

POLICE (POLICE AIDES) AMENDMENT ACT 1992

No. 60 of 1992

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PART IIA

POLICE AIDES

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ELIZABETHAE II REGINAE

A.D. 1992

No. 60 of 1992

An Act to amend the Police Act 1952 and to make consequential amendments to the Children's Protection and Young Offenders Act 1979, Police (Complaints and Disciplinary Proceedings) Act 1985 and the Police Superannuation Act 1990.

[Assented to 12 November 1992]

The Parliament of South Australia enacts as follows:

Short title

- 1. (1) This Act may be cited as the Police (Police Aides) Amendment Act 1992.
- (2) The Police Act 1952 is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Insertion of Part IIA

3. The following Part is inserted after Part II of the principal Act:

PART IIA

POLICE AIDES

Appointment of police aides

- 20a. (1) The Commissioner may by written minute appoint any person to be a police aide either for the whole State or for any part of the State indicated in the minute of appointment.
- (2) The Commissioner may, by written notice to a police aide, vary the area in relation to which the appointment is effective.

Oath or affirmation for police aides

- 20b. (1) A police aide is not capable of acting as such until he or she has taken an oath or affirmation under this section.
 - (2) The oath or affirmation will be in the following form:
 - I, A.B. do swear [or I, A.B. do solemnly and truly declare and affirm] that I will well and truly serve Her Majesty Queen Elizabeth II and Her heirs and successors according to law in the office of police aide without favour or

affection, malice or ill-will; and that I will faithfully discharge all duties imposed on me as a police aide—[So help me God!].

Powers, responsibilities and immunities

- 20c. (1) A police aide has, subject to any limitations specified in the minute of appointment or imposed after appointment by the Commissioner by notice in writing given to the police aide, the same powers, responsibilities and immunities as a member of the police force.
- (2) The Commissioner may, by notice in writing given to a police aide, vary or revoke a limitation referred to in subsection (1).

Suspension or dismissal of police aides

- 20d. (1) Subject to subsection (2), the Commissioner may, at his or her discretion—
 - (a) suspend or determine the appointment of any police aide appointed under this Act:
 - (b) remove any police aide from office for misconduct, neglect of duty, or inability to perform duty.
- (2) This section is subject to section 19a.

Conditions of employment

- 20e. (1) The conditions of employment of a police aide may be determined by the Commissioner with the approval of the Minister.
- (2) A determination by the Commissioner must provide for the payment of remuneration, allowances and expenses in accordance with a specified scale.
- (3) A determination under this section may relate to police aides generally, a class of police aides or a particular police aide.

Police aides to be regarded as members of police force

- 20f. (1) Subject to this section and the regulations, a reference in an Act (including this Act) or an instrument (whether of a legislative character or not) to a member of the police force extends to a police aide.
- (2) A reference in an Act or instrument to a member of the police force does not extend to a police aide if it concerns powers or responsibilities that lie beyond limitations imposed on the police aide's powers or responsibilities under this Part.
 - (3) Sections 13, 16, 17 and 37 (1) (a) do not apply to police aides.

Amendment of s. 22—Regulations

- 4. Section 22 of the principal Act is amended by inserting after paragraph (n) the following paragraph:
 - (na) the training of police aides;.

SCHEDULE 1

Transitional Provision

Special constables employed as Aboriginal police aides

A person who was, immediately before the commencement of this Act, a special constable employed as an Aboriginal police aide will be taken to have been appointed, on the commencement of this Act, as a police aide under Part IIA of the principal Act.

SCHEDULE 2

Consequential Amendments

Amendment of Children's Protection and Young Offenders Act 1979.

The Children's Protection and Young Offenders Act 1979 is amended-

- (a) by striking out paragraph (ah) of section 26 (2);
- (h) by striking out from section 27 (h) "or a special constable employed as an Aboriginal police aide".

Amendment of Police (Complaints and Disciplinary Proceedings) Act 1985

The Police (Complaints and Disciplinary Proceedings) Act 1985 is amended by inserting in the definition of "prescribed officer or employee" in section 3 after paragraph (a) the following paragraph:

(ab) a person appointed to be a police aide under the Police Act 1952;.

Amendment of Police Superannuation Act 1990

The Police Superannuation Act 1990 is amended—

(a) by inserting after the definition of "invalidity" in section 4 (1) the following definition:

"member of the police force" includes a police aide:;

and

(b) by inserting in schedule 1 after clause 8 the following clause:

Special provision relating to police aides

9. Subject to the regulations, this Act applies to a person who was a special constable employed as an Aboriginal police aide during the period from 1 July 1992 until the commencement of the *Police (Police Aides) Amendment Act 1992* as if that person had been a member of the police force and had contributed as a contributor under the new scheme for the time during that period for which the person was so employed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor