

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Police Regulations.* Citation.

2. The Police Regulations (comprising Regulations specified in the ~~First Schedule to these Regulations~~) are repealed. Repeal.

3. These Regulations are divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Regulations 1-5). Amended by 1964, No. 10.
 - Part II.—Publications (Regulations 6-14).
 - Division 1.—General (Regulations 6-8).
 - Division 2.—*Police Gazette* (Regulations 9-10).
 - Part III.—Establishment (Regulations 15-24).
 - Division 1.—Strength of Force (Regulation 15).
 - Division 2.—Appointments (Regulations 16-19).
 - Division 3.—Classification of Stations (Regulations 20-24).
 - Part IV.—Discipline (Regulations 25-59).
 - Division 1.—Duties, offences, &c. (Regulations 25-31).
 - Division 2.—Charges and Punishments—Members other than Officers (Regulations 32-47).
 - Division 3.—Charges and Punishments—Officers (Regulations 48-59).
 - Part V.—Examinations (Regulations 60-75).
 - Part VI.—Promotions (Regulations 76-87).
 - Division 1.—General (Regulation 76).
 - Division 2.—Constable (Regulations 77-79).
 - Division 3.—Sergeants (Regulations 80-84).
 - Division 4.—Confirmation (Regulations 85-87).
 - Part VII.—Appeals (Regulations 88-104).
 - Division 1.—Police Appeals Board (Regulations 88-94).
 - Division 2.—Appeals against Punishments (Regulations 95-100).
 - Division 3.—Appeals in relation to Promotions (Regulations 101-104).
 - Part VIII.—Uniforms, Badges of Rank, and Equipment (Regulations 106-108).

* The Police Regulations, in force under the *Police and Police Offences Ordinance 1923-1966*, comprise the following Regulations:—

Year and Number	Date on which made	Date notified in <i>Northern Territory Government Gazette</i>	Date of Commencement
1961, No. 4 ..	8th May, 1961 ..	17th May, 1961 ..	17th May, 1961
1961, No. 18 ..	4th October, 1961 ..	18th October, 1961 ..	18th October, 1961
1963, No. 17 ..	4th September, 1963 ..	18th September, 1963 ..	18th September, 1963
1964, No. 2 ..	20th February, 1964 ..	4th March, 1964 ..	4th March, 1964
1964, No. 10 ..	1st July, 1964 ..	1st July, 1964 ..	1st July, 1964

Note.—Regulations 1964, No. 2, were repealed by Regulations 1964, No. 10.

Part IX.—Record of Service (Regulations 120-124).

Part X.—Miscellaneous (Regulations 125-148).

Division 1.—Transfers (Regulations 125-128).

Division 2.—Quarters, &c. (Regulations 129-134).

Division 3.—Fares, &c., on Appointment or Marriage (Regulations 135-139).

Division 4.—General (Regulations 140-148).

Definitions.
Amended by
1964, No. 10.

4. In these Regulations, unless the contrary intention appears—

“Inspector” means an Inspector of Police; “member” means a member of the Police Force of the Northern Territory; “offence” means an offence against these Regulations; “officer” means a member above the rank of Sergeant First Class; “*Police Gazette*” means an official publication made by the Force for distribution regularly to members; “Service” means continuous service in the Force, including time spent, with approved leave, on active service in the Defence Forces of the Commonwealth after appointment to the Force, and periods of absence on approved leave, but, except where the Administrator otherwise directs, not including periods of absence on special leave without pay; “the Commissioner” means the Commissioner of Police; “the Force” means the Police Force of the Northern Territory; “the Ordinance” means the *Police and Police Offences Ordinance 1923-1960*, as amended from time to time.

Seniority.
Substituted by
1964, No. 10.

5.—(1.) Where the rank of a member is determined by a punishment imposed under regulation 33, 35, 46, 57 or 98 of these Regulations, the seniority of that member is the seniority determined by the person or Police Appeals Board that imposed the punishment.

(2.) Subject to the last preceding sub-regulation, where two or more members are appointed to the same rank on the same day, their seniority is governed—

- (a) in the case of first appointments to the Force, by the alphabetical order of their surnames, followed by their Christian or other fore names;
- (b) in the case of promotions from the same rank, by their seniority in the rank from which they are promoted; or
- (c) in any other case, by their rank before being so appointed, so that a member promoted from a higher rank is senior to a member appointed from a lower rank.

(3.) Subject to the last two preceding sub-regulations, a member appointed to a rank is senior to a member later appointed to that rank.

Seniority list.
Inserted by
1964, No. 10.

5A. The Commissioner shall cause to be prepared and maintained a seniority list showing in relation to each member—

- (a) his name;
- (b) his rank;
- (c) the date of his appointment to the Force;
- (d) where applicable, the date of his appointment to any rank to which he is promoted or reduced; and
- (e) where applicable, his seniority in accordance with the last preceding regulation.

PART II.—PUBLICATIONS.

Division 1.—General.

6.—(1.) The Commissioner may from time to time determine the time by which—

- (a) a member in charge of a station shall, if a copy of a *Police Gazette* has not been received at that station, report that that copy has not been received;
- (b) a member who is not in charge of a station shall, if a copy of a *Police Gazette* has not been filed in accordance with the provisions of Division 2 of this Part at the station at which that member is stationed, report that that copy has not been filed; and
- (c) a member shall, if a copy of a Standing Order has not been received by that member, report that that copy has not been received.

