



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 11 of 1981

An Act to amend the Police Regulation Act, 1952-1978.

[Assented to 19 March 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Police Regulation Act Amendment Act, 1981". Short titles

(2) The Police Regulation Act, 1952-1978, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Police Regulation Act, 1952-1981".

2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.

3. Section 4 of the principal Act is repealed and the following section is substituted: Repeal of
s. 4 and
substitution
of new
section.

4. In this Act, unless the contrary intention appears— Interpretation.

"commissioned officer" means any person appointed under section 10 to be an assistant commissioner, superintendent, inspector or other officer of police:

"the Commissioner" means the Commissioner of Police appointed under this Act:

"the Deputy Commissioner" means the Deputy Commissioner of Police appointed under this Act:

"member of the police force" means the Commissioner, the Deputy Commissioner, any commissioned officer or any other member of the police force, but does not include a police cadet or police medical officer:

"the police force" or "the force" means the body comprised of the Commissioner, the Deputy Commissioner, the commissioned officers and other members of the police force:

“police cadet” means a person appointed under this Act to be a police cadet.

Insertion of
new section
9c.

Absence of
Deputy
Commissioner.

4. The following section is inserted after section 9b of the principal Act:

9c. When the Deputy Commissioner is absent from duty by reason of illness or of any other cause, or during any vacancy in the office of the Deputy Commissioner, the senior assistant commissioner of police on duty at the time may exercise and perform all the powers, authorities, duties and functions conferred or imposed upon the Deputy Commissioner by or under this or any other Act.

Insertion of
new section
11a.

Police cadets.

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

11a. (1) The Commissioner may appoint as many police cadets as he deems necessary.

(2) Every police cadet shall hold office at the will of the Commissioner.

(3) A police cadet shall not be deemed to be a member of the police force.

(4) Any person who is a police cadet on the commencement of the Police Regulation Act Amendment Act, 1981, shall be deemed to have been appointed to be a police cadet under this section.

Repeal of
s. 13 and
substitution
of new section.

Probationary
service.

6. Section 13 of the principal Act is repealed and the following section is substituted:

13. (1) Where a person who immediately before his appointment was not a member of the police force is appointed to be a member of the police force (other than as the Commissioner or Deputy Commissioner), his appointment shall in the first place be on probation for such period, not exceeding two years, as the Commissioner determines.

(2) The Commissioner may at any time during the period of probation of a member of the police force, having regard to his suitability for permanent appointment as a member of the police force—

(a) confirm the appointment of the member;

(b) extend or further extend the period of the probation for such period as he determines, but so that the total period of probation does not exceed two years;

or

(c) terminate the appointment.

(3) The period of the probationary service of any member of the police force shall not, except with the approval of the Commissioner, include any period during which the member is absent from duty without pay.

(4) Any appointment under this section shall be deemed to be confirmed if, at the date of expiry of the period of probation, the appointment has not previously been confirmed or terminated.

(5) This section applies to any member of the police force appointed on probation whether appointed before or after the commencement of the Police Regulation Act Amendment Act, 1981.

7. Section 15 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “admission to” and substituting the passage “appointment as a police cadet or a member of”;

and

- (b) by striking out from subsection (1) the passage “Two hundred dollars” and substituting the passage “Four hundred dollars”.

Amendment of s. 15—
False statements in applications for appointment as a police cadet or member of force.

8. Section 19 of the principal Act is amended—

- (a) by inserting in subsection (1) after the passage “member of the police force” the passage “or police cadet”;

- (b) by striking out from paragraph (b) of subsection (1) the passage “one month’s” and substituting the passage “fourteen days”;

and

- (c) by striking out from subsection (2) the passage “One hundred dollars” and substituting the passage “Two hundred dollars”.

Amendment of s. 19—
Resigning without leave.

9. The following sections are inserted after section 19 of the principal Act:

19a. (1) Where the Commissioner is satisfied after due inquiry that the services of a member of the police force should be terminated due to the incapacity of the member to perform his duties as a member by reason of physical or mental infirmity, the Commissioner may—

- (a) in the case of a commissioned officer, recommend to the Governor;

or

- (b) in the case of a member of the police force other than a commissioned officer, recommend to the Chief Secretary,

that the services of the member be terminated.

(2) The Governor, or, as the case may be, the Chief Secretary, may, upon the recommendation of the Commissioner made under subsection (1), terminate the services of a member of the police force.

Insertion of new ss. 19a and 19b.

Termination due to physical or mental incapacity.

19b. Where a member of the police force—

- (a) ceases pursuant to this Act for any reason to be a member of the police force, he shall thereupon be divested of all powers and authorities vested in him by or under this Act or any other Act or law as a member of the police force or constable;

or

- (b) is suspended from office as a member of the police force, all powers and authorities vested in him by or under this Act or any other Act or law as a member of the police force or constable shall be suspended for the period of his suspension from office.

Divestment of powers on cessation or suspension as member of force.

Amendment of
s. 20—
Duty to deliver
up equipment,
etc., on ceasing
to be member
of police force
or police
cadet.

10. Section 20 of the principal Act is amended by inserting in subsection (1) after the word “force”, twice occurring, in each case, the passage “or police cadet”.

Amendment of
s. 22—
Regulations.

