

South Australia



POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT ACT 1996

No. 90 of 1996

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Further Amendments of Principal Act



ANNO QUADRAGESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1996

No. 90 of 1996

An Act to amend the Police (Complaints and Disciplinary Proceedings) Act 1985.

[Assented to 12 December 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Police (Complaints and Disciplinary Proceedings) (Miscellaneous) Amendment Act 1996*.

(2) The *Police (Complaints and Disciplinary Proceedings) Act 1985* 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.

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended—

(a) by striking out the definition of "breach of discipline" and substituting the following definition:

"breach of discipline" means a breach that may be the subject of a charge by the Commissioner under the *Police Act 1952*;;

(b) by inserting after the definition of "member" the following definition:

"minor complaint" see subsections (2), (3), (4) and (5);;

(c) by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) For the purposes of this Act, a complaint is a minor complaint that should be the subject of an informal inquiry if according to an agreement or determination under subsection (3) or (4)—

- (a) it relates only to minor misconduct; or
- (b) the complaint is otherwise of a kind that warrants an informal inquiry only.

(3) The Authority and the Commissioner may make an agreement for the purposes of subsection (2) as to the kinds of conduct that constitute minor misconduct and the kinds of complaints that otherwise warrant an informal inquiry only.

(4) If the Authority and the Commissioner cannot reach agreement on a matter referred to in subsection (3), the Authority may, and must if the Commissioner so requests, refer the matter to the Minister for determination by the Minister.

(5) The Minister must cause notice of an agreement or determination under subsection (3) or (4)—

- (a) to be given to the Minister responsible for the administration of the police force; and
- (b) to be tabled before both Houses of Parliament within 15 sitting days of the date of the agreement or determination.

Substitution of ss. 9 and 10

4. Sections 9 and 10 of the principal Act are repealed and the following section is substituted:

Staff of Authority

9. (1) The Authority's staff consists of—

- (a) Public Service employees assigned to work in the office of the Authority; and
- (b) if appointments have been made under subsection (3)—the persons holding those appointments.

(2) The Minister may, by notice in the *Gazette*—

- (a) exclude Public Service employees on the Authority's staff from specified provisions of the *Public Sector Management Act 1995*; and
- (b) if the Minister thinks that certain provisions should apply to such employees instead of those from which they are excluded under paragraph (a)—determine that those provisions will so apply,

and such a notice has effect in accordance with its terms.

(3) The Authority may, with the consent of the Minister, appoint staff for the purposes of this Act.

(4) The terms and conditions of employment of a person appointed under subsection (3) will be determined by the Governor and such a person is not a Public Service employee.

Insertion of s. 11A

5. The following section is inserted after section 11 of the principal Act:

Delegation by Authority

11A. (1) The Authority may, by instrument in writing, delegate to a member of the staff of the Authority, any of his or her powers or functions under this Act, other than this power of delegation.

(2) A delegation—

- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the Authority to act personally in a matter; and
- (c) is revocable at will.

Amendment of s. 13—Constitution of internal investigation branch of police force

6. Section 13 of the principal Act is amended—

- (a) by striking out from subsection (1) "complaints about";
- (b) by striking out from subsection (2) "referred to in subsection (1)" and substituting "under this Act".

Amendment of heading to Part 4

7. The heading to Part 4 of the principal Act is amended by striking out "THEIR INVESTIGATION" and substituting "INVESTIGATIONS".

Amendment of s. 16—Complaints to which this Act applies

8. Section 16 of the principal Act is amended—

- (a) by inserting after paragraph (c) of subsection (4) the following paragraph:
 - (ca) whether or not the person by whom or on whose behalf the complaint is made is a member of the police force;;
- (b) by inserting in subsection (5)(a) "unless it is made in writing in a form approved by the Commissioner for the purpose" after "another member of the police force".

Amendment of s. 19—Action on complaint being made to Authority

9. Section 19 of the principal Act is amended by inserting in subsection (1)(b) "21A," after "21,".

Insertion of s. 21A

10. The following section is inserted after section 21 of the principal Act:

Determination by Authority to resolve complaint informally

21A. (1) The Authority may determine that a complaint to which this Act applies (whether being a complaint made to the Authority or a complaint of which the Authority has been notified under section 18) is a minor complaint that should be the subject of an informal inquiry only.

(2) Where the Authority makes a determination under subsection (1), he or she must—

- (a) by writing, notify the Commissioner of the determination; and
- (b) in accordance with arrangements for referral agreed between the Authority and the Commissioner, refer the complaint for the conduct of an informal inquiry by a member of the police force.

(3) The member of the police force to whom a complaint has been referred under this section must notify the complainant, unless the identity of the complainant is not known—

- (a) that an informal inquiry is being conducted into the complaint; and
- (b) that the complainant may, during the informal inquiry or within 14 days of receipt of particulars of the outcome of the informal inquiry, make a request to the Authority that the Authority determine that the complaint be investigated under the other provisions of this Act.

