

Mr. Veitch.

POLICE FORCE AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">CLASSIFICATION.</p> <p>2. Classification.</p> <p>3. Right of increment to depend on good conduct.</p> <p>4. Classification-list to be laid before Parliament. Members of Force may appeal against classification.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">APPEAL BOARD.</p> <p style="text-align: center;">Constitution.</p> <p>5. Appeal Board constituted.</p> <p style="text-align: center;">Election.</p> <p>6. Election of Appeal Board.</p>	<p>7. Right to appeal.</p> <p>8. When and where appeal to be lodged.</p> <p>9. Appeals against fines under £1.</p> <p>10. Commencement. Repeal.</p> <p>11. Costs.</p> <p>12. Chairman may disallow or allow appeals in certain cases.</p> <p>13. Procedure.</p> <p>14. Powers of Chairman and Board.</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">GENERAL.</p> <p>15. Section 9 of principal Act amended.</p> <p>16. Fines imposed for breaches of discipline to be deducted from moneys due to member.</p> <p>17. Section 25 of principal Act amended.</p> <p>18. Punishment not to be inflicted unless certain conditions complied with.</p> <p style="text-align: center;">Schedule.</p>
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A BILL INTITULED

AN ACT to amend the Police Force Act, 1913.

Title.

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

1. This Act may be cited as the Police Force Amendment Act, 1917, and shall be read together with and deemed to form part of the Police Force Act, 1913 (hereinafter referred to as the principal Act). Short Title.

PART I.

CLASSIFICATION.

2. (1.) The Force shall be classified as set out in the Schedule hereto. Classification.

(2.) In each class there shall be a maximum and a minimum limit of pay as mentioned in the said Schedule, and every member of the Force therein mentioned shall be entitled to receive in every

year, by way of increase to his salary or pay, the increase as set forth in such Schedule :

Provided that any member of the Force or class of members of the Force who on the coming into operation of this Act is paid a salary or salaries equal in amount to the maximum rate of salary mentioned in such Schedule shall not have such salary diminished by virtue of this Act. 5

Right of increment to depend on good conduct.

3. Notwithstanding anything in the *last preceding* section, the right to receive increment in any year shall depend upon the good and diligent conduct of the member of the Force to whose salary such increment is attached, and a certificate thereof shall in each case be given by the Commissioner; and if, in the opinion of the Commissioner, the member of the Force is not entitled to such increment, he may issue an order depriving such member of the Force of the increment for that year, which shall in that case not be paid. 10 15

Classification-list to be laid before Parliament.

4. (1.) From such classification there shall be prepared and laid before Parliament each year a list setting out, in order of classification, the name, status, and pay of each member of the Force, the number of years he has been a member of the Force, and the number of years he has served for superannuation purposes; and such list shall be issued to each member of the Force. 20

Member of Force may appeal against classification.

(2.) Any member of the Force who is dissatisfied with his position with relation to any other member or members of the Force on such classification-list, or with the rate of pay awarded to him, or with the time credited to him for superannuation purposes, may appeal to the Appeal Board by giving notice of appeal in writing to the Minister at any time within thirty-one clear days after such classification-list was issued to him. 25

PART II.

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APPEAL BOARD.

Constitution.

5. For the purposes of this Act an Appeal Board is hereby constituted, which shall consist of the following persons:—

- (a.) A Judge of the District Court or a Magistrate, to be appointed from time to time by the Governor, and to be Chairman of the Board. 35
- (b.) One person to be elected by the commissioned officers of the Force, and who shall be a commissioned officer.
- (c.) One person to be elected by the members of the Force who are not commissioned officers, and who shall be a member of the Force but not a commissioned officer. 40

Election.

6. With respect to the Appeal Board the following provisions shall apply:—

- (a.) For the purpose of the ordinary election of the elective members of the Board a ballot shall be taken on the first Monday in March, nineteen hundred and *eighteen*, and on the same Monday in every third year thereafter. 45

Appeal Board constituted.

Election of Appeal Board.

477.

