

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To amend the Police Regulation Act, 1899, the Police Regulation (Superannuation) Act, 1906, and certain other Acts 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, 1928."

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

Amendment of Act No. 20, 1899.

(a) by inserting in subsection one of section thirty-three after the words "disgraceful conduct; or" the following paragraph:—

Sec. 33.

(Forfeiture of allowance in certain cases.)

associates with thieves or reputed thieves, suspected persons, or other offenders; or

(b) by inserting in the same subsection after the words "fraudulent purpose; or" the following paragraphs:—

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 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

undertakes for remuneration any other Government employment; or

enters into or continues to carry on any business, occupation, or employment which is illegal; or

makes use of the fact of former employment in the police force in a discreditable or improper manner; or

supplies to any person or publishes in a discreditable or improper manner any information which he has obtained in the course of employment in the police force; or

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

Further amendment of Act No. 20, 1899.

(a) by omitting section seventeen and by inserting in lieu thereof the following new section:—

Sec. 17.

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 of the police force, and does not satisfactorily account for such possession; or

(b)

- (b) without the permission of the Commissioner 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, 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; or
- (e) for the purposes of or in connection with any business, occupation or employment, assumes or uses the designation of detective or private detective, or the name, designation, rank or description of any member of the police force or of any class of such members,

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.

(b)

- (b) 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";
- (c) (i) by inserting in section twelve after the words "police force" the words "and to give effect to this Act or any amendment thereof";
- (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 rules;
- (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 sitting days after the rules have been laid before such House disallowing any rule or part thereof, such rule or part shall thereupon cease to have effect."
- (d) by omitting from section twenty the words "Curator of Intestate Estates" and by inserting in lieu thereof the words "Public Trustee";
- (e) 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

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.

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

Amendment of Act No. 28, 1906. Sec. 7. (Scale of pensions.)

(a) by omitting subparagraphs (i), (ii), (iii), and (iv) of paragraph (b) 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) 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, but shall not exceed the whole of such salary less a deduction of three per centum per annum.

(b) 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 served 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, 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.

(c) by inserting next at the end of section thirteen the following new section:—

New s. 13A.

13A. On and from the first day of February, one thousand nine hundred and seven, and prior

Gratuities.

prior to the passing of the Police Regulation (Superannuation) Amendment Act, 1925, the following shall be deemed to have been the provisions governing the granting of gratuities under section thirteen :—

- (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) 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 such cases the gratuity shall not exceed a sum equal to twenty months' pay of such member calculated at the rate of the salary of such member at the date of his death.

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

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.

- 5.** The Police Regulation (Superannuation) Act, 1906, Further amendment of Act No. 28, 1906. is further amended—

- (a) 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 Medical examination.

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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.

- (b) 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).

6. (1) The official designation of the Inspector-General of Police appointed under the Police Regulation Act, 1899, having been, by direction of the Governor, altered to that of Commissioner of Police the words "Inspector-General of Police" and "Inspector-General" (as referring to the Inspector-General of Police) wherever occurring in the Police Regulation Act, 1899, the Police Regulation (Superannuation) Act, 1906, the Police Regulation (Appeals) Act, 1923, the Gaming and Betting Act, 1912, the Crimes Act, 1900, the Metropolitan Traffic Act, 1900, or any other Act, or in any proclamation, rule, regulation, by-law, ordinance, or other instrument, shall be omitted and the words "Commissioner of Police" and "Commissioner" respectively, shall be inserted in lieu thereof. Amendment of various Acts. Title of Commissioner.

(2) The Vagrancy Act, 1902, is amended by omitting from section sixteen the words "Police Reward Fund," and by inserting in lieu thereof the words "Police Superannuation and Reward Fund." Amendment of Act No. 74, 1902, s. 16. Name of fund.
