

Australian Federal Police Amendment Act 1980

No. 69 of 1980

An Act to amend the *Australian Federal Police Act 1979*

[Assented to 28 May 1980]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Australian Federal Police Amendment Act 1980*.

(2) The *Australian Federal Police Act 1979*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

3. After section 26 of the Principal Act the following section is inserted:

Appointment of former narcotics officers to be members

“26A. (1) Where an officer of the Australian Public Service who was transferred on 7 November 1979 to an office in the Department of Administrative Services held, immediately before his transfer, an office in the Narcotics Enforcement Branch of the Operations Division in the Department of Business and Consumer Affairs, this section applies to the officer.

“(2) Notwithstanding anything in sections 25 and 73, an officer to whom this section applies may be appointed, by Commission under section 25, to be a commissioned officer in the component of the Australian Federal Police referred to in sub-section 7 (1) and to hold such rank as he is, in the opinion of the Commissioner, qualified to hold having regard to his duties immediately before his appointment and to his qualifications and aptitude for the discharge of duties of a kind performed by members engaged in investigating narcotics offences and of other duties of a kind performed by members of the component so referred to.

“(3) Notwithstanding anything in sections 26 and 73, an officer to whom this section applies may be appointed, by instrument in writing under section 26, to be a non-commissioned officer in the component of the Australian Federal Police referred to in sub-section 7 (1) and to hold such rank as he is, in the opinion of the Commissioner, qualified to hold having regard to his duties immediately before his appointment and to his qualifications and aptitude for the discharge of duties of a kind performed by members engaged in investigating narcotics offences and of other duties of a kind performed by members of the component so referred to.

“(4) Where an officer to whom this section applies is appointed to be a member—

- (a) it shall be presumed, unless the contrary is established, that, in making the appointment, the Commissioner has had regard to all matters to which he is, under sub-section (2) or (3), as the case requires, required to have regard; and
- (b) the officer shall be deemed, for all purposes of this Act and the regulations, to be competent and qualified to hold the rank to which he is appointed.

“(5) Where an officer to whom this section applies is appointed to be a member, the terms and conditions of his service in the Australian Federal Police shall, until a determination under section 30 or an agreement having effect under section 31 otherwise provides, be deemed to be the terms and conditions of service that were, immediately before his appointment, applicable to him as an officer of the Australian Public Service.”.

Proof of appointment, &c.

4. Section 68 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) The Commissioner may, by writing signed by him, certify that a specified person has been appointed under a specified provision of this Act and may, in addition, certify all or any of the following with respect to that person, that is to say:

- (a) that, immediately after his appointment, he entered into the undertaking referred to in sub-section 28 (1);
- (b) that, on a specified date, he made and subscribed the oath or affirmation, as the case may be, specified or referred to in the certificate before a specified person and that the person so specified was, when the oath or affirmation was made and subscribed before him, a person authorized by the Minister, or by the Commissioner, as the case may be, for the purposes of section 28;
- (c) that he is, on the date on which the certificate is signed, a member of the Australian Federal Police and has been such a member continuously since he was so appointed;
- (d) that he was a member of the Australian Federal Police on a specified date or during a specified period;

Australian Federal Police Amendment No. 69, 1980

- (e) that he holds a specified rank in a specified component;
 - (f) that he held a specified rank in a specified component on a specified date or during a specified period;
 - (g) that he is acting in a specified rank in a specified component;
 - (h) that he was acting in a specified rank in a specified component on a specified date or during a specified period.”.
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NOTE

1. No. 58, 1979, as amended. For previous amendments, see No. 155, 1979.