(b.) If any member of the Board dies, or by notice in writing addressed to the Minister resigns his office, or, being an elective member of the Board, ceases to be a member of the Force, then and in any such case his seat shall become vacant, and a successor shall be appointed or elected, as the case may require, who shall hold office for the residue of the period during which his predecessor would have held the same if he had remained a member of the Board :

Provided that in any case where the seat of an elective member becomes vacant within three months before the ordinary election a ballot shall not be taken, but in lieu thereof the Governor may appoint to such vacancy.

(c.) The ballot shall be taken in manner prescribed by regulations, and if any question or dispute arises as to the regularity or validity of any ballot, or the voting thereat, such question or dispute shall be determined by the Minister in such manner as he thinks fit, and his decision shall be final.

(d.) Notice of every appointment or election of a member of the Board shall be gazetted.

(e.) Each elective member of the Board shall be paid a travelling-allowance of not less than *fifteen* shillings for every day or part of a day he is from his headquarters on the service of the Board.

7. In addition to the rights of appeal provided in subsection *two* of section *four* of this Act, every member of the Force who is aggrieved with any decision of his superior officer with respect of any punishment or transfer, may appeal therefrom in manner hereinafter provided. Right to appeal.

8. Every appeal shall be instituted by notice of appeal, which shall, within one month after the date of the receipt by the member of the decision appealed against, be lodged with the Minister, or with some member appointed by the Minister for that purpose, and every such appeal shall be heard within three months after the date of the lodging of such notice. When and where appeal to be lodged.

9. (1.) Appeals against fines imposed on members by their superior officers, under the provisions in that behalf hereinbefore contained, shall be made to the Chairman of the Board when the fine does not exceed one pound, who shall determine the same in such manner in all respects as he thinks fit: Appeals against fines under £1.

Provided that in such cases the following provisions shall apply:—

(a.) The appeal shall be made direct to the Chairman of the Board, who shall hear and determine the same;

(b.) No witnesses shall be heard, save that the appellant may appear in person in support of his appeal, and in such case the Commissioner may appear in person or by a deputy;

(c.) If the appellant elects to appear in person, the time-limit of three months within which appeals must be heard

shall not apply, but the Chairman shall at his earliest convenience and within a reasonable time arrange to hear the appeal.

(2.) All other appeals shall be made to and determined by the Appeal Board :

Provided that if the appellant is a member of the Board his seat on the Board shall be occupied in substitution during the hearing and determination of his appeal by the person who at the last election secured the second highest number of votes in that section of the Force represented by the appellant on the Appeal Board :

Provided further that if for any reason it is not possible to secure a substitute as hereinbefore prescribed then a substitute shall be appointed by the Minister.

Commencement,
Repeal.

10. The Appeal Board shall come into office on the first day of June, nineteen hundred and *eighteen*, and section seventeen of the principal Act is hereby repealed as from that date.

Costs.

11. (1.) Costs shall not be given against an appellant unless the Board is of opinion that the appeal is frivolous and should not have been brought.

(2.) In no case shall the Board award any further or other costs against an appellant than in respect of the expenses of his witnesses.

(3.) Such expenses shall be regulated according to the scale for the time being in force under the Magistrates' Courts Act, 1908.

(4.) For the purposes of this section the agent appearing for either of the parties to the appeal shall be deemed to be a witness, and shall be entitled to expenses accordingly.

(5.) Costs awarded to the appellant shall be payable out of moneys to be appropriated by Parliament.

(6.) Costs awarded against the appellant shall be deducted from his wages by instalments not exceeding ten shillings per month, and shall be recoverable as a debt due to the Crown.

Chairman may
disallow or allow
appeals in certain
cases.

12. (1.) If for any reason for which, in the opinion of the Chairman, the appellant is directly responsible the appeal is not heard within the time prescribed in section *eight* of this Act, such appeal shall lapse and be deemed to have been disallowed by the Appeal Board, and the Chairman shall notify the Minister and the appellant accordingly.

(2.) If for any reason for which, in the opinion of the Chairman, the appellant is not directly responsible the appeal is not heard within the time prescribed by section *eight* of this Act, such appeal shall be deemed to have been upheld by the Appeal Board, and the Chairman shall notify the Minister and the appellant accordingly.

Procedure.

13. With respect to the procedure on appeals heard by the Board the following provisions shall apply :—

(a.) The Board shall hold its sittings at such places as the Chairman from time to time appoints.