11. Section 22 of the principal Act is amended—

- (a) by striking out paragraphs (2) and (3);
- (b) by striking out paragraph (8) and inserting in lieu thereof the following paragraphs:

(8) Empowering the Commissioner to suspend with or without pay any member of the police force or police cadet charged with any offence against this or any other Act or with any breach of the regulations;

(8a) Empowering the Commissioner to punish any member of the police force guilty of an offence against this or any other Act or a breach of the regulations—

(a) by dismissal with, in the case of a commissioned officer, the approval of the Governor or, in the case of any other member of the police force, the approval of the Chief Secretary;

(b) by suspension without pay;

(c) by reduction in rank or seniority;

(d) by temporary reduction in pay, but so that the total amount forfeited does not exceed one hundred and fifty dollars;

or

(e) by reprimand;;

(c) by striking out from paragraph (12) the word “The” and inserting in lieu thereof the passage “Subject to the provisions of any applicable industrial award or agreement, the”;

and

(d) by inserting after paragraph (14) the following paragraphs:

(15) The enlistment, uniform and training of police cadets;

(16) The maintenance, government, duties, discipline and control of police cadets;

(17) Empowering the Commissioner or any commissioned officer authorized by the Commissioner to punish any police cadet for misconduct—

(a) by suspension without pay;

(b) by temporary reduction in pay, but so that the total amount forfeited does not exceed fifty dollars;

or

(c) by temporary withdrawal of any rights or privileges.

12. Section 23 of the principal Act is amended—

- (a) by inserting in paragraph (a) of subsection (1) after the word “force” the passage “or police cadets or police medical officers”;
- and
- (b) by inserting in paragraph (c) of subsection (1) after the word “force” the passage “or police cadets or police medical officers”.

Amendment of
s. 23—
Orders.

13. Section 26 of the principal Act is amended by inserting after the passage “member of the force” the passage “and police cadet”.

Amendment of
s. 26—
Allowances.

14. Section 27 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsections:

Amendment of
s. 27—
Impersonating
police, and
unlawful
possession of
police property.

- (1) Any person who, without lawful excuse—
- (a) wears the uniform of a member of a police force or a police cadet;
- or
- (b) represents himself by word or conduct to be a member of a police force or a police cadet,

shall be guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

- (2) Any person who, without lawful excuse, has in his possession—
- (a) the uniform of a member of a police force or a police cadet;
- or
- (b) any property supplied, or intended for supply, to a member of a police force or a police cadet for the execution of his duties,

shall be guilty of an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(2a) In subsections (1) and (2), “member of a police force” means a member of the police force of this State or any other State, or any other police force in Australia or any other country.

15. Section 28 of the principal Act is repealed.

Repeal of
s. 28.

16. Section 29 of the principal Act is amended—

- (a) by inserting before the word “who” the passage “or police cadet”;
- (b) by striking out from paragraph (a) the passage “as such a member”;
- and
- (c) by inserting in paragraph (b) after the passage “member of the police force” the passage “or police cadet”.

Amendment of
s. 29—
Taking bribes
and other
offences.

Repeal of
s. 44 and
substitution
of new section.

Right of
appeal.

17. Section 44 of the principal Act is repealed and the following section is substituted:

44. (1) A right of appeal shall lie to the board against—
- (a) any promotion made by the Commissioner;
 - (b) any intended promotion of which notice is given under section 14 of this Act;
 - (c) any termination of the services of a member of the police force during his period of probation;
 - (d) any termination of the services of a member of the police force by reason of physical or mental infirmity;
 - (e) any punishment of a member of the police force by the Commissioner by dismissal, suspension without pay, reduction in rank, temporary reduction in pay or reprimand;
 - (f) any decision or finding on which any such termination or punishment may be based.
- (2) An appeal—
- (a) against a promotion or intended promotion may be made by any member of the police force who was a member of the police force at the time the decision was made and who was affected by the decision;
- or
- (b) against a termination or punishment or decision or finding relating to a termination or punishment may be made by the member or former member of the police force affected by the termination, punishment, decision or finding.

Amendment of
s. 47—
Determination
of appeal.

18. Section 47 of the principal Act is amended—

- (a) by inserting in paragraph (a) of subsection (1) after the passage “intended promotion,” the word “termination,”;
- and
- (b) by inserting in paragraph (b) of subsection (1) after the passage “intended promotion,” the word “termination,”.

Amendment of
s. 48—
Transmission
of decision.

19. Section 48 of the principal Act is amended by inserting in subsection (3) after the word “appeal” the passage “, but shall not make any decision less favourable to the appellant than that recommended by the board”.

Insertion
of new
s. 51a.

19a. The following section is inserted after the heading to Part VI of the principal Act:

Protection
from liability
for members
of the police
force.

51a. (1) A member of the police force shall not incur any civil liability for an act or omission done or made in good faith in the exercise or discharge, or purported exercise or discharge, of any powers, functions, duties or responsibilities conferred or imposed upon him by any provision of this or any other Act (whenever enacted) or by law.

(2) A liability that would, but for subsection (1), lie against a member of the police force shall lie against the Crown.

20. Sections 53 and 54 of the principal Act are repealed.

Repeal of
ss. 53 and 54.

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

K. D. SEAMAN, Governor