(4) The Commissioner must ensure that a report, in writing, of—

- (a) the results of the inquiry; and
- (b) any action taken in relation to the member of the police force about whose conduct the complaint was made,

is prepared and delivered to the Authority as soon as practicable.

(5) The Authority must, in relation to each complaint that is the subject of an informal inquiry, enter in the register kept by the Authority under section 29 and furnish to the member of the police force concerned and, unless the identity of the complainant is not known, the complainant, particulars of the matters referred to in subsection (4).

(6) If a request is made to the Authority as referred to in subsection (3)(b) that the Authority redetermine the question whether the complaint should be investigated under the other provisions of this Act, the Authority must redetermine the question (and section 19 and the other provisions of this Act will apply in the same way as to a complaint made to the Authority).

(7) At any time before or within 14 days after receipt of a report under subsection (4) in respect of an informal inquiry, the Authority may, and must if the Commissioner so requests, determine that the complaint the subject of the inquiry be investigated under the other provisions of this Act and, in that event, the Authority must, subject to any determination under section 23, refer the complaint to the Commissioner for investigation by the internal investigation branch.

(8) No information obtained in relation to the subject matter of a complaint during an informal inquiry into the complaint may be used in proceedings in respect of a breach of discipline before the Tribunal unless the proceedings are against a member of the police force who has allegedly provided false information with the intention of obstructing the proper resolution of the complaint.

(9) The Authority may delegate to the Commissioner the following powers or functions (which may be the subject of further delegation by the Commissioner):

- (a) power to determine that a complaint is a minor complaint that should be the subject of an informal inquiry;
- (b) power to refer a complaint to a member of the police force for the conduct of an informal inquiry;
- (c) the function of acknowledging a complaint under section 20;
- (d) the function of furnishing to the member of the police force concerned and the complainant particulars of the outcome of an informal inquiry.

(10) A delegation under this section—

- (a) may be absolute or conditional; and
- (b) is revocable by the delegator.

Insertion of s. 22A

11. The following section is inserted after section 22 of the principal Act:

Authority may initiate investigation

22A. (1) The Authority may, on his or her own initiative, raise a matter for investigation that he or she is satisfied concerns possible misconduct, or a pattern of misconduct, affecting a member or members of the public that has become a matter of public interest or comment or may raise questions as to the practices, procedures or policies of the police force.

(2) Where the Authority raises a matter for investigation on his or her own initiative, the Authority must—

- (a) notify the Commissioner, by writing, of the matter to be investigated and furnish him or her with particulars of the matter; and
- (b) subject to any determination under section 23, refer the matter to the Commissioner.

(3) Where a matter is referred to the Commissioner under subsection (2)(b), the Commissioner must refer the matter to the internal investigation branch for investigation.

(4) The Commissioner may, if he or she disagrees with—

- (a) the decision of the Authority that the matter be raised for investigation; or
- (b) the methods employed in the investigation,

advise the Authority, by writing, of his or her disagreement.

(5) Where the Authority is notified of disagreement by the Commissioner under subsection (4)—

- (a) the investigation into the matter is to cease unless or until the matter is resolved by agreement between the Authority and the Commissioner or by determination of the Minister; and
- (b) the Authority may, if he or she is unable to resolve the matter by consultation with the Commissioner, refer it to the Minister for determination.

Amendment of s. 23—Determination that matter be investigated by Authority

12. Section 23 of the principal Act is amended—

- (a) by striking out from subsection (1) "complaint" first occurring and substituting "matter";
- (b) by inserting in subsection (1) "or a matter raised for investigation on the initiative of the Authority under section 22A" after "under section 18";
- (c) by striking out from subsection (2)(a) "complaint" and substituting "matter";
- (d) by striking out from subsection (2)(b) "complaint" first occurring and substituting "matter";
- (e) by striking out from subsection (2)(b) "by the complaint";
- (f) by striking out from subsection (2)(b) "complaint" third occurring and substituting "matter";
- (g) by striking out paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:
 - (a) a determination that the matter or part of the matter concerned should be investigated or further investigated by the internal investigation branch in conjunction with the investigation to be carried out by the Authority;
 - (b) a determination that the matter or part of the matter concerned should not be investigated or further investigated by the internal investigation branch or any member of the police force acting under the direction of the Commissioner.;
- (h) by striking out from subsection (5)(a) "complaint" and substituting "matter";
- (i) by striking out from subsection (5)(b) "complaint" and substituting "matter".

Amendment of s. 24—Effect of certain determinations of Authority

13. Section 24 of the principal Act is amended—

- (a) by striking out from paragraph (b) "complaint" and substituting "matter";
- (b) by striking out "direct that the complaint, or a matter or matters raised by the complaint," and substituting "direct that the matter or part of the matter concerned".