(b.) In order to lessen the expenses of appeals the evidence of witnesses resident more than twenty miles from the place of the sittings of the Board may be taken and used in the prescribed manner; and for that purpose the Governor may by regulations adopt such of the provisions of sec-

tions eighty-six to ninety of the Magistrates' Courts Act, 1908, with such modifications thereof or additions thereto as he thinks fit.

5 (c.) No solicitor, counsel, or agent, other than a member of the Force, shall appear or be heard on any appeal; but the appellant shall appear in person or by another member of the Force, and the Department by some member of the Force appointed by the Minister in that behalf.

10 (d.) All evidence shall be taken on oath, and the Chairman may administer an oath.

(e.) The decision of any two members of the Board shall be the decision of the Board.

15 (f.) Subject to the provisions of this Act and the regulations hereunder, the Appeal Board may regulate its own procedure.

14. The Chairman, in respect of appeals to him, and the Appeal Board in respect of appeals to it, shall have full power to confirm, modify, or disallow the decision appealed against, in such manner in all respects as it deems just :

Powers of Chairman and Board.

20 Provided that in no case shall any person who has been dismissed for peculation or drunkenness be again appointed on the permanent staff of the Department.

PART III.

GENERAL.

25 15. Section nine of the principal Act is hereby amended by the addition of the following words : " but in no case can suspension without pay continue for more than twenty days."

Section 9 of principal Act amended.

30 16. In all matters of discipline fines imposed on members of the Force shall be deducted from moneys due or thereafter becoming due from the Crown to the offender by instalments at the rate of not more than five shillings a week.

Fines imposed for breaches of discipline to be deducted from moneys due to member.

17. Section twenty-five of the principal Act is hereby amended by adding the following subsection :—

Section 25 of principal Act amended.

35 " (4.) When a committee of inquiry has been set up under the provisions of this section to investigate any complaint that has been made against any member of the Force such member of the Force shall be permitted to appear in person in self-defence before such committee of inquiry and to call and give evidence; and no such committee of inquiry shall investigate such complaint until and
40 unless such member of the Force has been supplied with a written copy of such complaint, and ten days notice shall have been given to him in writing that such investigation will be held."

18. Notwithstanding anything to the contrary in this or the principal Act, the following provisions shall apply with respect of
45 any charge or complaint made against any member of the Force :—

Punishment not to be inflicted unless certain conditions complied with.

(a.) No punishment shall be inflicted on any member of the Force except as the result of investigation of a charge or complaint made against him in writing and signed by the person making it.

(b.) Such charge or complaint shall not be investigated until a copy of it shall have been forwarded in writing by the officers receiving it to the member of the Force against whom it is made, and his explanation demanded within two clear days; and no such investigation shall proceed until such explanation shall have been made in writing or the specified period shall have expired. 5

Schedule.

SCHEDULE.

SCALE OF PAY.

SUPERINTENDENTS: To commence at £460 per annum and advance to £520 by annual increments of £10.

Inspectors: To commence at £380 per annum and advance to £440 by annual increments of £10.

Sub-Inspectors: To commence at £330 per annum and advance to £360 by increments of £10 every two years.

Senior Sergeants: To commence at 14s. 6d. per diem and advance to 16s. per diem by increments of 6d. per diem every two years.

Sergeants: To commence at 12s. per diem and advance to 13s. 6d. per diem by increments of 6d. per diem every two years.

Constables:—	Per Diem.	
	s.	d.
On enrolment and under three years' service ...	9	0
Over three years' and under six years' service ...	9	6
Over six years' and under nine years' service ...	10	0
Over nine years' and under fourteen years' service ...	10	6
Over fourteen years' and under twenty years' service ...	11	0
Over twenty years' service ...	11	6

Chief Detectives: To commence at 16s. 6d. per diem and advance to 17s. 6d. per diem by increments of 6d. per diem every two years.

Detective-Sergeants: To commence at 15s. per diem and advance to 16s. per diem by increments of 6d. per diem every two years.

Detectives: To commence at 11s. 6d. per diem and advance to 14s. 6d. per diem by increments of 1s. per diem every three years.

Matrons: To commence at £105 per annum and advance to £130 by increments of £5 every three years.

Surgeons: £100 per annum.

Probationary Constables: 7s. per diem.