



Western Australia

Police Act 1892

## **Police Appeal Board Regulations**

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As at 03 Dec 2004

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Western Australia

## Police Appeal Board Regulations

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Reprinted under the  
*Reprints Act 1984* as at  
3 December 2004

Western Australia

Police Act 1892

## Police Appeal Board Regulations

### 1. Citation

These regulations may be cited as the *Police Appeal Board Regulations*<sup>1</sup>.

### 2. Interpretation

In these regulations, unless the context requires otherwise —

“**Act**” means the *Police Act 1892*;

“**Appendix**” means the appendix to these regulations;

“**Board**” means the Police Appeal Board constituted under Part IIA of the Act;

“**returning officer**” means the secretary for the time being of the Police Union of Workers of Western Australia, or his deputy, who shall be the returning officer for any election held under the provisions of these regulations;

“**secretary**” means the person appointed by the Minister to act as secretary of the Board;

expressions used in these regulations have the same respective meanings as in the Act.

**3. Nomination of members**

The person to be nominated by the Police Force for appointment to the Board shall be elected by members of the Police Force in the following manner:

- (a) The returning officer shall fix the date up to which nominations of candidates for election as the nominee of the Police Force on the Board shall be received and shall cause notice of that date to be inserted in the *Police Gazette*. The date shall be not earlier than 14 days after the date of the publication of the notice in the *Police Gazette*.
- (b) Every nomination of a candidate for election as the nominee of the Police Force on the Board shall be in Form No. 1 in the appendix and shall be signed by at least 5 members of the Police Force, and accompanied by the written consent of the person nominated to act as a member of the Board, if appointed.
- (c) If the returning officer receives only one nomination of a candidate for election he shall declare that candidate to be elected as the person nominated by the members of the Police Force for appointment to the Board.

**4. Polling**

- (1) If the returning officer receives more than one nomination he shall —
  - (i) appoint a day and time for the closing of the poll for the election, which day shall not be less than 14 days nor more than 30 days after the day up to which nominations of candidates shall be received; and
  - (ii) cause ballot papers in Form No. 2 in the appendix to be prepared for the election of the person to be nominated.
- (2) The returning officer shall cause one ballot paper with counterfoil attached, initialled by the returning officer, to be posted or delivered to every member of the Police Force.

- (3) A member of the Police Force to whom the ballot paper and counterfoil is addressed if desirous of voting shall —
- (i) record his vote on the ballot paper in accordance with regulation 5;
  - (ii) detach the counterfoil from the ballot paper;
  - (iii) sign the counterfoil;
  - (iv) enclose the ballot paper in a sealed envelope marked on the outside of the envelope with the words “ballot paper”;
  - (v) then return the sealed envelope with the ballot paper contained therein and the counterfoil to the returning officer so as to be received by him not later than the day and time appointed for the closing of the poll at the election;
  - (vi) A ballot paper may be forwarded to the returning officer by post, or through the usual channel for official correspondence or may be delivered personally.

**5. Preferential voting**

- (1) Voting shall be by means of a preferential ballot.
- (2) Where there are 2 nominations only, the member of the Police Force shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes.
- (3) Where there are more than 2 nominations, the member of the Police Force shall mark his vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and he shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on, as the case requires, opposite their names, so as to indicate by such numerical sequence the order of his preference.

**6. The scrutiny**

- (1) A ballot paper which —
  - (i) is received by the returning officer after the day and time for the closing of the poll; or
  - (ii) is not marked in accordance with regulation 5,is informal and shall be rejected.
- (2) The counting of the votes and the scrutiny shall be conducted in the manner prescribed by the *Electoral Act 1907*, for the counting and scrutiny of votes and the election of candidates at an election of a representative of the Legislative Assembly and the provisions of the *Electoral Act 1907*, *mutatis mutandis*, apply.
- (3) The returning officer and one person nominated by each candidate for the purpose shall conduct the scrutiny and count of votes. No person shall be nominated to act as scrutineer unless he is a member of the Police Force residing in Perth or a suburb of Perth.
- (4) The candidate obtaining the highest number of votes shall be declared to be elected and shall be the person nominated by members of the Police Force for appointment to the Board. If the votes awarded to 2 or more candidates are equal, the successful candidate shall be determined by lot.
- (5) If any question arises as to the validity or regularity of any vote, the question shall be determined by the returning officer, whose decision is final.

**7. Appeals**

- (1) Every appeal under section 33E of the Act is required to be instituted by a notice of appeal given by the appellant to the Secretary within 14 days from the date the punishment, decision or finding appealed against is given.



- (2) Every notice of appeal shall —
  - (a) be typewritten, and in triplicate;
  - (b) recite the punishment or decision appealed against;
  - (c) set out the grounds on which the appeal is made; and
  - (d) specify distinctly what relief the appellant desires the Board to grant him on appeal.
- (3) The appellant shall, in his appeal, state whether he requires any person to be summoned to appear before the Board, or to produce any books, documents, or writings.
- (4) The appellant and witnesses who have been summoned to appear before the Board shall be granted the necessary leave of absence to enable them to attend.
- (5) If the appellant fails to appear, the Board may determine the appeal on such evidence as is available.

**Appendix**

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**Appendix**

**Form No. 1**

Western Australia

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**NOMINATION OF MEMBER**

We, the undersigned, being members of the Police Force of Western Australia,  
hereby nominate ....., of .....,  
as a Member of the Police Appeal Board.

.....  
.....  
.....  
.....  
.....

..... 20 .....

**Form No. 2**

Western Australia

*Police Appeal Board Regulations*

**BALLOT PAPER**



Returning officer's initials

Election of Nominee of the Police Force for the office of Member of the Police Appeal Board.

Candidates

.....  
.....  
.....  
.....

Counterfoil

Signature of Member ..... No. ....

Rank ..... Station .....

**Notes**

- <sup>1</sup> This is a reprint as at 3 December 2004 of the *Police Appeal Board Regulations*.  
The following table contains information about those regulations and any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Police Appeal Board Regulations</i>	25 Mar 1955 p. 556-9	25 Mar 1955
<b>Reprint 1: The <i>Police Appeal Board Regulations</i> as at 3 Dec 2004</b>		