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Amendment of s. 25—Investigations by internal investigation branch

14. Section 25 of the principal Act is amended—

- (a) by striking out from subsection (1) "complaint" and substituting "matter";
- (b) by inserting in subsection (2) "the Authority or" after "any directions of";
- (c) by inserting in subsection (3) "the Authority or" after "any directions of";
- (d) by inserting after subsection (3) the following subsections:

(3a) Where a member of the internal investigation branch seeks information from a person under subsection (3), that person must not, if so directed in writing by the Authority, divulge or communicate to any other person the fact that the investigation is being or has been carried out or that he or she has been requested or required to provide information.

Maximum penalty: \$2 500 or imprisonment for six months.

(3b) Subsection (3a) does not prevent—

(a) a person from whom information has been sought from consulting—

- (i) a legal practitioner; or
- (ii) some other person with the Authority's approval (which may be a general approval or given in a particular case),

in relation to the matter under investigation;

(b) a member of the police force whose conduct has been under investigation from divulging or communicating particulars of the outcome of the investigation as furnished or registered under section 36 (including any comments made by the Authority when furnishing any of those particulars).

(3c) If a person consulted under subsection (3b)(a) obtains information as a result of the consultation that the person who initiated the consultation is (apart from that subsection) prohibited from divulging or communicating, the person so consulted must not divulge or communicate that information.

Maximum penalty: \$2 500 or imprisonment for six months.;

- (e) by striking out from subsection (4) "complaint" and substituting "matter";
- (f) by striking out subsection (7) and substituting the following subsection:

(7) A member of the internal investigation branch must, before giving any direction under subsection (5) to the member whose conduct is under investigation, inform the member of the particulars of the matter under investigation.;

(g) by inserting after subsection (8) the following subsection:

(8a) A person other than a member of the police force who furnishes information or makes a statement to a member of the internal investigation branch knowing that it is false or misleading in a material particular is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for six months.

Amendment of s. 26—Powers of Authority to oversee investigations by internal investigation branch

15. Section 26 of the principal act is amended—

(a) by striking out from subsection (1) "complaint" and substituting "matter";

(b) by inserting in subsection (1)(a) "(if the investigation relates to a complaint)" after "complainant";

(c) by striking out from subsection (1)(b)(ii) "complaint" and substituting "matter under investigation";

(d) by striking out from subsection (1)(b)(iii) "other than the complainant in relation to the complaint" and substituting "in relation to the matter under investigation";

(e) by striking out subsection (3) and substituting the following subsection:

(3) The Authority may, by writing, notify the Commissioner of any directions that he or she considers should be given by the Commissioner as to the use for investigative purposes of members not serving in the internal investigation branch or any other matter or thing in relation to an investigation or investigations by the internal investigation branch under this Act.;

(f) by inserting after subsection (4) the following subsections:

(4a) The Authority may give directions to the officer in charge of the internal investigation branch as to the matters to be investigated, or the methods to be employed, in relation to a particular investigation under this Act.

(4b) The Commissioner may, by writing, advise the Authority of his or her disagreement with a direction given by the Authority under subsection (4a) and, in that event, the direction will cease to be binding unless or until the matter is resolved by agreement between the Authority and the Commissioner or by determination of the Minister.;

(g) by striking out from subsection (5) "subsection (4)(b)" and substituting "this section";

(h) by striking out from subsection (5) "by the Commissioner" second occurring;

(i) by inserting after subsection (5) the following subsection:

(5a) The Minister responsible for the administration of the police force must be notified, in writing, of any determination made by the Minister under subsection (5).;

(j) by inserting in subsection (7) "or the Authority" after "the Commissioner".

Repeal of s. 27

16. Section 27 of the principal Act is repealed.

Amendment of s. 28—Investigation of matters by Authority

17. Section 28 of the principal Act is amended—

(a) by striking out from subsection (1) "complaint" and substituting "matter";

(b) by striking out from subsection (2) "complaint" and substituting "matter";

(c) by inserting after subsection (3) the following subsections:

(3a) Where the Authority seeks information from a person under subsection (3), that person must not, if so directed in writing by the Authority, divulge or communicate to any other person the fact that the investigation is being or has been carried out or that he or she has been requested or required to provide information.

Maximum penalty: \$2 500 or imprisonment for six months.

(3b) Subsection (3a) does not prevent—

(a) a person from whom information has been sought from consulting—

(i) a legal practitioner; or

(ii) some other person with the Authority's approval (which may be a general approval or given in a particular case),

in relation to the matter under investigation;

(b) a member of the police force whose conduct has been under investigation from divulging or communicating particulars of the outcome of the investigation as furnished or registered under section 36 (including any comments made by the Authority when furnishing any of those particulars).

(3c) If a person consulted under subsection (3b)(a) obtains information as a result of the consultation that the person who initiated the consultation is (apart from that subsection) prohibited from divulging or communicating, the person so consulted must not divulge or communicate that information.