Commissioner may determine times when non-receipt &c., of *Police Gazette* &c., shall be reported.

(2.) A determination made by the Commissioner in accordance with the provisions of the last preceding sub-regulation shall be notified in Standing Orders.

7. A report furnished in accordance with the provisions of this Part shall be addressed and forwarded in accordance with the procedure prescribed in regulation 30 of these Regulations.

Method of reporting.

8. Except where a report has been furnished as provided for in this Part, a member may be held responsible and punished for any failure to obey or have due regard to any order, instruction, direction, notice or other thing notified in the *Police Gazette* or Standing Orders.

Members to obey orders, &c. notified in *Police Gazette* &c.

Division 2.—*Police Gazette*.

9.—(1.) The Commissioner shall cause a publication, to be known as the "*Police Gazette*", to be published at least once a month.

Police Gazette to be published.

(2.) There shall be published in the *Police Gazette* such orders, instructions, directions, notices and other things as are prescribed by these Regulations or by any determination validly made by the Police Arbitral Tribunal, or by any agreement made between the Administrator and the Northern Territory Police Association, under the provisions of the Ordinance, or as the Commissioner directs.

10.—(1.) The member in charge of a station shall—

- (a) on the day of receipt of the copy of each *Police Gazette* received at that station, make an entry to that effect in the Station Journal;
- (b) if a copy of a *Police Gazette* has not been received at that station, report within the time determined by the Commissioner in a determination made and notified in accordance with the provisions of Division 1 of this Part, that that copy has not been received.
- (c) securely file each copy of the *Police Gazette* received at that station, in the order of the dates of publication, in a file to be kept for the purpose; and

Duties of members w respect to *Police Gazette*.

- (d) keep the file in a part of the station conveniently accessible to members stationed at that station, but not accessible to persons who are not members.
- (2.) Each member shall—
- (a) diligently read a copy of each *Police Gazette* as soon as is reasonably practicable after its receipt at the station where he is stationed; and
- (b) on the day on which he reads a copy of the *Police Gazette*, as required by the last preceding paragraph, make an entry to that effect in the Station Journal.
- (3.) Each member who is not in charge of a station shall, if a copy of a *Police Gazette* has not been filed, as required by sub-regulation (1.) of this regulation, at the station at which that member is stationed, report, within the time determined by the Commissioner in a determination made and notified in accordance with the provisions of Division 1 of this Part, that that copy has not been filed.

Division 3.—Standing Orders.

Commissioner may issue Standing Orders.

11.—(1.) The Commissioner may issue Standing Orders for the guidance, direction and control of the Force, and may cancel or alter any Standing Orders.

(2.) A notification that a Standing Order has been made, cancelled, or altered, together with its number, shall be published in the *Police Gazette*.

Standing Orders to be consecutively numbered.

12.—(1.) Each Standing Order shall be consecutively numbered and, subject to the provisions of this regulation, a Standing Order shall not bear the same number as any other Standing Order.

(2.) A Standing Order which cancels a Standing Order shall bear the number of the Standing Order which it cancels and shall bear, in addition, the notation "Cancellation."

(3.) A Standing Order which replaces a Standing Order shall bear the number of the Standing Order which it replaces.

(4.) A Standing Order which alters a Standing Order shall bear the number of the Standing Order which it alters and shall bear, in addition, the notation "Amendment No. ".

(5.) Each alteration of a Standing Order shall be given a consecutive "Amendment No. ", commencing from the number one.

Date of effect of Standing Order.

13. A Standing Order, or the cancellation or alteration of a Standing Order, shall take effect from the date of the *Police Gazette* in which the notification of the making or the cancellation or alteration of the order is published unless the notice, or the Standing Order, specifies that it is to take effect at a later date.

Duty of members with respect to Standing Orders.

14. A member shall—

- (a) diligently read each Standing Order after its receipt by him;
- (b) obey all Standing Orders for the time being in force; and

- (c) if a copy of a Standing Order, notification of the making, cancellation or alteration of which has been published in the *Police Gazette*, is not received by him, report, within the time determined by the Commissioner in a determination made and notified in accordance with the provisions of Division 1 of this Part, that that copy has not been received.

PART III.—ESTABLISHMENT.

Division 1.—Strength of Force.

15.—(1) Whenever the Minister makes an alteration to the ranks or the establishment of the Force, the Commissioner shall cause particulars of the alteration to be published in the *Police Gazette* as soon thereafter as is reasonably practicable. Notification of variation of establishment and ranks.

(2.) As soon as reasonably practicable after the date of commencement of these Regulations, and in the month of January in each year thereafter, the Commissioner shall cause details of the ranks and establishment of the Force to be published in the *Police Gazette*.

Division 2.—Appointments.

16.—(1.) A person other than the Commissioner shall not be appointed to the Force unless he— Qualifications for appointment.

- (a) is a natural born or a naturalized British subject;
- (b) has submitted satisfactory evidence to the Commissioner of—
 - (i) the date and place of his birth;
 - (ii) his good character;
 - (iii) his health and physical fitness; and
 - (iv) his having attained a satisfactory standard of education;
- (c) is at least—
 - (i) 5 feet 9 inches in height; and
 - (ii) of robust physique; and
- (d) is not less than twenty-one nor more than thirty years of age, or in the case of a person who has previously served in a Police Force, not less than twenty-one and not more than thirty-five years of age.

