

COMMONWEALTH POLICE.

No. 85 of 1957.

An Act to establish a Commonwealth Police Force.

[Assented to 12th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Commonwealth Police Act* 1957. Short title.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement

3.—(1.) The *Peace Officers Act* 1925 is repealed. Repeal of Peace Officers Act.

(2.) Any reference in any law of the Commonwealth to a Peace Officer appointed in pursuance of the *Peace Officers Act* 1925 shall be read as a reference to a Commonwealth Police Officer holding office under this Act.

4.—(i.) There shall be a Commonwealth Police Force, which shall consist of— Constitution of Commonwealth Police Force.

(a) Commonwealth Police Officers of such number, ranks and grades as the Attorney-General, with the concurrence of the Public Service Board, determines ; and

(b) special Commonwealth Police Officers appointed in pursuance of section ten of this Act.

(2.) The regulations may provide that the person for the time being occupying or performing the duties of a specified office in the Public Service of the Commonwealth shall be an executive officer of the Commonwealth Police Force and that person shall be deemed to be a Commonwealth Police Officer for the purposes of sections three, six, seven and thirteen of this Act.

Commonwealth
Police Officers.

5.—(1.) In this section, “ Commonwealth Police Officer ” means a Commonwealth Police Officer referred to in paragraph (a) of sub-section (1.) of the last preceding section.

(2.) Subject to this section, the Attorney-General may appoint persons to be Commonwealth Police Officers.

(3.) A person is not eligible to be appointed a Commonwealth Police Officer unless—

(a) he is a British subject;

(b) except as prescribed, he has passed a medical examination as to his health and physical fitness in accordance with a standard approved by the Attorney-General; and

(c) he makes and subscribes, before a person authorized by the Attorney-General, an oath or affirmation in accordance with the form in the Schedule to this Act.

(4.) Commonwealth Police Officers appointed in pursuance of sub-section (2.) of this section are not subject to the *Public Service Act 1922–1957* and their terms and conditions of service are such as the Attorney-General, with the concurrence of the Public Service Board, determines.

(5.) Determinations made in pursuance of the last preceding sub-section shall be in writing, but shall be deemed not to be Statutory Rules within the meaning of the *Rules Publication Act 1903–1939*.

(6.) Where a Commonwealth Police Officer appointed in pursuance of sub-section (2.) of this section was, immediately before his appointment, an officer of the Public Service of the Commonwealth—

(a) he retains his existing and accruing rights;

(b) for the purpose of determining those rights, his service as a Commonwealth Police Officer shall be taken into account as if it were service in the Public Service of the Commonwealth; and

(c) the *Officers' Rights Declaration Act 1928–1953* applies as if this Act and this section had been specified in the Schedule to that Act.

(7.) The *Commonwealth Employees' Compensation Act 1930–1956* applies to and in relation to a Commonwealth Police Officer as if he were an employee within the meaning of that Act.

6.—(1.) In addition to any other powers and duties, a Commonwealth Police Officer has— Powers, &c., of Commonwealth Police Officers.

- (a) the like powers and duties as are conferred or imposed on a constable by or under a law of the Commonwealth; and
- (b) in relation to—
 - (i) the laws of the Commonwealth;
 - (ii) matters in connexion with property of the Commonwealth or of an authority of the Commonwealth; and
 - (iii) matters arising on or in connexion with land or premises owned or occupied by the Commonwealth or an authority of the Commonwealth,

the like powers and duties as are conferred or imposed on a constable, or on an officer of police of the same rank as the Commonwealth Police Officer, in the place in which the Commonwealth Police Officer is acting.

(2.) Where any provisions of a law of a State apply in relation to offences against the laws of the Commonwealth, those provisions so apply as if—

- (a) any reference in those provisions to a constable included a reference to a Commonwealth Police Officer; and
- (b) any reference in those provisions to an officer of police of a particular rank included a reference to a Commonwealth Police Officer of that rank.

