

POLICE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Police Act 1958.

Clause 1 relates to the Short Title and commencement of the Bill.

Clause 2 relates to the reinstatement of certain officers who have been demoted following disciplinary proceedings. At present, following demotion such an officer may only attain his former rank by promotion in the usual way. Under this clause, the Promotion Board may recommend that the officer be reinstated in his former rank. Where this happens, the officer will regain the seniority he had at the time of his demotion, but will not be entitled to seniority in respect of the period spent in a lower rank. No appeal lies against reinstatement under this clause.

Clause 3 increases to \$500 the maximum fines that may be imposed following disciplinary proceedings. At present, different maxima are prescribed according to the rank of the offender. Where the offender is a commissioned officer below the rank of Chief Superintendent, the maximum is \$400; where he is a non-commissioned officer, the maximum is \$250; and where he is a constable the maximum is \$175.

Clause 4 makes unlawful the unauthorised use of police uniforms and related items, or the unauthorised use of uniforms and other items that closely resemble such uniforms or items in a manner that may mislead people into believing that the user is a member of the Police. It also prohibits the commercial exploitation of all such uniforms and items without the Commissioner's consent. The clause applies to police uniforms and items of uniforms, and any other item worn or carried by members of the Police on duty and described in regulations made under the principal Act.

Hon. Mr Couch

POLICE AMENDMENT

ANALYSIS

Title	2. Reinstatement in former rank following demotion
1. Short Title and commencement	3. Penalties increased
	4. Unauthorised use of Police uniforms, etc.

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, as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Police Amendment Act 1983, and shall be read together with and deemed part of the Police Act 1958* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. **Reinstatement in former rank following demotion**—The principal Act is hereby amended by inserting, after section 13A (as inserted by section 2 of the Police Amendment Act 15 1972), the following section:

“13B. (1) Where a commissioned officer below the rank of Chief Superintendent or a non-commissioned officer has been reduced in rank pursuant to section 33 of this Act, that officer

*R.S. Vol. 4, p. 137
Amendments: 1980, No. 130; 1981, No. 86

may, at any time, be reinstated in the rank from which he was demoted, on the recommendation of the Promotion Board.

“(2) The Board shall not make a recommendation under **subsection (1)** of this section unless it is satisfied that the officer is now a fit and proper person to be reinstated in his former rank and is capable of carrying out efficiently the duties thereof. 5

“(3) Where an officer is reinstated in his former rank under this section, he shall have the same seniority in that rank as he had at the time of his demotion, and shall not be entitled to seniority in respect of the period during which he served 10 in a lower rank following his demotion.

“(4) Nothing in section 14 of this Act shall apply in respect of the reinstatement of any officer under this section.”

3. Penalties increased—(1) Section 33 of the principal Act (as amended by section 3 (1) of the Police Amendment Act 15 1981) is hereby amended—

- (a) By omitting from subsection (1) (b) (iv) the expression “\$400”, and substituting the expression “\$500”:
- (b) By omitting from subsection (2) (b) (iv) the expression “\$250”, and substituting the expression “\$500”: 20
- (c) By omitting from subsection (3) (b) (iii) the expression “\$175”, and substituting the expression “\$500”.

(2) Section 3 (1) of the Police Amendment Act 1981 is hereby consequentially repealed.

4. Unauthorised use of Police uniforms, etc.—The 25 principal Act is hereby amended by inserting, after section 51, the following section:

“51A. (1) Every person, other than a member of the Police, commits an offence who uses—

- “(a) Any uniform, or item of uniform, or any other article, 30 to which this section applies without the authority of the Commissioner; or
- “(b) Any uniform, or item of uniform, or any other article, that so closely resembles any uniform, or item of uniform, or other article to which this section applies 35 in such a manner as to be likely to lead any person to believe that the user is a member of the Police.

“(2) Every person commits an offence who uses in connection with any business, trade, or occupation, or otherwise for gain,—

- “(a) Any uniform, or item of uniform, or any other article, 40 to which this section applies; or

- 5 “(b) Any uniform, or item of uniform, or any other article,
that so closely resembles any uniform, or item of
uniform, or other article to which this section applies
in such manner as to be likely to lead any person
to believe that it is such a thing,—
without the authority of the Commissioner.
- “ (3) This section applies to—
- “ (a) Any uniform worn by any members of the Police:
- 10 “ (b) Any article of any such uniform:
- “ (c) Any crest, badge, emblem, design, logogram, or other
distinguishing article used, worn, or carried by any
member or employee of the Police while on duty
and described in regulations made under this Act.
- 15 “ (4) Every person who commits an offence against this section
is liable on summary conviction to a fine not exceeding \$500,
and, where the offence is a continuing one, to a further fine
not exceeding \$50 for every day on which the offence has
continued.
- 20 “ (5) In any proceedings for an offence against this section,
a certificate by the Commissioner to the effect that—
- “ (a) Any uniform or any article of uniform is worn by any
member of the Police; or
- 25 “ (b) Any crest, badge, emblem, design, logogram, or other
distinguishing article is used, worn, or carried by
any member or employee of the Police while on
duty—
- shall, in the absence of proof to the contrary, be sufficient
evidence of the matters stated in the certificate.”