(2.) A candidate for appointment as a Policewoman shall not be appointed unless she—

- (a) is a natural born or naturalized British subject;
- (b) has submitted satisfactory evidence to the Commissioner of—
 - (i) the date and place of her birth;
 - (ii) her good character;
 - (iii) her health and physical fitness; and
 - (iv) having attained a satisfactory standard of education;
- (c) is at least 5 feet 4 inches in height;
- (d) is not less than twenty-five nor more than thirty-five years of age except where she has previously served in a Police Force; and
- (e) at the time of her appointment, is unmarried or a widow with no young children dependant upon her.

(3.) A Policewoman will not be eligible to continue in the Force after her marriage unless the Minister sanctions her continuance in the Force in any special case or class of case which appears warranted in the public interest.

Appointee to be on probation.

17.—(1.) A member appointed to the Force with the rank of Constable is on probation for a period of one year from and including the date upon which he commences duty.

(2.) At the expiration of the period of probation of a Constable, the Commissioner may—

- (a) confirm the appointment;
- (b) annul the appointment; or
- (c) extend the period of probation for a further period not exceeding six months.

(3.) Where the Commissioner extends a period of probation in accordance with the last preceding sub-regulation, he shall, at the expiration of that extended period, confirm or annul the appointment.

Probation may be dispensed with or curtailed.

18. Notwithstanding the provisions of the last preceding regulation, the Commissioner may dispense with or decrease the period of probation where—

- (a) the member has had previous experience in the Force or in a police force of a State or Territory of the Commonwealth; or
- (b) he deems it expedient or desirable in the interests of the Force so to do.

Member may be dismissed during period of probation.

19. The Commissioner may, at any time during a member's period of probation, dismiss the member if the Commissioner is of the opinion that—

- (a) the member has misconducted himself; or
- (b) the member is unlikely to become an efficient member of the Force.

Division 3.—Classification of Stations.

Classification to show certain particulars.

20. The classification of a station shall show, in respect of that station—

- (a) the number of members, and their respective ranks, considered by the Commissioner to be necessary to undertake the duties required to be carried out in the district in which the station is situated;
- (b) the principal and extraneous duties performed; and
- (c) any special sections attached to the station.

Classification already published to remain in force.

21. The classification of stations prepared and published in the *Police Gazette* of January, 1957, shall continue to have effect until altered in accordance with the next succeeding regulation.

Commissioner may alter classification of stations.

22. When in the opinion of the Commissioner the duties or responsibilities at a station have altered materially he may alter the classification of that station, by notice in the *Police Gazette*.

Stations staffed with two or more members.

23. The classification of a station staffed with two members or more shall show the rank of the member in charge to be not below the rank of Senior Constable.

24. As soon as practicable after the date of commencement of these Regulations, and in the month of January in each year thereafter, the Commissioner shall cause details of the classification of stations to be published in the *Police Gazette*. Particulars of classifications to be published.

PART IV.—DISCIPLINE.

Division 1.—Duties, offences, &c.

25. A member may, in the course of his duty, give a lawful order to a member to whom he is senior. Member may give order to junior member.

26. The member in charge of a station which is staffed by more than one member shall on or before the last Tuesday in each pay period— Member in charge of station to prepare duty roster.

(a) prepare a roster showing the hours and days of duty for each member attached to that station for the period of fourteen days commencing on the following Thursday; and

(b) affix the roster to a notice board placed in a conspicuous part of the station.

27.—(1.) Subject to this regulation, a member shall report for duty on the days and at the times shown in the roster prepared in accordance with the provisions of the last preceding regulation. Member shall observe duty roster.

(2.) A member rostered for duty who through sickness is unable to attend for duty on a day or at a time appointed in the roster shall where practicable notify the member in charge of the station at which he is stationed before the time at which he is rostered for duty.

(3.) Notification may be made by telephone or telegram, or by written or verbal advice by a messenger.

(4.) A notification shall indicate, where practicable, the likely duration of the member's absence from duty.

28.—(1.) The member in charge of a station shall cause a book to be known as a Station Journal to be kept in a readily accessible place in the station. Station Journal.

(2.) A member shall enter and sign a report in the Station Journal concerning all events and occurrences which occurred during the course of his duty within a reasonable time of those events and occurrences happening and, in any event, before he leaves the station on conclusion of his period of duty for that day.

29.—(1.) Notwithstanding the provisions of regulation 27, the member in charge of a station may order a member to report for duty on a day or at a time not shown on the roster. Members may be required to attend for duty otherwise than at rostered times.

(2.) A member in charge of a station who orders a member to report for duty otherwise than in accordance with the roster shall enter a note of the circumstances, including the reasons, in the Station Journal.

Method of
communication.
Sub-reg. (1.)
amended by
1964, No. 10.

30.—(1.) A member who wishes to communicate with the Commissioner, or an Inspector, shall address his communication to the officer concerned and forward it—

- (a) in the case of a member attached to a station, to the member in charge of that station;
- (b) in the case of a member in charge of a station, to the Inspector in charge of the Division in which that station is situated; or
- (c) in the case of an Inspector, to the Commissioner.

Amended by
1964, No. 10.