(3.) Where a writ or warrant is issued under the law of a State or Territory of the Commonwealth in relation to an offence or other matter under a law of the Commonwealth, the writ or warrant may, notwithstanding that it is not addressed to a Commonwealth Police Officer and notwithstanding any requirement of the law of the State or Territory of the Commonwealth as to the person by whom it may be executed, be executed by a Commonwealth Police Officer.

(4.) A Commonwealth Police Officer is not required under, or by reason of, a law of a State or Territory of the Commonwealth—

- (a) to obtain or have a licence or permission for doing an act or thing in the performance of his duties or the exercise of his powers as a Commonwealth Police Officer; or
- (b) to register any vehicle, vessel, animal or article belonging to the Commonwealth.

(5.) In this section—

“authority of the Commonwealth” includes any authority or body, whether corporate or not, constituted by or under a law of the Commonwealth;

“powers and duties” includes authorities, rights, privileges, immunities and responsibilities.

Impersonation
of
Commonwealth
Police Officers.

7. A person, not being a Commonwealth Police Officer, shall not—

(a) personate or pass himself off as a Commonwealth Police Officer; or

(b) wear or display any uniform or badge of a Commonwealth Police Officer, any colourable imitation of such a uniform or badge, or any uniform or badge so closely resembling such a uniform or badge as to be likely to deceive.

Penalty: One hundred pounds or imprisonment for six months.

Resignation.

8.—(1.) A Commonwealth Police Officer is not at liberty to resign his office or withdraw from his duties unless he is expressly authorized so to do by the Attorney-General or he gives to the Attorney-General three months' notice in writing of his intention so to resign or withdraw.

(2.) A Commonwealth Police Officer shall not resign from his office or withdraw from his duties without so obtaining authority or giving notice.

Penalty: One hundred pounds or imprisonment for six months.

Consequences
of dismissal or
resignation.

9.—(1.) When a Commonwealth Police Officer is dismissed or otherwise ceases to hold his office all powers and authorities vested in him immediately cease.

(2.) When a Commonwealth Police Officer is dismissed or otherwise ceases to hold his office he shall forthwith deliver to a person appointed by the Attorney-General all accoutrements, clothing or other property supplied to him for the purposes of his office or in his custody by virtue of his office.

Penalty: One hundred pounds or imprisonment for six months.

10.—(1.) The Attorney-General may, at any time and on such terms and conditions as he thinks fit, appoint such special Commonwealth Police Officers as he thinks fit and all special Commonwealth Police Officers so appointed shall, during the continuance of their appointment, be Commonwealth Police Officers under this Act.

Special
Commonwealth
Police Officers.

(2.) A special Commonwealth Police Officer shall, before proceeding to discharge his duties as such, make and subscribe, before a person authorized by the Attorney-General, an oath or affirmation in accordance with the form in the Schedule to this Act.

11. The Attorney-General shall, once in each year, cause a report containing a general review of the operation of the Commonwealth Police Force and a summary of its activities during the year to be prepared, and the report shall be laid before each House of the Parliament.

Annual report.

12.—(1.) The Attorney-General may, either generally or in relation to a matter or class of matters and either in relation to the whole of the Commonwealth or to a State or part of the Commonwealth, by writing under his hand, delegate any of his powers and functions under this Act (except this power of delegation).

Delegation of
powers and
functions of
Attorney-
General.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Attorney-General.

13. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular making provision for or in relation to—

Regulations.

- (a) the general government and discipline of the Commonwealth Police Force and its members, including the punishment of disciplinary offences and appeals against such punishments;
- (b) the protection of Commonwealth Police Officers in respect of acts done in pursuance of their duties or in obedience to instructions received by them; and
- (c) penalties not exceeding a fine of Fifty pounds or imprisonment for three months for offences against the regulations other than disciplinary offences.

THE SCHEDULE.

Sections 5 and 10.

OATH.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will well and truly serve Her in the office of Commonwealth Police Officer, without favour or affection, malice or ill-will, until I am lawfully discharged:

So HELP ME GOD !

AFFIRMATION.

I, _____, do solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will well and truly serve Her in the office of Commonwealth Police Officer, without favour or affection, malice or ill-will, until I am lawfully discharged.