Maximum penalty: \$2 500 or imprisonment for six months.;

(d) by inserting in subsection (4) "(if the investigation relates to a complaint)" after "complainant";

(e) by striking out from subsection (5) "of a complaint";

(f) by striking out from subsection (5) "the complaint" and substituting "the matter under investigation";

(g) by inserting in subsection (7)(a) "if the investigation relates to a complaint," before "the complainant";

(h) by striking out subsection (8) and substituting the following subsection:

(8) Where the Authority makes a requirement under subsection (6) or (7) of the member of the police force whose conduct is under investigation, the Authority must state in the notice by which the requirement is made the particulars of the matter under investigation.;

(i) by striking out from subsection (9) "Attorney-General" and substituting "Minister";

(j) by striking out from subsection (16) "Attorney-General" and substituting "Minister".

Substitution of s. 29

18. Section 29 of the principal Act is repealed and the following section is substituted:

Register to be kept by Authority

29. The Authority must maintain a register containing particulars of—

(a) each complaint made to the Authority or of which he or she has been notified under section 18; and

(b) each matter raised by the Authority for investigation on his or her own initiative,

including particulars of any determination made under section 21, 21A, 22 or 23 in relation to the matter and particulars of any investigation or further investigation of the matter under this Act.

Amendment of s. 31—Reports of investigations by internal investigation branch to be furnished to Authority

19. Section 31 of the principal Act is amended by striking out from subsection (1) "complaint" and substituting "matter".

Amendment of s. 32—Authority to make assessment and recommendations in relation to investigations by internal investigation branch

20. Section 32 of the principal Act is amended—

(a) by striking out from subsection (1) "complaint" and substituting "matter";

(b) by striking out from subsection (1)(a)(iii) "complaint" and substituting "investigation";

(c) by striking out from subsection (2) "complaint" wherever occurring and substituting, in each case, "matter";

(d) by striking out from subsection (3) "complaint" (twice occurring) and substituting, in each case, "matter".

Amendment of s. 33—Authority to report on and make assessment and recommendations in relation to investigation carried out by Authority

21. Section 33 of the principal Act is amended by striking out "complaint" and substituting "matter".

Amendment of s. 34—Recommendations of Authority and consequential action by Commissioner

22. Section 34 of the principal Act is amended—

- (a) by striking out from subsection (1) "complaint" and substituting "matter";
- (b) by striking out from subsection (4)(c) "complaint" and substituting "matter";
- (c) by striking out from subsection (5) "Attorney-General" and substituting "Minister responsible for the administration of the police force and the Director of Public Prosecutions";
- (d) by striking out from subsection (9)(a) "complaint" (twice occurring) and substituting, in each case, "matter";
- (e) by striking out from subsection (9)(b) "complaint" and substituting "matter".

Amendment of s. 35—Commissioner to notify Authority of laying of charges or other action consequential on investigation

23. Section 35 of the principal Act is amended by striking out from subsection (1) "complaint" and substituting "matter".

Amendment of s. 36—Particulars in relation to matter under investigation to be entered in register and furnished to complainant and member of police force concerned

24. Section 36 of the principal Act is amended—

- (a) by striking out from subsection (1) "complaint" and substituting "matter under investigation";
- (b) by inserting in subsection (1) "or the investigation does not relate to a complaint" after "is not known";
- (c) by striking out from subsection (1)(a) "complaint" and substituting "matter";
- (d) by striking out from subsection (1)(b) "complaint" and substituting "matter";
- (e) by striking out from subsection (2) "complaint" and substituting "matter under investigation";
- (f) by inserting in subsection (2) "or the investigation does not relate to a complaint" after "is not known";
- (g) by striking out from subsection (2)(a) "complaint" and substituting "matter".

Amendment of s. 39—Charges in respect of breach of discipline

25. Section 39 of the principal Act is amended by striking out from subsection (2) "complaint" and substituting "matter".

Substitution of s. 45

26. Section 45 of the principal Act is repealed and the following section is substituted:

Reasons for decision

45. The Tribunal must, at the request of a party or the Authority made within seven days after the Tribunal has made a decision in proceedings, give reasons in writing for the decision.

Amendment of s. 46—Appeal against decision of Tribunal or punishment for breach of discipline

27. Section 46 of the principal Act is amended by striking out from subsection (3)(a) "complaint" and substituting "matter".

Amendment of s. 47—Application to Supreme Court as to powers and duties under Act

28. Section 47 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) Where—

- (a) in relation to a complaint about the conduct of a member of the police force;
or
- (b) in relation to a matter raised for investigation on the initiative of the Authority,

a question arises as to the duties or powers of the Authority or the Commissioner or any other member of the police force, the Authority or the Commissioner may apply to the Supreme Court for a determination of the question.