(2.) A member to whom a communication is forwarded in accordance with the provisions of the last preceding sub-regulation shall, when it is addressed to a senior officer, forward it to the officer next senior to him of the officers mentioned in paragraphs (b) and (c) of that sub-regulation, together with such report, recommendation, or comment as he deems necessary or desirable (if any).

(3.) The provisions of this regulation do not apply where a member is giving notice of appeal pursuant to the provisions of Part VII. of these Regulations.

Offences.

Amended by
1964, No. 10.

31. A member shall not—

- (i) disobey or disregard any order, instruction, direction, notice or other thing notified in the *Police Gazette* or Standing Orders;
- (ii) disobey or disregard a lawful order given or transmitted to him by a senior member in the course of his duty;
- (iii) be insubordinate by word, act or demeanour to a member who is senior to him;
- (iv) fail without reasonable cause to perform his duty as a member;
- (v) fail without reasonable cause to attend promptly and diligently to a matter or thing connected with his duty as a member;
- (vi) be uncivil or rude to a person in the course of his duty;
- (vii) idle or gossip whilst on duty;
- (viii) fail without reasonable cause diligently to patrol his beat;
- (ix) leave his beat or point of duty without reasonable cause or without the permission of a member who is his senior;
- (x) sleep on duty;
- (xi) fail without reasonable cause to take all reasonable steps—
 - (a) to prevent a breach of the law;
 - (b) to ascertain details concerning an accident or any occurrence which may reasonably be connected with a breach of the law; or
 - (c) to apprehend or take particulars necessary to proceed by summons against a person known to have, or reasonably suspected of having, committed a breach of the law;
- (xii) fail, without reasonable cause, when knowing, or having information concerning, the whereabouts of an offender, to report that information to a senior member and to take reasonable steps to apprehend the offender;

- (xiii) fail, without reasonable cause, to report in writing all matters and information within his knowledge concerning a prisoner or a person charged with an offence;
- (xiv) fail, without reasonable cause, to make a proper entry in a document or book which, in the course of his duty, he is required to make;
- (xv) whilst absent from duty on account of sickness or accident perform an act, or omit to perform an act, the performance or omission of which delays his return to duty;
- (xvi) make an anonymous communication to a superior officer;
- (xvii) sign or circulate a petition or statement with regard to a matter concerning the Force, otherwise than to the senior member to whom he is directly responsible, or as Secretary or President of the Northern Territory Police Association, in accordance with a resolution duly passed by that Association;
- (xviii) organize, or take an active part in organizing, the collection of subscriptions or donations for any cause or person, except with the consent of an officer;
- (xix) negligently or wilfully damage or lose any property belonging to the Commonwealth;
- (xx) fail, without reasonable cause, to report to a member to whom he is directly responsible the loss of, or damage to, an article, belonging to the Commonwealth, of which he has the charge of custody;
- (xxi) except with the authority of an officer, show to a person outside the Force a publication, written document or book (not being a publication, written document or book generally available to persons outside the Force) the property of the Commonwealth;
- (xxii) canvass the Commissioner or a Minister of State concerning any matter relating to himself or to the Force, otherwise than in the course of his duty, or as Secretary or President of the Northern Territory Police Association in accordance with the resolution duly passed by that Association;
- (xxiii) behave oppressively or tyrannically towards a junior member of the Force;
- (xxiv) use obscene, abusive or insulting language to a member, or assault a member;
- (xxv) improperly withhold a complaint or a report concerning a member;
- (xxvi) fail, without reasonable cause to report promptly a case which has come to his knowledge of misconduct by a member of the Force;
- (xxvii) carry on a trade, profession or calling without the authority of the Commissioner;
- (xxviii) own, or have a direct or indirect interest in, a racehorse, racing dog, or horse or dog intended to be used for racing;

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- (xxix) give notice, whether directly or indirectly to a person against whom a warrant or summons has been, or is about to be, issued, except in the course of executing the warrant or serving the summons;
- (xxx) communicate to any person information concerning a matter connected with his duty as a member, or concerning the Force, except with the authority of an officer or in the course of his duty;
- (xxxi) having received instructions to maintain secrecy concerning a matter connected with his duty, divulge information concerning that matter in contravention of those instructions;
- (xxxii) without reasonable cause, be unclean or improperly dressed whilst wearing uniform, whether on or off duty;
- (xxxiii) be drunk on duty;
- (xxxiv) be unfit for duty as a result of drinking alcoholic liquor or taking drugs, otherwise than in accordance with treatment prescribed by a legally qualified medical practitioner;
- (xxxv) place himself directly or indirectly under a pecuniary obligation to a person who is directly or indirectly interested in premises licensed for the sale of alcoholic liquor;
- (xxxvi) improperly use his position as a member for his private advantage;
- (xxxvii) maliciously exercise his authority as a member in making an unlawful arrest;
- (xxxviii) use unnecessary violence towards a prisoner or other person in the course of his duty;
- (xxxix) feign or exaggerate the effect of sickness or accident with a view to evading duty;
- (xl) drink intoxicating liquor whilst on duty, unless in the course of and for the purposes of his duty, or unless, while travelling on duty, he is a *bona fide* traveller within the meaning of section one hundred and fifty-nine of the *Licensing Ordinance 1939-1960*.
- (xli) fail, without reasonable cause, to attend in obedience to a summons by the Chairman of a Commission of Inquiry, the Police Appeals Board, or to be sworn, or to submit a sworn statement, or to answer questions to produce documents relevant to an inspection, inquiry, investigation or hearing being conducted by the Commission of Inquiry, or Police Appeals Board;
- (xlii) knowingly give false evidence in any proceedings under these Regulations;
- (xliii) sell, give, or otherwise dispose of an item of uniform to another person, without the permission of the Commissioner;
- (xliv) wear any item of uniform when not engaged on official duty;
- (xlv) cut or alter the pattern or fashion of any item of uniform;
- (xlvi) without reasonable cause, appear in public in a uniform in a dirty, discoloured or untidy condition;

