

POLICE AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Police Act 1958.

Clause 1 relates to the Short Title and commencement. Apart from *clauses 8 and 9*, which relate to the jurisdiction to prescribe salaries for members of the Police, and which are deemed to have come into force on 22 October 1969 (being the date of the coming into force of the Police Amendment Act 1969), the remaining provisions come into force on the date of the passing of the Bill.

Clause 2 amends the principal Act by inserting a new section 13A. The new section enables the Police Promotion Board to rescind any recommendation it has made for the appointment of any person to a position in the Police if, having regard to the duties of the position, the Board ceases to be of the opinion that the person is the most efficient and suitable for appointment. The Board may rescind its recommendation at any time before, but not after, the person has been appointed. Any member of the Police whose recommendation for appointment has been rescinded (other than a constable on probation, a temporary member of the Police, or a cadet) shall have a right of appeal against any other recommendation for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his own appointment was made but before notice is given to him that the recommendation for his own appointment has been rescinded.

Clause 3 repeals subsection (2) of section 14 of the principal Act, and substitutes a new subsection. The new subsection (2) requires that an appeal made by a member in respect of whom a recommendation has been rescinded shall be commenced within 14 days after notice of rescission of the recommendation is given to him, or within such extended time as the Commissioner of Police may allow.

Clause 4 amends section 33 of the principal Act. Section 33 relates to inquiries into misconduct or neglect of duty by members of the Police. At present, if a charge of misconduct or neglect of duty is established, the offender is liable to reduction in rank, seniority, or pay, or to a fine.

Subclauses (1) and (2) introduce the further penalty of discharge on payment of an amount towards the costs of the inquiry.

Subclause (3) inserts a new subsection (5A) in the said section 33 which provides that the person or persons inquiring into any charge that has not been established may 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.

Subclause (4) enables fees and travelling allowances to be paid to persons holding an inquiry under section 33 of the principal Act.

Clause 5 amends section 50 of the principal Act by repealing subsection (1) of that section, and substituting a new subsection. At present any person who has ceased to hold office as a member of the Police commits an offence unless he returns everything that may have been supplied to him for the execution of his office. The effect of the new subsection (1) is to enable any person who has ceased to hold office as a member of the Police to retain anything supplied to him for the execution of his office that the Commissioner by general instruction allows him to retain.

Clause 6 amends section 57 of the principal Act by substituting new subsections (1) and (1A). At present, particulars of identification of any person may be taken by the Police only if the person is in lawful custody at a police station. The amendment enables any particulars to be taken wherever the person is in lawful custody, but no fingerprints, palm-prints, or footprints may be taken except in a police station or on any premises or vehicle being used as a police station.

Clause 7 amends section 66A of the principal Act (as inserted by section 2 (2) of the Police Amendment Act 1969). At present, subsection (4) of the said section 66A provides that, except as otherwise provided in the principal Act, the remuneration and conditions of employment of members of the Police shall be prescribed by the Commissioner by determination under Part IV of the Act and not otherwise. The clause adds a proviso to the said subsection (4) enabling the Commissioner, with the consent of the Chairman of the State Services Commission, to apply any determination of the Commission, issued under the State Services Remuneration and Conditions of Employment Act 1969, to any members of the Police in prescribing their remuneration and conditions of employment.

Clause 8 amends section 66c of the principal Act (as inserted by section 2 (2) of the Police Amendment Act 1969). Subsection (1) of section 66c at present provides that the maximum salary the Commissioner may prescribe for members of the Police under Part IV of the principal Act shall be that for the time being fixed by Order in Council under section 18 of the State Services Remuneration and Conditions of Employment Act 1969. Subsection (2) of the said section 66c provides that salaries in excess of that maximum may be paid for such positions and at such rates and under such conditions as may be prescribed by Order in Council. The amendment provides that any Order in Council made under subsection (2), or any provision of such an Order, may be made so as to come into force on a date to be specified in the Order, being the date on which the Order is made or any other date whether before or after the date of making the Order. If no date is specified for the coming into force of the Order or the provision, the Order, or provision of the Order, shall come into force on the date of making the Order.

Clause 9 inserts a new section 66H in the principal Act. The new section provides that any determination issued by the Commissioner under Part IV of the principal Act, or any provision of the determination, may be issued so as to come into force on a date to be specified 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. If no date is specified for the coming into force of the determination or the provision, the determination, or provision of the determination, shall come into force on the date of issuing the determination.

Clause 10 inserts a new subsection (2A) in section 71 of the principal Act, as substituted by section 5 of the Police Amendment Act 1969. Subsection (2) of the said section 71 at present provides that the Police Staff Tribunal shall have power to alter any rate of remuneration or condition of employment prescribed in a determination in respect of employees in the Police who receive a rate of remuneration not exceeding the amount for the time being prescribed by Order in Council. The new subsection (2A) will empower the Tribunal to make recommendations to the Minister on any matter arising out of an application made to it but in respect of which the Tribunal has no power to make an order, including the power to recommend to the Minister 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.