Amendment of s. 48—Secrecy

29. Section 48 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) In this section—

"prescribed officer" means—

- (a) a person acting under the direction or authority of the Authority; or
- (b) a member of the internal investigation branch or any other member of the police force,

but does not include the Authority or the Commissioner;

"relevant person" means—

- (a) in relation to a person who is or has been acting under the direction or authority of the Authority—the Authority; or
- (b) in relation to a person who is or has been a member of the police force—the Commissioner; or
- (c) in any case—the Minister.;

- (b) by striking out the penalty provision at the foot of subsection (2) and substituting the following penalty provision:

Maximum penalty: \$2 500 or imprisonment for six months.;

- (c) by striking out from subsection (3) "no person who is, or has been, a prescribed officer referred to in subsection (1)(a) or (b) shall" and substituting "a person who is, or has been, the Authority or a person acting under the direction or authority of the Authority must not";

- (d) by striking out the penalty provision at the foot of subsection (3) and substituting the following penalty provision:

Maximum penalty: \$2 500 or imprisonment for six months.;

- (e) by striking out subsections (4) and (5) and substituting the following subsections:

(4) This section does not prevent a person who is or has been a prescribed officer from divulging or communicating information disclosed or obtained in the course of an investigation under this Act—

- (a) in proceedings before a court, the Tribunal or the Commissioner in respect of—

(i) an offence; or

(ii) a breach of discipline,

relating to a matter the subject of the investigation; or

- (b) as required in proceedings under the *Royal Commissions Act 1917*; or

- (c) as required by a court in the interests of justice.

(5) This section does not prevent a person who is or has been a prescribed officer from whom information has been sought in the course of an investigation under this Act from consulting—

- (a) a legal practitioner; or

- (b) some other person with the Minister's approval (which may be a general approval or given in a particular case),

in relation to the matter under investigation.

(6) This section does not prevent a person who is or has been a member of the police force whose conduct has been under investigation under this Act from divulging or communicating particulars of the outcome of the investigation as furnished or registered under section 36 (including any comments made by the Authority when furnishing any of those particulars).

(7) Despite any other Act or law, a person who is or has been the Authority or the Commissioner cannot be required to divulge information disclosed or obtained under this Act in the course of an investigation except where such a requirement is made—

- (a) in proceedings before a court or the Tribunal in respect of—
 - (i) an offence; or
 - (ii) a breach of discipline,
 relating to a matter the subject of the investigation; or
- (b) in proceedings under the *Royal Commissions Act 1917*; or
- (c) by a court in the interests of justice.

(8) If a person consulted under subsection (5) obtains information as a result of the consultation that the person who initiated the consultation is (apart from that subsection) prohibited from divulging or communicating, the person so consulted must not divulge or communicate that information.

Maximum penalty: \$2 500 or imprisonment for six months.

Amendment of s. 49—Offences in relation to complaints

30. Section 49 of the principal Act is amended—

- (a) by inserting in subsection (1)(b) "or inquired into" after "investigated";
- (b) by striking out from subsection (1) "and liable to a penalty not exceeding two thousand dollars";
- (c) by inserting at the foot of subsection (1) the following penalty provision:

Maximum penalty: \$5 000 or imprisonment for one year.;
- (d) by striking out from subsection (2) "and liable to a penalty not exceeding two thousand dollars";
- (e) by inserting at the foot of subsection (2) the following penalty provision:

Maximum penalty: \$5 000 or imprisonment for one year.

Amendment of s. 50—Authority may revoke or vary determinations, assessments, etc.

31. Section 50 of the principal Act is amended—

- (a) by inserting in subsection (1) ", assessment or recommendation" after "a determination";
- (b) by striking out subsection (2) and substituting the following subsection:

(2) Where the Authority revokes or varies a determination, assessment or recommendation, the provisions of this Act will apply as if the determination, assessment or recommendation had not been made or had been made as so varied.;

(c) by inserting in subsection (3) ", assessment or recommendation" after "a determination".

Amendment of s. 51—Authority and Commissioner may report to Ministers

32. Section 51 of the principal Act is amended by inserting "or the Minister responsible for the administration of the police force" after "Minister".

Amendment of s. 52—Annual and special reports to Parliament by Authority

33. Section 52 of the principal Act is amended by striking out from subsection (3) "complaint" and substituting "matter".

