to be called the Police Review Commission.

**88. *Functions of the Commission***

The functions of the Commission are—

- (a) to hear appeals and reviews referred to it under this Act; and
- (b) any other functions conferred on the Commission by or under this Act.

**89. *Membership of the Commission***

The Commission consists of a chairperson and the deputy chairpersons (if any) appointed by the Governor in Council.

**90. *Remuneration***

- (1) The chairperson and any deputy chairperson, unless that person is an officer or temporary employee of the public service, is entitled to be paid the remuneration and allowances (if any) fixed by order of the Governor in Council for that office.
- (2) An order in council may fix the remuneration or allowances by reference to the remuneration or allowances fixed by the **Public Service Determinations 1985** as in force immediately before their expiry or to regulations made under the **Public Sector Management Act 1992**.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

**91. *Term of office and re-appointment***

- (1) The chairperson and any deputy chairperson holds office for a period of up to 3 years from the date of the office holder's appointment.
- (2) The chairperson and any deputy chairperson is eligible for re-appointment.
- (3) The holder of an office of chairperson or deputy chairperson is, in respect of that office, subject to Part 9 of the **Public Sector Management Act 1992** but is not otherwise subject to that Act.

**91A. *Vacancies, resignation, removal from office***

- (1) The office of chairperson or deputy chairperson becomes vacant if the holder—
  - (a) becomes bankrupt; or
  - (b) is convicted of an offence punishable by imprisonment.
- (2) The chairperson or a deputy chairperson may resign by writing delivered to the Minister.
- (3) The Governor in Council, upon the recommendation of the Minister, may remove the chairperson or a deputy chairperson from office if the chairperson or deputy chairperson—
  - (a) becomes incapable of performing his or her duties; or
  - (b) is negligent in the performance of those duties; or
  - (c) engages in improper conduct; or
  - (d) is convicted of an offence.

**91B. *Casual vacancy***

- (1) If the office of the chairperson or a deputy chairperson becomes vacant, otherwise than by reason of the expiry of the term of office of the chairperson or deputy chairperson, the Governor in Council may appoint a person to fill the vacancy and to hold office, subject to this Act, for the remainder of the term.
- (2) If the vacancy occurs within 6 months of the expiry of the term of office of the chairperson or deputy chairperson, the office may be left vacant for the remainder to the term.

**91C. *Proceedings of the Commission***

- (1) The hearing of an appeal or review referred to the Commission is to be conducted by—
  - (a) the chairperson or a deputy chairperson sitting alone; or
  - (b) the chairperson and a deputy chairperson sitting together.
- (2) For the purposes of sub-section (1), the chairperson is to determine who is to hear an appeal or review.
- (3) If an appeal or review is conducted by the chairperson and deputy chairperson sitting together the chairperson has a casting vote as well as a deliberative vote.
- (4) Subject to this Act, the Commission may regulate its own proceedings.

**91D. *Annual Report of the Commission***

- (1) The Commission must prepare a report in respect of each year ending on 30 June

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

on its own work and activities for that year.

- (2) The Commission must submit the report to the Minister not later than 30 September in that year.
- (3) The Minister must cause each report submitted to him under this section to be laid before the Legislative Council and the Legislative Assembly as soon as possible after the report has been received by the Minister.

**Division 2—Appeals and Reviews by the Commission**

**91E. Appeals to the Commission**

- (1) An appeal under section 8AA or 118B (4) is to be by way of a re-hearing.
- (2) The Chief Commissioner must give effect to a decision of the Commission on a re-hearing.

**91F. Application for a review by the Commission**

A member of the force may apply to the Commission for a review of a decision by the Chief Commissioner or a person authorised by the Chief Commissioner—

- (a) not to confirm the member's promotion; or
- (b) to disallow the member's promotion; or
- (c) to terminate the member's appointment; or
- (d) to compulsorily transfer the member; or
- (e) to make a determination under section 76 (1) (c) or 80 (1) (c) to

impose a fine exceeding 5 penalty units or to make a determination under section 76 (1) (d), (e), (f) or (g), section 80 (1) (d), (e), (f) or (g) or section 85 (a) (b) or (c).

**91G. Review**

- (1) At a review under this Part, the Commission may recommend to the Chief Commissioner that he or she take the action set out in the recommendation.
- (2) The Chief Commissioner must have due regard to a recommendation of the Commission and may take the action set out in the recommendation or vary it.
- (3) The Chief Commissioner must notify the Commission and the member concerned of his or her decision under sub-section (2) within 14 days of receiving notice of the outcome of the review.

**91H. Procedure on an appeal or review**

- (1) A member of the force who has appealed to the Commission or applied for a review by the Commission may appear at the appeal or review or, in the case of a review, may be represented by any person other than a barrister or solicitor of the Supreme Court.
- (2) If a member who is the subject of an appeal or review does not attend in person or by representative at the time and place fixed for the inquiry, the Commission may proceed in his or her absence.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

(3) At an appeal or review—

- (a) subject to this section, the procedure of the appeal or review is at the discretion of the Commission; and
- (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and
- (c) the Commission is not bound by the rules of evidence but may inform itself in any way it sees fit; and
- (d) the Commission is bound by the rules of natural justice.