- (xlvi) accept any gift, presentation or testimonial without the permission of the Commissioner;
- (xlviii) borrow money from a member who is junior to him in rank;
- (xlix) in addition to the other offences set out in this regulation, be guilty of an act, conduct, disorder or neglect to the prejudice of good order and discipline of the Force;
 - (l) be negligent or careless in the discharge of his duties;
 - (li) be inefficient or incompetent through causes which appear to be within his own control;
 - (lii) whether acting in his official capacity or otherwise, be guilty of any disgraceful, improper or disorderly conduct or behave in a manner likely to bring discredit to the Force;
 - (liii) commit any breach of the provisions of the *Police and Public Offences Ordinance* 1923-1960 (as amended from time to time) or of the provisions of the *Public Service Ordinance* 1928-1959 (as amended from time to time) or of these Regulations.
 - (liv) wilfully or negligently make a false statement or complaint against a member;
 - (lv) by carelessness or neglect permit a prisoner to escape;
 - (lvi) fail to report any matter which it is his duty to report;
 - (lvii) knowingly make or sign a false statement in any official document or book;
 - (lviii) wilfully or negligently make any false, misleading or inaccurate statement;
 - (lix) without good and sufficient cause destroy or mutilate an official document or record or alter or erase any entry therein;
 - (lx) without special approval of an officer, communicate to the public, press or an unauthorised person, any matter connected with his duties or with the Force;
 - (lxi) receive or solicit a bribe;
 - (lxii) fail to account for or make proper and true return of any property received by him in his official capacity, or to account satisfactorily if called upon by a non-commissioned officer or an officer to do so, for any property in his possession or received by him otherwise than in his official capacity;
 - (lxiii) without reasonable cause be absent without leave or late for duty;
 - (lxiv) keep a house for the sale of liquor in his own or in any other name or be directly or indirectly interested in such house;
 - (lxv) fail to pay a lawful debt;
 - (lxvi) carry on a trade, business or profession or accept any other paid employment without prior approval of an officer;
 - (lxvii) be guilty of an offence punishable on conviction whether summarily or on indictment; or
 - (lxviii) be guilty of an act or omission which is contrary in any manner to these Regulations.

Division 2.—Charges and Punishments—Members other than Officers.

Definitions.
Substituted by
1964, No. 10.

32. In this Division—

- “member” means a member of the Force who is not an officer;
“punishment” means punishment prescribed by these Regulations for an offence.

Prescribed
punishment,
&c.
Substituted by
1964, No. 10.

33.—(1.) The punishment prescribed by these Regulations is—

- (a) if the punishment is imposed by an Inspector—
- (i) a caution;
 - (ii) a reprimand; or
 - (iii) a fine not exceeding Five pounds; or
- (b) if the punishment is imposed by the Commissioner or the Police Appeals Board—
- (i) a caution;
 - (ii) a reprimand;
 - (iii) a fine not exceeding Twenty pounds;
 - (iv) a reduction in seniority, without reduction in rank, to such seniority as the Commissioner or the Police Appeals Board specifies when imposing the punishment;
 - (v) a reduction in rank to the next lower rank, with such seniority in that rank as the Commissioner or the Police Appeals Board specifies when imposing the punishment; or
 - (vi) a reduction in rank to the rank next below the next lower rank, with such seniority in the rank to which the member is reduced as the Commissioner or the Police Appeals Board specifies when imposing the punishment.

(2.) If, in imposing on a member a punishment that involves a reduction in his rank, the Commissioner or the Police Appeals Board does not specify the seniority of the member in the rank to which he is reduced by force of the punishment, the Commissioner or the Police Appeals Board shall be deemed to have specified that the member shall have seniority in that rank lower than that of any other member in that rank on the date of the imposition of the punishment.

(3.) The Commissioner or the Police Appeals Board may, instead of imposing a punishment on a member, recommend to the Minister that the member be dismissed from the Force.

Loss for
damage to
Government
property.
Sub-reg. (1.)
amended by
1964, No. 10.

34.—(1.) The Commissioner may order a member to pay the cost of replacing or repairing property belonging to the Commonwealth when a member has been found guilty of an offence involving loss or damage to the property.

(2.) An order under the last preceding sub-section shall be in addition to any punishment imposed on the member for the offence.

Punishment by
Minister.
Substituted by
1964, N . 10.

35.—(1.) The Minister may, on the recommendation of the Commissioner or the Police Appeals Board, punish a member by dismissing him from the Force.

(2.) The Minister may substitute such punishment as he thinks fit in place of a punishment recommended by the Commissioner or the Police Appeals Board.