SCHEDULE
Further Amendments of Principal Act

Provision Amended	How Amended
Long title	After "his" insert "or her".
Section 2	Strike out this section.
Section 3	Strike out "pursuant to" and substitute "under".
definition of "conduct"	After "he" insert "or she".
definition of "member"	Strike out " <i>Police Regulation Act 1952</i> " and substitute " <i>Police Act 1952</i> ".
	Strike out "permanent head under the <i>Public Service Act 1967</i> " and substitute "Chief Executive under the <i>Public Sector Management Act 1995</i> ".
definition of "prescribed officer or employee"	Strike out " <i>Police Regulation Act 1952</i> " and substitute " <i>Police Act 1952</i> ".
Section 5(2)	Strike out "shall" and substitute "may".
	After "he" insert "or she".
Section 5(3)	Strike out "shall" (twice occurring) and substitute, in each case, "will".
	Strike out "upon" and substitute "on".
Section 5(4)	Strike out "shall" and substitute "may".
	After "his" insert "or her".
Section 5(5)	Strike out "shall" and substitute "are to".
	Strike out "General Revenue" and substitute "Consolidated Account".
Section 6	Strike out "shall" and substitute "must".
	After "his" insert "or her".
Section 8(1)	Strike out "upon" and substitute "on".
	After "his" insert "or her".
Section 8(3)	Strike out "shall cease" and substitute "ceases".
Section 8(3)(b)	Strike out "upon" and substitute "on".
	Strike out "pursuant to" and substitute "under".
Section 8(4)	Strike out "shall become" and substitute "becomes".
	After "he" (wherever occurring) insert, in each case, "or she".
	After "his" (twice occurring) insert, in each case, "or her".
Section 8(5)	Strike out "shall not be removed or suspended from office nor shall his office" and substitute "is not to be removed or suspended from office nor is the office to".

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- Section 11(2) Strike out "shall" (twice occurring) and substitute, in each case, "will".
- Strike out "upon" and substitute "on".
- Section 11(3) Strike out "shall" and substitute "are to".
- Strike out "General Revenue" and substitute "Consolidated Account".
- Section 12 Strike out "shall" and substitute "will".
- After "his" insert "or her".
- Section 13(1) Strike out "shall" and substitute "must".
- Section 14 Strike out "shall" and substitute "is to".
- Strike out "upon" and substitute "on".
- Section 16(2) Strike out "shall" and substitute "must".
- Section 16(4)(c) After "his" insert "or her".
- Section 17(1) Strike out "shall" and substitute "must".
- Section 17(1)(a) After "him" (twice occurring) insert, in each case, "or her".
- Section 17(1)(b) Strike out "upon" and substitute "on".
- Section 17(2)(b) Strike out "shall" and substitute "must".
- Section 17(3) Strike out "shall" and substitute "must".
- Section 17(4) Strike out "no person other than the Authority or a person acting with the authority of the Authority shall" and substitute "a person other than the Authority or a person acting with the authority of the Authority must not".
- Strike out from the foot of this subsection "Penalty: One thousand dollars" and insert:
- Maximum penalty: \$2 500
- Section 17(5) Strike out "shall" and substitute "will".
- Section 18(1) Strike out "shall" and substitute "must".
- Section 18(1)(a) After "him" insert "or her".
- Section 18(2) Strike out "shall" and substitute "must".
- After "him" insert "or her".
- Section 18(3) Strike out "shall" and substitute "must".
- Section 18(4) Strike out "Notwithstanding" and substitute "Despite".
- Strike out "shall" (twice occurring) and substitute, in each case, "must".
- Section 18(5) Strike out "pursuant to" and substitute "under".
- Strike out "shall".

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Section 19(1)	Strike out "shall" and substitute "must".
Section 19(1)(a)	After "him" insert "or her".
Section 19(2)	Strike out "shall" and substitute "must".
Section 20	Strike out "shall" and substitute "must". After "he" insert "or she".
Section 21(1)	After "his" insert "or her".
Section 21(1)(a)	After "he" insert "or she".
Section 21(1)(b)	After "his" insert "or her".
Section 21(1)(f)	After "his" insert "or her".
Section 21(2)	Strike out "he shall" and substitute "he or she must". After "his" insert "or her".
Section 22(1)	After "he" insert "or she".
Section 22(2)	Strike out "shall" and substitute "must".
Section 22(3)	After "he" insert "or she".
Section 22(5)	Strike out "shall" and substitute "must". After "his" (twice occurring) insert, in each case, "or her".
Section 22(6)	Strike out "shall" and substitute "must".
Section 22(7)	Strike out "shall" and substitute "must". After "his" insert "or her".
Section 22(8)	After "he" insert "or she". After "him" insert "or her".
Section 22(9)	Strike out "he shall" and substitute "he or she must".
Section 22(10)	Strike out "shall" and substitute "must". After "his" (twice occurring) insert, in each case, "or her".
Section 23(1)	After "him" insert "or her".
Section 23(2)(a)	After "he" insert "or she".
Section 23(4)	Strike out "he shall" and substitute "he or she must".
Section 23(5)	Strike out "shall" and substitute "must".
Section 23(6)	Strike out "shall" and substitute "must". After "his" insert "or her". After "he" insert "or she".