**911. *Extension of action taken against member***

If a member has applied for a review of a determination under section 91F (e) and that member was, pending the outcome of the inquiry at which the determination was made, transferred, on leave or suspended, the Chief Commissioner may require the member to remain transferred, on leave or suspended until the review is completed.”.

**13. *Insertion of new heading***

Before section 92 of the Principal Act insert “**PART VA—MISCELLANEOUS OFFENCES**”.

**14. *Delivery of accoutrements***

In section 96 (3) of the Principal Act, omit “are forfeited to the Crown and”.



*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

s. 15

**15. Appeals by protective services officers**

In section 118B (4), for "Police Service Board" substitute "Police Review Commission".

**16. Insertion of new section to follow section 129**

After section 129 of the Principal Act insert—

**"129A. Supreme Court—limitation of jurisdiction**

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in the circumstances set out in section 86AA of this Act."

**17. Amendment of regulation making powers**

In section 130 (1) of the Principal Act, for paragraphs (f) to (i) substitute—

- "(f) appeals and reviews by the Police Review Commission;
- (g) any proceedings under Part IV;
- (h) prescribing scales of fees or expenses to be paid to witnesses appearing before the Police Review Commission and the classes of cases in which any prescribed fees or expenses may be paid;"

**18. Continuation of office of members of the Police Service Board**

- (1) If the term of office of an appointed or elected member of the Police Service Board, established under the Principal Act, expires before the abolition of that Board under this Act, the member holding office immediately before the expiry of that term of office continues to hold that office until the abolition of the Board, unless the office becomes vacant sooner under any one of paragraphs (b) to (f) of section 75 of the Principal Act as in force at the time this section comes into operation.

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

- (2) If an office, which has been filled by virtue of the operation of sub-section (1), subsequently becomes vacant under any one of paragraphs (b) to (f) of section 75 of the Principal Act as in force at the time this section comes into operation, the Governor in Council may appoint a person to fill that vacancy.
- (3) A person appointed to fill a vacancy under this section holds office until the abolition of the Board, unless the office becomes sooner vacant under any one of paragraphs (b) to (f) of section 75 of the Principal Act as in force at the time this section comes into operation.
- (4) This section operates despite anything to the contrary in this Act or the Principal Act.

**19. *Transitional provisions-abolition of Boards and proceedings before Boards***

- (1) In this section, a reference to the “**Police Service Board**” is a reference to the Police Service Board established under the Principal Act immediately before the coming into operation of section 10 of this Act and a reference to the “**Police Discipline Board**” is a reference to the Police Discipline Board established under the Principal Act immediately before the coming into operation of section 12 of this Act.
- (2) Except for the purpose of giving effect to sub-section (4), on the coming into operation of section 10 of this Act, the Police Service Board is abolished and the members of the Board go out of office.
- (3) Except for the purpose of giving effect to sub-section (5), on the coming into operation of section 12 of this Act, the Police Discipline Board is abolished and the members of the Board go out of office.
- (4) If—
  - (a) an appeal has been lodged with the Police Service Board under the Principal Act as in force immediately before the commencement of section 10 of this Act and the Board has commenced hearing

*Police Regulation (Discipline) Act 1993*  
*Act No. 35/1993*

s. 19

that appeal, the Board may continue to hear that appeal as if this Act had not been enacted; or

- (b) the Police Service Board has commenced an inquiry under section 88A of the Principal Act as in force immediately before the commencement of section 12 of this Act, the Board may continue that inquiry as if this Act had not been enacted.
- (5) If a charge has been referred to the Police Discipline Board or the Chief Commissioner has applied to the Police Discipline Board to inquire into the fitness for duty of a member under the Principal Act as in force immediately before the commencement of section 12 of this Act, and the Board has commenced hearing that charge or conducting that inquiry, the Board may continue to hear that appeal or conduct that inquiry as if this Act had not been enacted.
- (6) The Chief Commissioner must give effect to a determination of the Police Service Board or Police Discipline Board made under sub-section (4) or (5).
- 

NOTES

1. *Minister's second reading speech—*

*Legislative Assembly: 22 April 1993*

*Legislative Council: 12 May 1993*

2. The long title for the Bill for this Act was "A Bill to amend the **Police Regulation Act 1958** and for other purposes."

3. **Constitution Act 1975:**

*Section 85 (5) statement:*

*Legislative Assembly: 22 April 1993*

*Legislative Council: 12 May 1993*

*Absolute majorities:*

*Legislative Assembly: 6 May 1993*

*Legislative Council: 18 and 19 May 1993*

4. Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**.)