

**POLICE REGULATION (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 57, 1971.**

An Act to provide for the appointment of a Deputy Commissioner of Police and Assistant Commissioners of Police; to make certain provisions in respect of other matters affecting the police force; for these purposes to amend the Police Regulation Act, 1899, and the Police Regulation (Superannuation) Act, 1906; and for purposes connected therewith. [Assented to, 14th December, 1971.]

**BE**

*Police Regulation (Amendment).*

**No. 57, 1971** **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**Short title and commencement.** **1.** (1) This Act may be cited as the "Police Regulation (Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 20, 1899.** **2.** The Police Regulation Act, 1899, is amended—

**Sec. 1.** (Short title and contents.) (a) by omitting from section one the following matter :—

**PART IIA.—POLICE RESERVE.**

**Sec. 3.** (Interpretation.) (b) by inserting in section three after the word "Commissioner," the words "the Deputy Commissioner, the Senior Assistant Commissioner,";

**Sec. 4.** (Appointment and authority of Commissioner.) (c) by omitting paragraph (d) of subsection five of section four and by inserting in lieu thereof the following paragraph :—

(d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

**Subst. sec. 4A and new secs. 4B, 4C and 4D.** (d) by omitting section 4A and by inserting in lieu thereof the following sections :—

**4A.** (1) The Governor may from time to time appoint a Deputy Commissioner of Police.

**Appointment and authority of Deputy Commissioner.**

(2)

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(2) The Deputy Commissioner shall receive such remuneration as the Governor may determine. No. 57, 1971

(3) The Deputy Commissioner may continue in the police force until the day upon which he attains the age of sixty-five years unless he is sooner retired by the Governor acting upon the recommendation of the Minister or after attaining the age of sixty years he sooner retires.

(4) The Deputy Commissioner shall exercise and perform such of the powers, authorities, duties and functions of the Commissioner as the Commissioner may from time to time direct either generally or in any special case and any power, authority, duty or function so exercised or performed by the Deputy Commissioner shall be as valid and effectual as if exercised or performed by the Commissioner.

(5) (a) During the illness or absence of the Commissioner or whenever the Commissioner though on duty cannot be contacted or whenever there is a vacancy in the office of Commissioner the Deputy Commissioner shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on the Commissioner by or under this or any other Act.

(b) No person shall be concerned to enquire whether or not any occasion has arisen requiring or authorising the Deputy Commissioner to act in the place of the Commissioner and all acts and things done or omitted by the Deputy Commissioner while acting as Commissioner shall have the same consequences as if they had been done or omitted by the Commissioner.

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Appoint-  
ment of  
Senior and  
other  
Assistant  
Commis-  
sioners.

4B. (1) The Governor may from time to time appoint a Senior Assistant Commissioner of Police and such number of Assistant Commissioners of Police as he may determine to be necessary.

(2) The Senior Assistant Commissioner and each Assistant Commissioner shall receive such remuneration as the Governor may determine.

(3) The Senior Assistant Commissioner and an Assistant Commissioner may continue in the police force until the day upon which he attains the age of sixty-two years unless he is sooner retired by the Governor acting upon the recommendation of the Minister or after attaining the age of sixty years he sooner retires.

Authority of  
Senior  
Assistant  
Commis-  
sioner.

4C. (1) The Senior Assistant Commissioner shall as directed by the Commissioner or Deputy Commissioner either generally or in any special case exercise and perform such of the powers, authorities, duties and functions—

- (a) of the Commissioner or Deputy Commissioner to which any such direction relates, or
- (b) as may have been delegated by the Commissioner to any Assistant Commissioner in pursuance of subsection two of section 4D of this Act.

(2) Any power, authority, duty or function exercised or performed by the Senior Assistant Commissioner in pursuance of any such direction shall be as valid and effectual as if exercised or performed by the Commissioner or Deputy Commissioner, as the case may be.

(3)

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(3) (a) During the illness or absence of the Deputy Commissioner or whenever the Deputy Commissioner though on duty cannot be contacted or whenever there is a vacancy in the office of Deputy Commissioner the Senior Assistant Commissioner shall have and may exercise and perform the powers, authorities, duties and functions of the Deputy Commissioner. No. 57, 1971

(b) During the illness or absence of the Commissioner and Deputy Commissioner or whenever the Commissioner and Deputy Commissioner though on duty cannot be contacted or whenever there is a vacancy in the offices of Commissioner and Deputy Commissioner the Senior Assistant Commissioner shall have and may exercise and perform the powers, authorities, duties and functions of the Commissioner.

(c) The provisions of paragraph (b) of subsection five of section 4A of this Act shall apply, mutatis mutandis, to the Senior Assistant Commissioner acting as Deputy Commissioner or Commissioner pursuant to paragraph (a) or (b) of this subsection.

4D. (1) An Assistant Commissioner shall have and may exercise and perform such powers, authorities, duties and functions as may from time to time— Authority  
of Assistant  
Commis-  
sioners.

(a) be delegated by the Commissioner by instrument in writing to him either generally or in a particular case or class of cases, or

(b) be the subject of a direction by the Commissioner or Deputy Commissioner.

(2)

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(2) Any power, authority, duty or function exercised or performed by an Assistant Commissioner who is acting within the scope of any such delegation or direction shall be as valid and effectual as if exercised or performed by the Commissioner or Deputy Commissioner, as the case may be.

(3) A delegation or direction under subsection two of this section shall be revocable at the will of the Commissioner or Deputy Commissioner as the case may be and any such delegation or direction shall not prevent the discharge, exercise or performance by the Commissioner or the Deputy Commissioner of any power, authority, duty or function so delegated or the subject of any such direction.