Section 24	After "him" insert "or her".
	After "his" insert "or her".
	Strike out "shall" and substitute "will".
Section 25(1)	Strike out "shall" and substitute "must".
Section 25(2)	Strike out "shall" and substitute "is to".
Section 25(3)	After "he" insert "or she".
Section 25(6)	Strike out " <i>Police Regulation Act 1952</i> " and substitute " <i>Police Act 1952</i> ".
Section 25(8)	Strike out " <i>Police Regulation Act 1952</i> " and substitute " <i>Police Act 1952</i> ".
Section 25(9)(b)	After "he" insert "or she".
Section 25(10)	After "him" insert "or her".
	After "his" insert "or hers".
	Strike out " <i>Police Regulation Act 1952</i> " and substitute " <i>Police Act 1952</i> ".
Section 25(13)	Strike out "shall".
Section 26(1)(b)	After "him" (wherever occurring) insert, in each case, "or her".
Section 26(2)	Strike out "shall" and substitute "must".
Section 26(4)	Strike out "shall" and substitute "must".
Section 26(4)(b)	After "he" insert "or she".
	After "his", first occurring, insert "or her".
	Strike out "his", second occurring, and substitute "the".
Section 26(5)	After "he" insert "or she".
Section 26(6)	Strike out "shall" and substitute "will".
	Strike out " <i>Police Regulation Act 1952</i> " and substitute " <i>Police Act 1952</i> ".
Section 28(1)	After "him" insert "or her".
	Strike out "shall" and substitute "is to".
	After "he" insert "or she".
Section 28(2)	After "his" insert "or her".
	After "he" insert "or she".
	Strike out "shall" and substitute "must".
	After "him" insert "or her".
Section 28(3)	After "he" insert "or she".

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- Section 28(5) Strike out "shall" and substitute "must".
After "he" (twice occurring) insert, in each case, "or she".
After "him" insert "or her".
- Section 28(6) After "he" insert "or she".
After "him" (twice occurring) insert, in each case, "or her".
- Section 28(7) After "him" insert "or her".
- Section 28(10) Strike out "shall" and substitute "must".
- Section 28(11)(a) Strike out "he shall be" and substitute "he or she is".
Strike out "exceeding two thousand dollars" and substitute "\$2 500".
- Section 28(11)(b) After "he" insert "or she".
Strike out "*Police Regulation Act 1952*" and substitute "*Police Act 1952*".
- Section 28(12) Strike out "Notwithstanding" and substitute "Despite".
- Section 28(12)(b) After "he" insert "or she".
- Section 28(13) After "him" insert "or her".
After "his" (twice occurring) insert, in each case, "or hers".
Strike out "*Police Regulation Act 1952,*" and substitute "*Police Act 1952*".
- Section 28(17) Strike out "shall" and substitute "must".
- Section 28(18) After "his" insert "or her".
- Section 28(18)(a) Strike out "shall be" and substitute "is".
Strike out "two thousand dollars" and substitute "\$2 500".
- Section 28(18)(b) Strike out "*Police Regulation Act 1952*" and substitute "*Police Act 1952*".
- Section 28(19) After "he" insert "or she".
After "his" insert "or her".
Strike out "shall be" and substitute "is".
- Section 28(20) Strike out "shall, upon" and substitute "must, on".
After "his" insert "or her".
- Section 30 After "his" insert "or her".
Strike out "shall", first occurring, and substitute "is to".
Strike out "shall", second occurring, and substitute "must".
After "he" insert "or she".

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- Section 31(1) Strike out "shall" and substitute "must".
- Section 31(2) Strike out "shall" and substitute "must".
- After "his" insert "or her".
- After "he" (twice occurring) insert, in each case, "or she".
- Section 32(1) Strike out "pursuant to" and substitute "under".
- Strike out "he shall" and substitute "he or she must".
- Strike out "shall" and substitute "must".
- After "his" (twice occurring) insert, in each case, "or her".
- Section 32(2) Strike out "Notwithstanding" and substitute "Despite".
- After "he" insert "or she".
- Section 32(3) Strike out "shall" and substitute "must".
- Section 33 After "him" insert "or her".
- Strike out "he shall" and substitute "he or she must".
- Strike out "shall" and substitute "must".
- After "his" insert "or her".
- Section 34(1) Strike out "pursuant to" and substitute "under".
- After "he" (wherever occurring) insert, in each case, "or she".
- Strike out "shall" and substitute "must".
- After "his" (wherever occurring) insert, in each case, "or her".
- Section 34(2) Strike out "shall" and substitute "must".
- After "him" insert "or her".
- Strike out "pursuant to" and substitute "under".
- Section 34(3) Strike out "shall" and substitute "must".
- Strike out "pursuant to" (twice occurring) and substitute, in each case, "under".
- Section 34(4)(c) After "he" insert "or she".
- Section 34(5) Strike out "shall" and substitute "must".
- Section 34(6) Strike out "shall" and substitute "must".
- Section 34(7) Strike out "shall" and substitute "must".