36. Where a member is suspended under this Division, he is not entitled to pay or allowances from and including the day on which he is suspended until the day when the suspension is lifted, unless— Effect of suspension. Substituted by 1964, No. 10.

- (a) in the case of a charge referred to the Minister, the Minister otherwise directs;
- (b) in the case of a charge referred to the Commissioner, the Commissioner otherwise directs;
- (c) on the hearing of the charge against him, arising from which the suspension was imposed, or on appeal by him to the Police Appeals Board—
 - (i) he is exonerated; or
 - (ii) the charge against him is dismissed; or
- (d) in accordance with these Regulations, the Police Appeals Board otherwise orders.

37.—(1.) When a member of the Force, in pursuance of his duty under these Regulations, makes a report of an offence by some other member of the Force, the report shall be transmitted to the Divisional Officer of the Division in which the offence is alleged to have occurred. Preliminary inquiries.

(2.) If the report is made in the first instance by a subordinate to a member in charge of a police station, the member in charge of the station shall transmit it to the Divisional Officer with a report containing such observations as he may deem necessary for the information of the Divisional Officer.

(3.) If the report is made in the first instance by the Divisional Officer to whom the member is responsible, he shall transmit it to the Commissioner. Amended by 1964, No. 10.

(4.) Where the Commissioner receives a report pursuant to the last preceding sub-regulation he shall— Amended by 1964, No. 10.

- (a) personally conduct preliminary enquiries; or
- (b) require an officer to conduct preliminary enquiries.

(5.) When making the preliminary enquiries referred to in the last preceding sub-regulation, the Commissioner or officer, as the case may be, shall— Amended by 1964, No. 10.

- (a) provide the member concerned with a copy of the report; and where he deems necessary—
- (b) seek further information of the alleged offence; and
- (c) call for a report of the alleged offence from the member concerned.

(6.) If a charge is made against the member, any report furnished by the member pursuant to paragraph (c) of the last preceding sub-regulation shall not be admissible in evidence without his consent or unless he refers to it in evidence.

(7.) If, on investigation of a charge, sufficient evidence is not, in the opinion of the person making the preliminary enquiries, forthcoming as to whether the member has, or has not committed an offence, he shall endorse the file to that effect.

Amended by
1964, N. 10.

(8.) If an officer who is making preliminary enquiries is in doubt whether or not a formal charge should be made, he shall send the report together with his own comments on the matter to the Commissioner.

Making of
charges.
Sub-reg. (1.)
amended by
1964, No. 10.

38.—(1.) When it comes to the knowledge of an officer that there are reasonable grounds to suspect that an offence against the *Police and Police Offences Ordinance* 1923-1960 or these Regulations has been committed by a member of the Force in his Division he may—

- (a) report the matter to the Commissioner with a recommendation that proceedings in respect of the alleged offence be instituted;
- (b) make a charge against the member; or
- (c) caution the offender.

(2.) An officer may make an order suspending an alleged offender from duty pending the determination of a charge against the offender.

Substituted by
1964, No. 10.

(3.) Notwithstanding the provisions of regulation 41 of these Regulations, where—

- (a) an officer makes a charge against a member whose rank is not above the rank of Senior Constable;
- (b) the member pleads guilty to the charge;
- (c) the charge is made in accordance with Form 1 in the Second Schedule to these Regulations; and
- (d) the member is given an opportunity of making an explanation in writing to the officer,

the officer may forthwith decide the issue or issues raised by the charge and plea.

Substituted by
1964, No. 10.

(4.) Where the procedure set out in the last preceding sub-regulation is followed, the punishment that may be imposed is—

- (a) a caution;
- (b) a reprimand; or
- (c) a fine not exceeding Five pounds.

Suspension
from Duty.

39.—(1.) A member of the Force suspended from duty shall not leave the place where he is stationed unless otherwise ordered or expressly permitted.

(2.) An order of suspension imposed under regulation 38 of these Regulations may be withdrawn by the officer who imposed it.

(3.) An order of suspension imposed under regulation 38 of these Regulations may be withdrawn by the officer who is senior in rank to the officer who imposed it.

Investigations.

40. The summary investigation of an offence against these Regulations shall be in accordance with the procedure prescribed in regulation 41 of these Regulations.

Procedure for
summary in-
vestigation.

41.—(1.) The Divisional Officer or any other member of the Force directed or authorized to make a charge may make it in writing by memorandum in accordance with Form 1 in the Second Schedule to these Regulations.

(2.) Two or more charges may be made in the same memorandum if joined by the words "and further".

(3.) When a member receives a charge addressed to him he shall within three days send through his immediately superior officer a reply in accordance with Form 2 of the Second Schedule to these Regulations.

(4.) When a reply is received from the member charged, or if no reply is made and sent by him, the officer shall conduct an investigation of the charge made against the member.

(5.) The officer authorized to conduct the investigation is hereinafter in this regulation referred to as the person making the investigation.

(6.) The person making the investigation shall—

(a) without unnecessary delay appoint some convenient time and place for the investigation;

(b) when appointing the time and place of the investigation give the member charged reasonable opportunity to collect and produce evidence; and

(c) direct the member charged to attend the investigation.

(7.) Every member of the Force who is directed by his superior officer shall attend at an investigation for the purpose of being examined as a witness.

(8.) The member charged may call and examine any other member of the Force as a witness.