(4) An Assistant Commissioner shall, when discharging, exercising or performing any power, authority, duty or function referred to in subsection one of this section, be presumed, in the absence of evidence to the contrary, to be acting within the scope of any such delegation or direction to him.

**Sec. 5.**  
(Appointment and authority of superintendent, &c.)

(e) by omitting subsections two and three of section five and by inserting in lieu thereof the following subsection :—

(2) Such superintendents and inspectors shall, subject to the control and authority, and on behalf, of the Commissioner, exercise and perform such powers, authorities, duties and functions as may be conferred or imposed on them by the rules made under this Act or as they may from time to time be directed to exercise and perform by the Commissioner, the Deputy Commissioner, the Senior Assistant Commissioner or an Assistant Commissioner.

(f)

*Police Regulation (Amendment).*

- (f) by omitting section seven and by inserting in lieu thereof the following section :—

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Subst. sec. 7.

7. No person shall be appointed a constable of police unless he is under the age of thirty-five years, of sound constitution, of good character and of an educational standard satisfactory to the Commissioner.

Qualifica-  
tions for  
appointment  
of con-  
stables.

- (g) by inserting in section nine next after the word "Commissioner," where firstly occurring the words "Deputy Commissioner, Senior Assistant Commissioner,";

Sec. 9.  
(Oaths to  
be taken by  
members of  
the police  
force.)

- (h) by inserting next after section 12F the following new section :—

New sec.  
12G.

12G. Where the Deputy Commissioner, Senior Assistant Commissioner or an Assistant Commissioner is retained in the police force after he attains the age of sixty years he shall not, except in a special case approved by the Minister, be permitted to take any extended leave during the period of two years next following the date on which he attains that age.

Restric-  
tion on  
certain  
members  
taking ex-  
tended leave  
after 60th  
birthday.

- (i) by omitting section thirteen ;

Sec. 13.  
(Con-  
stables, &c.,  
to attend at  
general and  
petty ses-  
sions and  
execute  
warrants,  
&c.)

- (j) (i) by omitting from subsection one of section fifteen the words "prison, watch-house, or other";

Sec. 15.  
(Penalty  
for solicit-  
ing or  
taking a  
bribe.)

(ii)

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(ii) by omitting from the same subsection the word "fifty" and by inserting in lieu thereof the words "one hundred";

(iii) by inserting in subsection two of the same section after the word "takes" the words "or solicits";

Sec. 16.  
(Exemption  
from  
tolls.)

(k) by omitting subsection one of section sixteen and by inserting in lieu thereof the following subsection :—

(1) Every member of the police force on actual duty and all prisoners under his charge and all means of transport exclusively used in carrying or conveying such member of the police force or his prisoners shall be exempt from payment of any tolls or dues in passing any toll-gate or using any bridge or ferry.

Sec. 17A.  
(Penalty  
for unlaw-  
ful posses-  
sion of  
police  
wireless  
code.)

(l) by omitting from subsection seven of section 17A the words "a member of the police reserve appointed under Part IIA of this Act,";

Sec. 18.  
(Four  
weeks'  
notice of  
resignation  
to be given.)

(m) (i) by omitting from subsection one of section eighteen the words "other member of the police force under whom he is placed, or unless he gives to such member of the police force three months'" and by inserting in lieu thereof the words "unless he gives four weeks'";

(ii) by omitting from subsection two of the same section the word "forty" and by inserting in lieu thereof the words "one hundred";

Sec. 19.  
(Powers and  
authorities  
to cease  
upon dis-  
missal or  
resignation.)

(n) by omitting from section nineteen the words "horses, saddles, bridles, clothing," wherever occurring;

(o)



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| (o) by omitting section twenty;  | No. 57, 1971<br>Sec. 20.<br>(Disposal of effects on intestacy.) |
| (p) by omitting Part IIA;  | Part IIA.<br>(Police Reserve.)                                  |
| (q) by inserting at the end of section twenty-eight the following new subsection :—  | Sec. 28.<br>(Police Superannuation and Reward Fund.)            |
| <p>(2) This subsection applies to the following members of the police force, that is to say, the Commissioner, the Deputy Commissioner, the Senior Assistant Commissioner, Assistant Commissioners, and officers whose services are retained after they have attained the age of sixty years pursuant to section nine of the Police Regulation (Superannuation) Act, 1906.</p> <p>No deduction pursuant to subsection one of this section from the pay and salary of a member of the police force to whom this subsection applies shall be made—</p> <p>(a) in the case of any such member who has attained the age of sixty years before the commencement of the Police Regulation (Amendment) Act, 1971, after the fortnightly pay period next after such commencement; or</p> <p>(b) in the case of any such member who attains that age after such commencement after the fortnightly pay period next after the date on which he attains that age.</p> |   |
| (r) by omitting section thirty-two;  | Sec. 32.<br>(Period of service, how calculated.)                |
| (s) by omitting section thirty-three.  | Sec. 33.<br>(Forfeiture of allowance in certain cases.)         |

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**No. 57, 1971** **3.** A person who immediately before the commencement of this Act held office as an Assistant Commissioner of Police shall subject to the Police Regulation Act, 1899, continue to hold office as such until he attains the age of sixty years or he is appointed under section 4A or section 4B of the said Act, whichever event first occurs.

Savings.

**Amendment of Act No. 28, 1906.** **4.** The Police Regulation (Superannuation) Act, 1906, is amended by inserting at the end of section nine the following proviso :—

Sec. 9.

(Age of retirement.)

Provided that the age of retirement of the Deputy Commissioner of Police, the Senior Assistant Commissioner of Police and an Assistant Commissioner of Police may be as extended by subsection three of section 4A or subsection three of section 4B of the Police Regulation Act, 1899.

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MOTOR