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- Section 34(8) Strike out "Notwithstanding" and substitute "Despite".
- Strike out "shall" and substitute "will".
- Strike out "*Police Regulation Act 1952*" and substitute "*Police Act 1952*".
- Section 34(9)(a) Strike out "shall" and substitute "must".
- Section 34(9)(b) Strike out "shall".
- Section 35 Strike out "pursuant to" (twice occurring) and substitute, in each case, "under".
- Strike out "shall" (twice occurring) and substitute, in each case, "must".
- Section 36 Strike out "shall" (twice occurring) and substitute, in each case, "must".
- After "him" (twice occurring) insert, in each case, "or her".
- Strike out "pursuant to" (wherever occurring) and substitute, in each case, "under".
- Section 36(3) After "he" insert "or she".
- Section 37 Strike out "shall" (wherever occurring) and substitute, in each case, "will".
- Section 37(3) After "his" insert "or her".
- Section 38(1) Strike out this subsection and substitute—
- (1) Persons may be appointed under the *Public Sector Management Act 1995* as the registrar and deputy registrar of the Tribunal.
- Section 38(2) Strike out "office" (twice occurring) and substitute, in each case, "position".
- Section 38(3) Strike out "shall" and substitute "will".
- Section 39(1) Strike out "*Police Regulation Act 1952*" and substitute "*Police Act 1952*".
- Strike out "upon" and substitute "on".
- Strike out "shall" and substitute "are to".
- Section 39(3) After "he" insert "or she".
- Strike out "shall" and substitute "must".
- Strike out "*Police Regulation Act 1952*" and substitute "*Police Act 1952*".
- Section 39(4) Strike out "pursuant to" and substitute "under".
- Strike out "shall" and substitute "must".
- After "his" insert "or her".

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- Section 40(1) Strike out "shall" (twice occurring) and substitute, in each case, "must".
- Section 40(2) Strike out "shall" and substitute "must".
- Section 40(3) After "his" insert "or her".
- Section 40(5) Strike out "shall be" and substitute "is".
- Section 40(6) Strike out "shall" and substitute "are to".
- Section 40(7) Strike out "shall" and substitute "must".

After "his" insert "or her".
- Section 40(8) Strike out "shall" and substitute "will".
- Section 41(1) After "he" (twice occurring) insert, in each case, "or she".

After "him" (twice occurring) insert, in each case, "or her".
- Section 41(2) Strike out "shall lie upon him" (twice occurring) and substitute, in each case, "lies on him or her".

After "himself" insert "or herself".

Strike out "he shall be" and substitute "he or she is".

Strike out "and liable to a penalty not exceeding two thousand dollars or imprisonment for six months" and at the foot of the subsection insert:

Maximum penalty: \$2 500 or imprisonment for six months.
- Section 41(3) After "him" insert "or her".

After "he" insert "or she".
- Section 41(4) Strike out "upon" (twice occurring) and substitute, in each case, "on".

After "him" (twice occurring) insert, in each case, "or her".
- Section 43 Strike out "upon" and substitute "on".
- Section 44(2) Strike out "shall" and substitute "are to".
- Section 46 Strike out "upon" (wherever occurring) and substitute, in each case, "on".
- Section 46(2) After "him" insert "or her".
- Section 47(2) Strike out "shall" and substitute "must".
- Section 48(2) Strike out "no person who is, or has been, a prescribed officer shall" and substitute "a person who is, or has been, a prescribed officer must not".

After "his" insert "or her".
- Section 48(3) Strike out "notwithstanding" and substitute "despite".
- Section 49(1) Strike out "shall be" and substitute "is".
- Section 49(2) Strike out "shall be" and substitute "is".

Section 49(3)	Strike out "shall", first occurring, and substitute "must" Strike out "shall", second occurring, and substitute "may". After "his" insert "or her".
Section 49(4)	After "he" insert "or she". Strike out "shall" and substitute "is to".
Section 49(5)	Strike out "Upon" and substitute "On". After "him" insert "or her".
Section 49(6)	Strike out "shall" and substitute "is to". After "him" insert "or her". Strike out "General Revenue" and substitute "Consolidated Account".
Section 50(3)	Strike out "shall" and substitute "will".
Section 51	Strike out "upon" and substitute "on".
Section 52(1)	Strike out "shall" and substitute "must". Strike out "upon" and substitute "on".
Section 52(2)	After "he" insert "or she". Strike out "upon" and substitute "on".
Section 52(3)	Strike out "upon" and substitute "on". After "his" insert "or her".
Section 52(4)	Strike out "shall" and substitute "must". After "he" (wherever occurring) insert "or she". Strike out "upon" (twice occurring) and substitute, in each case, "on".
Section 52(5)	Strike out "shall" and substitute "must". After "he" insert "or she".
Section 52(6)	Strike out "shall, upon" and substitute "must, on".
Section 53	Strike out this section.
Section 54	Strike out this section.

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

E. J. NEAL Governor