(9.) The member charged may supply to his Divisional Officer or to the person conducting the investigation the name of any member of the Force he may desire to have examined as a witness on his behalf, and if it is made to appear to the Divisional Officer or person conducting the investigation that any member is likely to give material evidence on behalf of the person charged, the Divisional Officer or person conducting the investigation shall make such arrangements as may be reasonably within his power for the attendance of the witness.

(10.) At the time and place appointed, charges against one or more members of the Police Force may be investigated either together or separately.

(11.) If at the time and place appointed for the investigation the member of the Force charged, having had due and reasonable notice, does not appear, the investigation may be proceeded with in his absence or the investigation may be adjourned to some future day.

(12.) No person not connected with the investigation shall be admitted to the hearing unless in the opinion of the person conducting the investigation there is good and sufficient reason for admitting him.

(13.) The investigation may, upon the application of the person charged or for any sufficient reason, be adjourned from time to time at the discretion of the person conducting the investigation, but the investigation must not be unduly prolonged, and to this end the examination and cross-examination of witnesses shall be, as far as justly possible, confined to the substance of the charge or charges under investigation.

(14.) No objection shall be taken or allowed to any charge for any alleged defect therein in substance or in form or for any variance between it and the evidence in support thereof, and such variance may be amended

by the person making the investigation. Provided that if any such variance appears to the person conducting the investigation to be such that the member of the Force charged has been thereby deceived or misled, he may, and at the request of the member charged, shall, adjourn the investigation to some future date.

(15.) If the member of the Force charged is present, the substance of the charge shall be stated to him, and he shall be asked if he admits the truth of the charge, if he admits the truth of the charge it shall not be necessary to take evidence in support of the charge, but he may give such evidence as he wishes in extenuation; but, if he does not admit the truth of the charge, the person making the investigation shall proceed to hear the evidence in support of the charge and of the person charged and his witnesses, and also the evidence of such witnesses as may be examined in reply.

(16.) Every witness shall be examined on oath or in such other manner as is prescribed or allowed by the Ordinances in force for the time being relating to giving evidence in courts of justice, and the person authorized or directed to conduct the investigation is authorized to administer any oath or take any solemn declaration or affirmation touching the matter of the investigation.

(17.) The rules of evidence and of procedure followed in courts of justice shall be followed as far as practicable.

(18.) The person conducting the investigation may direct that witnesses shall not be permitted to be within hearing of the proceedings until required to give evidence, but where in the opinion of the person conducting the investigation, it is desirable for some sufficient reason that a witness or witnesses should be present, he may direct accordingly.

**Court
actions.**

42.—(1.) When any member of the Force—

- (a) has been convicted before any court of Justice of any offence;
- (b) has had an order made against him in any court for the payment of money or for doing or refraining from doing any act; or
- (c) has had judgment given against him in any action in any court of civil jurisdiction,

the Commissioner may require a summary investigation to be made on the matter by procuring a duly issued certificate of any such conviction, order, or judgment, or a duly certified copy of any such conviction, order or judgment.

**Amended by
1964, No. 10.**

(2.) Upon it appearing to the Commissioner by the matter set forth in any such certificate or certified copy that a member of the Force has been guilty of misconduct, the Commissioner may call upon the member to show cause why he should not be fined, reduced in rank or seniority, or both, or dismissed for the misconduct disclosed by any such conviction, order or judgment.

**Amended by
1964, No. 10.**

(3.) If the member so called upon does not forthwith show sufficient cause to the satisfaction of the Commissioner why he should not be so dealt with, and if the Commissioner is satisfied upon such summary investigation that the member is guilty of misconduct, the member shall be deemed to have committed an offence against these Regulations and is liable to punishment accordingly.

43. When a charge of any offence by any member of the Force in respect of which he is liable to be fined, reduced in rank or seniority or dismissed is to be summarily investigated, the summary investigation shall, in cases not coming within the provisions of regulation 38 or 42 of these Regulations be conducted in accordance with the provisions of regulation 41 of these Regulations.

Charge
procedure.
Amended by
1964, No. 10.

44. All evidence given at any summary investigation shall be taken down in writing, in duplicate, and both copies signed by the person giving it and by the person conducting the investigation.

Evidence.

45. After the taking of evidence is concluded, the member charged may address the person making the investigation and may, if he so desires, make a written statement or address commenting on the evidence and offering such arguments as he desires the person making the investigation to consider.

Address by
person
charged.

46. At the conclusion of the hearing the person making the investigation shall:—

Finding.
Amended by
1964, No 10.

(a) exonerate the member;

(b) dismiss the charge; or

(c) if he is satisfied that any alleged offence has been committed by any member of the Force charged therewith, inflict on such member punishment as prescribed in regulation 33 or if he is an Inspector, refer the matter to the Commissioner for the imposition of punishment or other appropriate action under these Regulations.

47. Any fine imposed on any member of the Force for an offence against these Regulations may be deducted from any salary due to the member.

Recovery of
fine.

47A. If a member is punished under these Regulations by being reduced in rank or seniority, the salary and allowances to which he is entitled are the salary and allowances of a member having the rank and seniority that the member has after being so punished.

Salary, &c.,
of member
after being
reduced in
rank, &c.
Inserted by
1964, No. 10.

Division 3.—Charges and Punishments—Officers.

48. When the Administrator has reason to believe that an officer has committed an offence—

Offence by
officer.

