

## Police Regulation (Amendment) Bill.

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### EXPLANATORY NOTE.

THE purposes of this Bill are—

- (a) to make it an offence for any unauthorised person to have possession or control of a copy of the police wireless code or any part thereof;
- (b) to prohibit disclosure of certain information relating to the police wireless code; and
- (c) to provide for the issue of a search warrant to a member of the police force to search for and seize any such copy which is wrongfully held.

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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1942.

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# A BILL

To make certain provisions for insuring the secrecy of the police wireless code; for this purpose to amend the Police Regulation Act, 1899-1941, in certain respects; and for purposes connected therewith.

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**B**E 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. (1) This Act may be cited as the "Police Regulation (Amendment) Act, 1942." Short title and citation.

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the 10 Police Regulation Act, 1899-1942.

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2. The Police Regulation Act, 1899-1941, is amended by inserting next after section seventeen the following new section:—

Amendment of Act No. 20, 1899.

New sec. 17A.

Penalty for unlawful possession of police wireless code.

5 17A. (1) Any person who, not being an officer of the Police Department, has in his possession or within his control, without the permission of the Commissioner, a copy of the police wireless code or any part thereof or a document which purports to be a copy of such code or any part thereof, shall be 10 guilty of an offence and shall be liable, if a corporation, to a penalty not exceeding two hundred pounds or, if an individual, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

15 (2) If a copy of the police wireless code, or any part thereof, or a document which purports to be a copy of such code or any part thereof, is, without the permission of the Commissioner, in any house, office or building or in any vehicle or vessel or in 20 any other place whatsoever, whether of the same or a different kind, the occupier or the person having the immediate possession or control of such house, office, building, vehicle, vessel or place, shall be 25 guilty of an offence and shall be liable, if a corporation, to a penalty not exceeding two hundred pounds or, if an individual, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

30 It shall be a sufficient defence if the person charged with an offence against this section proves that he did not know and had no reasonable grounds for suspecting that the copy or document was in the house, office, building, vehicle, vessel or place.

35 (3) Where any act which by this section is declared to be an offence and which is committed by a corporation is proved to have been committed with the knowledge, consent or approval of, or to have been facilitated by any neglect on the part of any director, manager, secretary or other officer of the

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the corporation, he, as well as the corporation, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

5 (4) Where any person is convicted in any proceedings for an offence against this section the copy or document the subject of the proceedings shall be delivered to the Commissioner.

10 (5) If information is given on oath to a justice that there is reasonable ground for believing that any copy of the police wireless code or any part thereof or any document purporting to be a copy of such code or any part thereof is in or upon any house, office, building, vehicle, vessel or place in contravention of subsection two of this section, such justice may by special warrant under his hand directed to any member of the police force, authorise such member of the police force to enter and search such house, office, building, vehicle, vessel or place and all persons found therein and to take possession of any such copy or document.

cf. Act No. 5, 1901, s. 28.

20 (6) (a) A person who, by reason of or in the course of his employment as an officer of the Police Department, has access to the police wireless code or is engaged in the performance of duties relating to or associated with the use or operation of the police wireless code, shall not, either directly or indirectly, except in the performance of his duties and either while he is or after he ceases to be so employed, make a record of or divulge or communicate to any person any information respecting the police wireless code or the use or operation thereof.

cf. Act No. 48, 1941, s. 8.

25 (b) Any person who contravenes the provisions of paragraph (a) of this subsection shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

35 Where the contravention of this section is committed by a person who is, at the time of such contravention, an officer of the Police Department  
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he shall be liable, in addition to such penalty or imprisonment, to any penalty or punishment provided for in any Act, regulation or rule relating to his employment.

- 5 (7) In this section the expression "officer of the Police Department" includes a member of the police force and an officer or employee within the meaning of the Public Service Act, 1902, as
- 10 amended by subsequent Acts, who is employed in the Police Department.

