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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1926.

A BILL

To amend the Police Regulation Act, 1899, and the Police Regulation (Superannuation) Act, 1906, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Police Regulation Short title. (Amendment) Act, 1926."

2. The Police Regulation Act, 1899, is amended as follows:—

Amendment
of Act No. 20,
1899.
Sec. 3.
(Interpreta-
tion.)

(a) by inserting at the end of section three the words “and the terms ‘pay and salary,’ ‘pay,’ or ‘salary’ mean, and shall as from the twelfth day of December, one thousand nine hundred and six, be taken to have meant, the remuneration ordinarily received in money by a member of the police force as the ordinary pay of his rank but not to include or to have included any allowances in kind or any money paid him by way of allowance of any nature whatsoever, and any allowance paid in money as a non-pensionable allowance after the first day of December, one thousand nine hundred and twenty-four, shall not be regarded as pay or salary”;

(b) (i) by inserting in section twelve after the words “police force” the words “and to give effect to this Act or any amendment thereof”;

Sec. 12.
(Rules.)

(ii) by omitting from the same section the words “copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not, within fourteen days after the opening of the next session” and by inserting in lieu thereof the figures and words—

“(i) shall take effect from the date of such publication or from a later date to be specified in the regulations ;

(ii) shall be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within
fifteen

fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect."

- (c) by omitting section seventeen and substituting therefor the following new section:—

17. Any person who, not being a member of the police force,—

Penalty for unlawful possession of accoutrements or wearing uniform.

- (a) has in his possession any arms, ammunition, article of clothing, accoutrements, or appointments supplied to a member of the police force, and is not able satisfactorily to account for such possession; or
- (b) without the permission of the Inspector-General and otherwise than in the course of a stage play, a music hall or circus performance, or a ball, wears the uniform, or any colourable imitation of the uniform, of a member of the police force; or
- (c) for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such person would not be entitled to do or procure of his own authority, or for any other unlawful purpose, assumes the name, designation, or description of a member of the police force; or
- (d) gives, or offers, or promises to give, any bribe, recompense, or reward to, or makes any collusive agreement with a member of the police force for the purpose of inducing him to neglect his duty, or to conceal or connive at any act whereby any rule made by the Governor under the provisions of this Act may be evaded,

shall

shall be liable, in addition to any other punishment to which such person may be liable for such offence, to a penalty not exceeding *ten* pounds; and any penalty imposed in pursuance of the provisions of this section shall be paid to the Colonial Treasurer, to be by him applied and set apart towards the Police Superannuation and Reward Fund hereinafter referred to.

- (d) by inserting next after section seventeen the following new section:—

17A. (1) No person not being a member of the New South Wales police force shall assume the designation of detective, ex-detective, or private detective, and no person shall follow the calling of a private inquiry agent, investigation officer, or the like or assume any such designation unless he is the holder of a license authorising him so to do issued by the police court nearest to his place of abode, provided however that nothing in this section shall preclude an employee of the Crown or local government body from performing the duties of his office in connection with any Government or municipal activity.

(2) A license under this section may be issued by any police court for a period not exceeding twelve months from the date of issue.

Such license may be renewed from year to year as the court to which application in that behalf is made may deem fit.

(3) Applications for licenses must be accompanied by certificates of character of at least three reputable citizens to whom the applicant is personally known.

The fee for the license or renewal shall be one pound per annum.

(4) No person, whether employer or employee, shall engage in business without being the holder of a license.

(5)

(5) Any holder of a license under this section may be called upon at any time to show cause why his license should not be revoked, and such license may be revoked at any time by any police court if good cause be shown.

(6) A register shall be kept by the clerk of petty sessions showing particulars of all persons to whom licenses under this section have been issued.

(7) Whosoever commits a breach of this section shall on conviction before two justices be liable to a penalty not exceeding *ten* pounds in default fourteen days imprisonment in respect of each and every offence, in addition to which his license may be cancelled or suspended.

All penalties under this section to be applied in aid of the Police Superannuation and Reward Fund hereinafter mentioned.

(e) Section thirty-three is amended—

Sec. 33.

