

POLICE FORCE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the provisions of the Police Force Act 1947 relating to appointments of officers and other members of the Police Force.

Clause 2: Section 5 of the principal Act authorises the Governor-General to appoint Superintendents, Inspectors, Sub-Inspectors, and other officers. This clause substitutes a new section 5, authorising the Governor-General to appoint such officers as he deems necessary. The various ranks of officers can then be specified in regulations. The clause also substitutes references to "commissioned officers" for the existing references to Superintendents, Inspectors, and Sub-Inspectors throughout the principal Act and in other enactments.

Clause 3 substitutes a new section for section 8 of the principal Act, providing for the appointment of temporary members of the Police Force. The existing section is limited to the appointment of temporary sergeants and constables. The new subsection (1) provides that temporary officers may be appointed by the Governor-General. In other respects the new section re-enacts, with minor drafting alterations, the provisions of the existing section. Section 8A of the principal Act will continue to apply, so that appointments under the new section will be made on the recommendation of the Promotion Board.

Clause 4 inserts a new section providing that in the case of the absence from duty of a member of the Force, or in the case of a vacancy, or for any other special purpose, the Commissioner may either authorise another member of the Force to carry out the duties of a higher rank or grade or appoint him temporarily to a higher rank or grade. Sections 25B and 25C of the principal Act (relating to the Promotion Board and the Promotion Appeal Board) will not apply to appointments under the new section.

Clause 5 inserts a new section providing for appointments of members of the Force to non-commissioned ranks in an acting or temporary capacity, subject to regulations. Under subsection (1) of the new section such an appointment may be made for a specified period where the member is partly qualified by examination. Under subsection (2) such an appointment may be made where the member is not qualified by examination but has served in the Force for a period to be prescribed by regulations and has attained an age to be so prescribed. Sections 25B and 25C of the principal Act (relating to the Promotion Board and the Promotion Appeal Board) will not apply to appointments under the new section.

Clause 6 provides for the appointment of police cadets. They will not have any of the powers or duties of a member of the Force, but will otherwise be regarded as members.

Schedule: The Schedule contains verbal amendments, consequential on *clause 2*, substituting references to commissioned officers for references to Superintendents, Inspectors, and Sub-Inspectors.

Right Hon. Mr Holland

POLICE FORCE AMENDMENT

ANALYSIS

Title	
1. Short Title	4. Temporary appointments in cases of absence or vacancies or for special duties
2. Appointment of officers	5. Acting appointments to non-commissioned ranks
3. Appointment of temporary members of the Force	6. Appointment of police cadets Schedule

A BILL INTITULED

An Act to amend the Police Force Act 1947

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**—This Act may be cited as the Police Force Amendment Act 1956, and shall be read together with and deemed part of the Police Force Act 1947 (hereinafter referred to as the principal Act).
- 10 2. **Appointment of officers**—(1) The principal Act is hereby amended by repealing section five, and substituting the following section:
- 15 “5. (1) The Governor-General may from time to time appoint such number of other officers as he deems necessary.
- “ (2) Any reference in any enactment, other than this Act, or in any instrument, notice, or other document whatsoever to a Superintendent of Police or an Inspector of Police or a Sub-Inspector of Police shall be deemed to be a reference to a commissioned officer of Police, unless the context otherwise
- 20 requires.”

(2) Every person appointed under section five of the principal Act, as repealed by this section, and holding office as a commissioned officer at the passing of this Act, shall be deemed to have been appointed under section five of the principal Act as substituted by this section. 5

(3) The principal Act is hereby consequentially amended in the manner indicated in the Schedule to this Act.

(4) Subsection two of section six of the Police Force Amendment Act 1955 is hereby consequentially repealed.

3. Appointment of temporary members of the Force—The principal Act is hereby further amended by repealing section eight, and substituting the following section: 10

“8. (1) The Governor-General may from time to time appoint as temporary members of the Force such officers as may be deemed necessary to assist in the preservation of peace and order, the prevention of crime, and the apprehension of offenders. 15

“(2) The Commissioner may from time to time, with the approval of the Minister, appoint as temporary members of the Force such sergeants and constables as may be deemed necessary to assist in the preservation of peace and order, the prevention of crime, and the apprehension of offenders. 20

“(3) Every person so appointed shall hold office at the will of the Governor-General or, as the case may require, of the Commissioner. 25

