

Hon. Mr Allen

POLICE AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Police Act 1958

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Police Amendment Act 1972, and shall be read together with and deemed part of the Police Act 1958* (hereinafter referred to as the principal Act).
- 10 (2) Sections 8 and 9 of this Act shall be deemed to have come into force on the 22nd day of October 1969, being the date of the passing of the Police Amendment Act 1969.

*Reprinted 1969, Vol. 4, p. 2747

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the date of its passing.

2. Promotion Board may rescind recommendations—The principal Act is hereby amended by inserting, after section 13, the following section: 5

“13A. (1) This section shall apply to every recommendation of the Promotion Board to which section 13 of this Act applies.

“(2) If for any reason the Promotion Board ceases to be of the opinion that any person it has recommended for appointment to a position is, having regard to the duties of the position, the most efficient and suitable person for appointment, it may at any time before, but not after, the person has been appointed, rescind the recommendation. 10

“(3) If any recommendation has been notified in the *Police Gazette* before being rescinded, the Commissioner shall as soon as practicable after rescission notify in the *Police Gazette* that the recommendation has been rescinded. 15

“(4) Every recommendation rescinded under this section shall as from the date of its rescission be without force and effect; but any member of the Police in respect of whom any recommendation has been rescinded, other than a constable on probation, a temporary member of the Police, or a cadet, may, in accordance with section 14 of this Act, appeal against any other recommendation for appointment made at the same time as the recommendation for his own appointment was made, or after the recommendation for his own appointment was made but before notice is given to him that the recommendation for his own appointment has been rescinded.” 20 25

3. Appeals against recommendations for appointments— Section 14 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 30

“(2) Every appeal under this section shall be commenced by a notice of appeal delivered to the Commissioner—

“(a) Within 14 days after the date of publication in the *Police Gazette* of the notice of the recommendation to which the appeal relates; or 35

“(b) If the appeal is commenced by a member in respect of whom a recommendation has been rescinded under section 13A of this Act, within 14 days after notice of rescission is given to that person; or 40

“(c) Within such extended time as the Commissioner may in any case allow.”

4. **Inquiries as to breaches of duty**—(1) Section 33 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (3) the words “without penalty”, and substituting the words “on payment of such sum as he thinks
5 just and reasonable towards the costs of the inquiry, or discharge the offender without penalty,”.

(2) The said section 33 is hereby further amended by omitting from subsection (5) the words “without penalty”, and substituting the words “on payment of such sum as he
10 thinks just and reasonable towards the costs of the inquiry, or discharge the offender without penalty,”.

(3) The said section 33 is hereby further amended by inserting, after subsection (5), the following subsection:

“(5A) If any charge has not been established in accordance with any of the foregoing provisions of this section, the person or persons inquiring into the charge may, if it seems
15 just to do so, order that the member of the Police against whom the charge has been brought, be paid such sum towards the costs of his defence as appears just and reasonable.”
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(4) The said section 33 is hereby further amended by inserting in subsection (6), after the words “to (5)”, the words “, and subsection (10),”.

5. **Member failing to return property**—Section 50 of the principal Act (as amended by section 7 of the Decimal
25 Currency Act 1964) is hereby further amended by repealing subsection (1), and substituting the following subsection:

“(1) If any person who has ceased to hold and exercise office as a member of the Police does not forthwith deliver
30 over to the member of the Police in charge of the station to which he was last attached everything supplied to him for the execution of his office (other than that which the Commissioner may by general instruction allow him to retain), and everything in his custody by virtue of that office, he commits an
35 offence and shall be liable on summary conviction to a fine not exceeding \$200.”

6. **Particulars for identification of person in custody**—Section 57 of the principal Act is hereby amended by repealing subsection (1), and substituting the following
40 subsections:

“(1) If any person is in lawful custody on a charge of having committed an offence, a member of the Police may, and if directed by any of his superiors shall, take or cause to be taken

any particulars of that person, including his photograph, fingerprints, palm-prints, and footprints, and may use or cause to be used such reasonable force as may be necessary to secure these particulars.

“(1A) Notwithstanding anything in subsection (1) of this section, no fingerprints, palm-prints, or footprints shall be taken under this section unless the person in lawful custody is at a police station, or on other premises, or in any vehicle, being used for the time being as a police station.” 5

7. Determinations as to salary, allowances, and expenses— 10
Section 66A of the principal Act (as inserted by section 2 (2) of the Police Amendment Act 1969) is hereby amended by adding to subsection (4) the following proviso:

“Provided that any determination of the State Services Commission issued under the State Services Remuneration and Conditions of Employment Act 1969 may, with the consent of the Chairman of the Commission, be applied by the Commissioner to any members of the Police in prescribing the remuneration and conditions of employment of those members.” 15
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8. Jurisdiction to prescribe salaries—Section 66G of the principal Act (as inserted by section 2 (2) of the Police Amendment Act 1969) is hereby amended by adding the following subsections:

“(3) Any Order in Council made under subsection (2) of this section, or any provision of such an Order, may be made so as to come into force on a date to be specified for that purpose in the Order, being the date on which the Order is made, or any other date before or after the date of making the Order. 25

“(4) Every Order in Council made under subsection (2) of this section in which no date is specified for the coming into force of the Order, and every provision of such an Order for which no date is specified in the Order for the coming into force of the provision, shall come into force on the date of making the Order.” 30
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9. Determinations as to salary, allowances, and expenses—
The principal Act is hereby further amended by inserting, after section 66G (as inserted by section 2 (2) of the Police Amendment Act 1969), the following section:

“66H. (1) Subject to sections 66A to 66F of this Act, any determination issued by the Commissioner under this Part of this Act, or any provision of such a determination, may be 40

issued so as to come into force on a date to be specified for that purpose in the determination, being the date on which the determination is issued, or any other date before or after the date of issuing the determination.

- 5 “(2) Every determination issued by the Commissioner under this Part of this Act, in which no date is specified for the coming into force of the determination, and every provision of such a determination for which no date is specified in the determination for the coming into force of the provision, shall
10 come into force on the date of issuing the determination.”

10. Powers of Tribunal—The principal Act is hereby amended by inserting in section 71 (as substituted by section 5 of the Police Amendment Act 1969) after subsection (2), the following subsection:

- 15 “(2A) The Tribunal shall have power to make recommendations to the Minister on any matter arising out of any application mentioned in subsection (1) of this section but in respect of which the Tribunal has no power to make an order, including the power to recommend to the Minister, if the
20 Tribunal so decides, that any Order in Council prescribing a rate of remuneration for any employees in the Police be amended to increase the prescribed rate received by those employees.”