

POLICE FORCE AMENDMENT BILL

EXPLANATORY NOTE

Clause 2 replaces the section of the principal Act giving authority to make regulations. That section has been found to be not sufficiently wide—particularly with respect to the power to make regulations relating to the conduct of appeals and inquiries under that Act.

Clause 3 provides for the communication of general instructions issued by the Commissioner to members of the Force and deals with the proof of the making, publication, and contents of any such instructions.

Clause 4 replaces existing provisions relating to the summoning of witnesses before bodies conducting investigations and inquiries under the principal Act. The clause extends the existing provisions in that it provides for the service of summonses to witnesses, the payment of witnesses' expenses, the production of documents by witnesses, and the issue of summonses by members of a Board of Appeal or a Committee of Inquiry on behalf of the body of which they are members. The effect of *subclause (3)* of the new section 35A is that the power to impose a fine on a witness for failing to attend or to answer lawful questions is transferred to the Magistrate's Court, instead of being exercisable by the person or body conducting the inquiry or appeal.

Clause 5 repeats a provision formerly in the principal Act authorizing the deduction of a fine imposed on a member of the Force from moneys due to him from the Crown.

Hon. Mr. Fortune

POLICE FORCE AMENDMENT

Title.	ANALYSIS
1. Short Title.	4. General provisions as to inquiries and investigations. Repeals.
2. Regulations. Repeal.	5. Fines may be deducted from money due by Crown to person fined.
3. Communication of general instructions to members of Force.	

A BILL INTITULED

AN ACT to amend the Police Force Act 1947.

Title.

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

- 5 **1.** This Act may be cited as the Police Force Amendment Act 1952, and shall be read together with and deemed part of the Police Force Act 1947 (hereinafter referred to as the principal Act). Short Title.
1947, No. 13
- 10 **2.** (1) The principal Act is hereby amended by repealing section fourteen, and substituting the following Regulations.
section:—
- 15 “ 14. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof.

“ (2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

“ (a) Providing for the government, maintenance, discipline, and control of the Force: 5

“ (b) Prescribing the procedure at and regulating the conduct of appeals and inquiries under this Act:

“ (c) Prescribing such matters as may be necessary for rendering the members of the Force efficient for the discharge of their duties: 10

“ (d) Prescribing fines and penalties for the breach of any regulations under this Act.

“ (3) Any regulations made under this section shall come into force on a date to be specified therein in that behalf (whether before or after the date on which they are made), and if no such date is specified shall come into force on the date of their notification in the *Gazette*. 15

“ (4) All regulations made under this section shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.” 20 25

Repeal.
1951, No. 31

Communication
of general
instructions to
members of
Force.

(2) Section three of the Police Force Amendment Act 1951 is hereby repealed.

3. Section fifteen of the principal Act is hereby amended by adding the following subsections as subsections two and three thereof :— 30

“ (2) The provisions of a general instruction shall be deemed to have been communicated to a member of the Force when the instruction has been published in the *New Zealand Police Gazette* or in the manual of general instructions issued by the Commissioner or, failing any such publication, when it has otherwise been brought to the personal notice of the member; and the production at any inquiry or investigation under this Act of a copy of the *New Zealand Police Gazette* or the manual of general instructions purporting to contain a copy of any such general instruction shall be conclusive evidence of the making, publication, and contents thereof. 35 40

“ (3) The provisions of subsection two of section forty-four hereof shall not apply to the production under this section of the *New Zealand Police Gazette* as evidence of the making, publication, or contents of any general instruction.”

5 4. (1) The principal Act is hereby amended by inserting, after section thirty-five, the following section:—

General provisions as to inquiries and investigations.

10 “ 35A. (1) Any person holding an inquiry under section twenty-one hereof, every Board of Appeal constituted under section twenty-four hereof, and every Committee of Inquiry appointed under section thirty-five hereof may summon any witness to attend at any inquiry or investigation under this Act being held before any

15 such person or body and to produce any documents :

“ Provided that no person shall be called upon to produce or give evidence relating to any document if the Minister certifies in writing that the production of the document or the giving of the evidence would be

20 injurious to the public interest or the interests of the Force.

“ (2) Any such person or body may examine on oath any witness respecting the subject matter of the inquiry or investigation and may administer oaths to witnesses.

25 “ (3) Any person so summoned who refuses or fails to comply in any respect with any such summons or who attends any such inquiry or investigation (whether pursuant to a summons or otherwise) and refuses or fails to be sworn or to give evidence, or to answer such

30 questions as may lawfully be put to him, commits an offence and shall be liable to a fine not exceeding ten pounds.

“ (4) Any summons to a witness under this section may be issued on behalf of a Board of Appeal or a

35 Committee of Inquiry by any member thereof and shall be served either by delivering it to the person summoned or by leaving it at his usual place of residence at least twenty-four hours before his attendance is required.

“ (5) Subject to the provisions of this section, every

40 person summoned to attend or giving evidence at any inquiry or investigation under this Act shall be entitled to witnesses' expenses and allowances at the rate prescribed by and in accordance with the regulations for the time being in force relating to the payment of Crown

45 witnesses in criminal proceedings.

“ (6) Where any person requires the evidence of any witness, that person shall, if the person presiding at the inquiry or investigation so directs, before the summons to the witness is issued, deposit with the person so presiding such sum of money as that person deems sufficient, and the expenses and allowances of the witness shall be paid out of the sum so deposited. 5

“ (7) In every other case where a witness is summoned to attend or gives evidence at any such inquiry or investigation the expenses and allowances of the witness shall be paid out of moneys appropriated by Parliament for the purpose : 10

“ Provided that no such witness shall be entitled to the payment of witnesses’ expenses or allowances unless the person presiding at the inquiry or investigation authorizes the payment in writing. 15

“ (8) So long as any person engaged in the holding of any inquiry or investigation under this Act acts *bona fide* in the discharge of his duties, no action shall lie against him for anything he may report or say in the course of the inquiry or investigation. 20

“ (9) Every witness attending and giving evidence and every counsel appearing at any inquiry or investigation under this Act shall have the same privileges and immunities as witnesses and counsel in Courts of law.” 25

Repeals.

(2) Section twenty-two, subsections three and four of section twenty-three, and subsections two and three of section thirty-five of the principal Act are hereby repealed.

Fines may be deducted from money due by Crown to person fined.

5. Section twenty-one of the principal Act is hereby amended by adding the following subsection:— 30

“ (5) The amount of any fine imposed under this section or imposed by the Minister on the recommendation of the Board of Appeal may be deducted from any moneys due or thereafter becoming due from the Crown to the person fined by way of salary or otherwise ”. 35