- (a) by inserting in subsection one thereof after the words "provisions of this Act" the words "is in receipt of remuneration in some other avenue of Government employment; or";
- (b) by inserting in the same subsection after the words "disgraceful conduct" the words "or who associates with thieves or reputed thieves, suspected persons, or other offenders";
- (c) by inserting in the same subsection after the words "fraudulent purpose" the words "is guilty of any conduct in respect of which were he a member of the police force at the time he would have been deemed guilty of a breach of discipline under the police rules and regulations, or was guilty of such conduct while he was a member of the police force, but the offence was not proved until after his retirement; or";
- (f)

(Forfeiture of allowance in certain cases.)

- (f) by omitting the word "Inspector-General" wherever occurring in the said Act and by inserting in lieu thereof the word "Commissioner";
- (g) by omitting from section one the words "Police Superannuation Fund and Police Reward Fund" and by inserting in lieu thereof the words "Police Superannuation and Reward Fund";
- (h) by omitting from section twenty the words "Curator of Intestate Estates" and by inserting in lieu thereof the words "Public Trustee";
- (i) by omitting subsection two of section thirty-six and by inserting in lieu thereof the following new subsection:—

(2) An account in detail of the appropriation of the said Police Superannuation and Reward Fund or any part thereof during every year shall be laid before both Houses of Parliament within thirty days next after the opening of the session after such appropriation has been made.

3. The Police Regulation (Superannuation) Act, 1906, is amended as follows:—

- (a) by inserting at the end of section one the following new paragraph:—

The terms "member of the police force," "pay and salary," "pay," or "salary" in this Act shall receive the same interpretation as that ascribed to them by section three of the Principal Act as amended by the Police Regulation (Amendment) Act, 1926.
- (b) by omitting subparagraphs (i), (ii), (iii), and (iv) of paragraph (h) of section seven and by inserting in lieu thereof the following new subparagraphs:—
 - (i) if he has so served for fifteen years such allowance shall not exceed one-half of the salary of his office at his retirement, less a deduction of three per centum per annum;
 - (ii)

- (ii) if he has so served for more than fifteen years such allowance shall be computed at the rate of one additional thirtieth part of such salary for each additional year of service above fifteen years, less a deduction of three per centum per annum :

Provided that such allowance shall not exceed the whole of such salary, less a deduction of three per centum per annum.

- (c) by inserting next after section eight the following new section :— New s. 8A.

8A. Notwithstanding the foregoing provisions of this Act, where a member has service with diligence and fidelity for twenty-five years or upwards, but has not reached the age of sixty years, it shall be competent for him to retire, if he so elect, and he may be granted a yearly allowance equal to one-half of the average salary of his office for the last three years of his service ; such allowance to be subject to a deduction of three per centum per annum. Voluntary retirement after twenty-five years' service.

- (d) by inserting next at the end of section thirteen the following new section :— New s. 13A. (Gratuities.)

13A. On and from the first day of February, one thousand nine hundred and seven, and prior to the passing of the Police Regulation (Amendment) Act, 1926, the following shall be deemed to have been the provisions governing the granting of gratuities under this section :—

- (a) in the case of a member appointed before the first day of February, one thousand nine hundred and seven, a gratuity not exceeding one month's pay for each year of service of such member and in the case of any such member, who has served for over ten years a further gratuity of one month's pay for each year of service after the tenth year ; (b)

- (b) in the case of a member appointed on or after the first day of February, one thousand nine hundred and seven, a gratuity not exceeding one month's pay for each year of service of such member :

Provided that in all cases under this section such gratuity shall not exceed a sum equal to twenty months' pay of such member calculated at the rate of the salary of such member as at the date of his decease.

- (e) by inserting next after section fourteen the following new section :— New s. 14A.

14A. When any member of the police force is discharged otherwise than upon pension or gratuity he may be granted a refund of the total amount contributed by him to the Police Superannuation and Reward Fund during his service. Refund of superannuation contributions.

Such amount shall be refunded without interest.

- (f) by inserting next after section fifteen the following new section :— New s. 16.

16. Notwithstanding the grant of any superannuation allowance or gratuity under the provisions of this Act the Governor may at any time require any person in receipt of such allowance to submit himself for medical examination by two medical practitioners appointed under section eight of this Act ; and upon the certificate of such medical practitioners to the effect that the incapacity of the said member has ceased the Governor may cancel or suspend his pension and require him to serve again in the police force in a rank not lower than the rank he held before his retirement. Medical examination.

- (g) by repealing subsection two of section three so far as it amended subsection two of section thirty-six of the Police Regulation Act, 1899. Sec. 3 (2).
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