



## POLICE REGULATION AMENDMENT ACT 1983

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**No. 78 of 1983**  
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**AN ACT to amend the Police Regulation Act 1898.**

[Royal Assent 11 January 1984]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Police Regulation Amendment Act 1983*. Short title.

Commence-  
ment.

**2**—(1) Except as provided in subsection (2), this Act shall commence on the day on which it receives the royal assent.

(2) Sections 5 and 6 shall commence on a day to be fixed by proclamation.

Principal Act.

**3**—In this Act, the *Police Regulation Act 1898\** is referred to as the Principal Act.

Amendment of  
section 22 of  
Principal Act  
(Special  
constables).

**4**—Section 22 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

(3) Notwithstanding subsections (1) and (2), the Commissioner may, with the approval of the Minister, appoint to act as a special constable for the whole of the State and for the time and purposes authorized by the Commissioner—

(a) a member of the police force of the Commonwealth or of a police force of a State or Territory;

(b) a person appointed or employed under an Act or other law of the Commonwealth or of Tasmania for the purpose of administering or enforcing any such Act or other law, while that person is actually engaged in performing his functions under any such Act or other law; or

(c) a person who, in the opinion of the Commissioner with regard to the functions of that person, ought to be so appointed.

Amendment of  
section 42 of  
Principal Act  
(Fund to be  
managed and  
controlled by  
Board).

**5**—(1) Section 42 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “ five ” and substituting “ 3 ”;

(b) by omitting subsection (2) and substituting the following subsections:—

(2) The Board shall consist of 3 members of whom—

(a) one shall be the Commissioner;

(b) one shall be a person appointed by the Governor who, in the opinion of the Governor, is experienced in the business of investing money; and

\* 62 Vict. No. 48. For this Act, as amended to 1969, see the Reprint of Statutes (1826-1959) Vol. 4, p. 713. Subsequently amended by Nos. 21, 23, and 88 of 1963, No. 53 of 1965, No. 92 of 1971, Nos. 30 and 75 of 1973, No. 82 of 1974, No. 2 of 1975, No. 87 of 1976, No. 33 of 1977, and No. 53 of 1981.

(c) one shall be a police officer who—

- (i) is stationed in, or within a radius of 16 kilometres of, the city of Hobart;
- (ii) contributes to the Fund;
- (iii) does not have a loan from the Fund; and
- (iv) is elected, by the police officers who contribute to the Fund, in July each year by ballot in the prescribed manner.

(2A) The Commissioner shall be chairman of the Board.

(2B) A person appointed under subsection (2) (b) shall, subject to subsection (5), hold office for a term of 3 years from the date of his appointment.

(c) by omitting subsections (4), (5), and (6) and substituting the following subsections:—

(4) Subject to this section, an elected member of the Board shall remain in office until the election of his successor.

(5) The office of a member of the Board shall become vacant—

- (a) if he dies;
- (b) if he becomes bankrupt or compounds with his creditors or takes advantage of any provision of a law relating to bankruptcy;
- (c) if he is removed from office by the Governor on the ground that he has become of unsound mind or permanently incapable of performing his duties;
- (d) if he resigns his office by notice in writing to the Governor;
- (e) if, without the consent of the Minister, he fails to attend 3 consecutive meetings of the Board;
- (f) if, in the case of the elected member, he ceases to be a police officer; or
- (g) if, in the case of a member other than the Commissioner, he attains the age of 65 years.

(6) If—

(a) the office of the elected member of the Board becomes vacant; or

(b) there is a failure to elect a person to that office,

the Governor may appoint to that office a police officer who complies with subsection (2) (c) (i), (ii), and (iii).

(6A) A person who is appointed under subsection (6) shall hold office—

(a) for the remainder of the term for which his predecessor was elected; or

(b) until the election of his successor under subsection (2) (c),

as the case may be.

(6B) If the office of a person who is appointed under paragraph (b) of subsection (2) becomes vacant, the Governor may appoint to that office a person who has the experience referred to in that paragraph.

(6C) A person who is appointed under subsection (6B) shall hold office for the remainder of the term for which his predecessor was appointed.

(d) by omitting from subsection (7) “ three ” and substituting “ 2 ”.

Savings  
provision.

6—A person holding office as a member of the Board under section 42 (2) (b) of the Principal Act immediately before the commencement of section 5 of this Act shall, unless he sooner vacates that office, continue to hold that office for the remainder of the period for which he was elected.