“(4) Subject to such exceptions and modifications as may be prescribed by regulations made under this Act, the provisions of this Act and of all regulations in force thereunder with respect to permanent members of the Force shall extend and apply to temporary members of the Force.” 30

4. Temporary appointments in cases of absence or vacancies or for special duties—The principal Act is hereby further amended by inserting, after section eight A, as inserted by section three of the Police Force Amendment Act 1954, the following section: 35

“8B. (1) In the case of the absence from duty of any member of the Force (whether by reason of illness or appointment to special duties or for any other reason whatever) or in the case of a vacancy in any rank or grade in the Force (whether by reason of death, resignation, or otherwise), and from time to time while the absence or vacancy continues, or for any other special purpose, the Commissioner may authorise any member of the Force to exercise all the powers and duties, 40

whether under this Act or any other Act, of any rank or grade higher than his own, or may appoint any member of the Force temporarily to any such rank or grade, whether it is that of a commissioned officer or not.

5 “(2) Any authority or appointment under this section may be given or made before the occasion arises or while it continues. No such authority or appointment, and nothing done by any member of the Force acting pursuant to any such authority or appointment, shall be questioned in any proceedings on the ground that such occasion had not arisen or had ceased, or on the ground that the member had not been appointed to any rank or grade to which the authority relates.

10 “(3) The Commissioner may at any time revoke any authority given or any appointment made under this section.

15 “(4) Nothing in section twenty-five B or section twenty-five C of this Act, as inserted by sections six and seven of the Police Force Amendment Act 1954, shall apply to any appointment made under this section.”

5. Acting appointments to non-commissioned ranks—The principal Act is hereby further amended by inserting, after section eight B, as inserted by section four of this Act, the following section:

20 “8c. (1) The Commissioner may from time to time, in accordance with and subject to the provisions of regulations made under this Act, appoint to any non-commissioned rank or grade, in an acting or temporary capacity and for any specified period, any member of the Force who is partly qualified by examination for that appointment in such manner or to such extent as may be prescribed.

30 “(2) The Commissioner may from time to time, in accordance with and subject to the provisions of regulations made under this Act, appoint to any non-commissioned rank or grade, in an acting or temporary capacity, any member of the Force who is not qualified by examination for that appointment and has served in the Force for the prescribed period and attained the prescribed age.

35 “(3) The Commissioner may at any time revoke any appointment made under this section.

40 “(4) Nothing in section twenty-five B or section twenty-five C of this Act, as inserted by sections six and seven of the Police Force Amendment Act 1954, shall apply to any appointment made under this section.”

6. Appointment of police cadets—The principal Act is hereby further amended by inserting, after section eight c, as inserted by section *five* of this Act, the following section:

“8D. (1) The Commissioner may from time to time, in accordance with and subject to the provisions of regulations made under this Act, appoint fit and proper persons as police cadets. 5

“(2) Police cadets shall be members of the Force:

“Provided that—

“(a) No police cadet shall have any of the powers, functions, or duties of a member of the Force under this Act or any other enactment: 10

“(b) Except as provided by regulations made under this Act and subject to any modifications prescribed by such regulations, the provisions of this Act, other than this section, shall not apply to police cadets. 15

“(3) Every person appointed as a police cadet shall hold that appointment at the will of the Commissioner.”

SCHEDULE

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT

Section Affected	Amendment
Section 2	By omitting from the definition of the term "sergeant" the word "Sub-Inspector", and substituting the words "commissioned officer".
Section 6	By omitting the words "Superintendents, and Inspectors", and substituting the words "Commissioned officers"; and by omitting the words "and Inspectors to whom districts are not so assigned and all Sub-Inspectors".
Section 16	By omitting the words "dismiss from the Force any Assistant Commissioner, Superintendent, Inspector, or Sub-Inspector", and substituting the words "dismiss from the Force any Assistant Commissioner or other commissioned officer".
Section 20	By omitting the words "Superintendent or Inspector", and substituting the words "commissioned officer".
Section 21	By omitting from subsection (1) the words "Superintendent, Inspector, or Sub-Inspector", and substituting the words "commissioned officer"; by omitting from paragraphs (a) and (b) of subsection (2) the words "Superintendent or Inspector", and substituting in each case the words "commissioned officer"; and by omitting from paragraphs (a), (b), and (c) of subsection (3) the words "Superintendent or Inspector", and substituting in each case the words "commissioned officer".