(a) he may, if he is of the opinion that the offence is of a minor nature, deal with the matter summarily;

Amended by
1964, No. 10.

(b) in any other case—

(i) he shall cause a charge to be laid against that officer;

(ii) he shall cause a copy of that charge to be served on the officer; and

(iii) he may suspend the officer at any time, whether before, at the time of, or after the laying of a charge.

49.—(1.) When the Administrator deals with an offence summarily under this Division—

Summary
proceedings.

(a) he may—

Sub-reg. (1.)
amended by
1964, No. 10.

(i) order the officer concerned to appear before him or deal with the matter in the absence of the officer;

(ii) cause such reports to be made to him as he considers are relevant to the matter;

(b) he shall—

- (i) advise the officer of the offence he is believed to have committed;
- (ii) ask the officer whether he pleads guilty or not guilty of the offence; and
- (iii) permit the officer to make any explanation or statement he wishes and which the Commissioner considers relevant.

(2.) If the officer pleads guilty of the offence he may be—

- (a) cautioned;
- (b) reprimanded; or
- (c) fined an amount not exceeding Ten pounds.

(3.) If the officer pleads not guilty of the offence no further summary proceedings shall ensue and the matter shall be dealt with as otherwise provided in this Division.

Commission of Inquiry.
Sub-reg. (1.)
amended by
1964, N . 10.

50.—(1.) If an officer believed to have committed an offence does not, within seven days from and including the date when a copy of the charge is served on him, in writing admit the charge, the Administrator shall appoint a Commission of Inquiry which shall inquire into the truth of the charge and report its opinion thereon to the Administrator.

(2.) A Commission of Inquiry shall consist of three members who shall be—

- (a) a senior officer of the Northern Territory Administration who shall be Chairman;
- (b) a legal officer of the Attorney-General's Department; and
- (c) an officer of the Force not concerned with the charge, or if no such officer is available, another senior officer of the Northern Territory Administration.

Proceedings of Commission of Inquiry.

51.—(1.) The Chairman shall determine the place, date and time of meeting of the Commission of Inquiry and shall give not less than fourteen days' notice thereof to the other members of the Commission, the Commissioner, and the officer charged.

(2.) If an officer who has been charged under this Division and to whom notice has been given in accordance with the provisions of the last preceding sub-regulation fails, without reasonable cause, notice whereof he has given to the Chairman before the time determined for the meeting of the Commission, to appear before the Commission, the Commission may proceed with the inquiry in the absence of the officer.

(3.) At the inquiry—

- (a) the Commission shall act according to substantial justice and the merits of the case and shall not be bound by technicalities;
- (b) the Commission may conduct its proceedings in public or in private;
- (c) decisions of the Commission shall be arrived at by a majority opinion of the members of the Commission;
- (d) the Commissioner and the officer charged may be represented by counsel, solicitor or agent who may examine witnesses and address the Commission; and

(e) the Chairman may at any time—

- (i) summon any person whose evidence appears to be material to the determination of any subject of inspection, inquiry, or investigation being conducted by the Commission;
- (ii) take evidence on oath; and
- (iii) require the production of documents.

52.—(1.) A member of the Force who neglects or fails, without reasonable cause, to attend in obedience to a summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry, or investigation, shall be guilty of an offence against these Regulations. Summons to be obeyed.

(2.) A person (not being a member of the Force) who, after payment or tender of reasonable expenses, neglects or fails, without reasonable cause, to attend in obedience to a summons issued pursuant to sub-paragraph (i) of paragraph (e) of sub-regulation (3.) of the last preceding regulation, shall be guilty of an offence.

Penalty: Twenty pounds.

(3.) Nothing in this regulation shall be construed as compelling a member or other person to answer any question which would tend to incriminate him.

53. The Commissioner shall, where practicable, cause a copy of all documents intended to be used by him at the inquiry to be furnished to the officer charged at least seven days before the inquiry is held. Copies of documents to be furnished.

54. In any case where the Commission of Inquiry finds that the officer charged is innocent of the charge it may recommend that an amount representing the reasonable expenses, or any part thereof, paid by the officer in connexion with the inquiry be paid, and the Minister may direct that that amount, or such other amount as the Minister determines, be paid to the officer. Commission may recommend refund of costs.

55.—(1.) If a charge is admitted, or is found by the Commission of Inquiry to be proved, the Commissioner shall make such recommendation to the Minister as to the punishment or otherwise of the officer charged as he sees fit. Commissioner to recommend punishment.

(2.) If the Commissioner recommends a punishment, he shall cause notice thereof to be served on the officer charged forthwith.

56. An officer on whom a notice has been served pursuant to the provisions of the last preceding regulation may make any further representations he so desires, through the Commissioner, to the Minister, against the punishment recommended. Officers may make representations to Minister.

57.—(1.) The Minister, after considering—

- (a) the finding of the Commission of Inquiry;
- (b) the recommendation of the Commissioner;
- (c) the further representations lodged, pursuant to the provisions of the last preceding regulation (if any); and
- (d) any further reports he may require,

may dismiss the charge or impose the punishment recommended or any other punishment. Minister to determine matter.
Sub-reg. (1.) amended by 1964, No. 10.

Amended by
1964, N. 10.

(2.) For the purposes of this regulation, "punishment" means—

- (a) a caution;
- (b) a reprimand;
- (c) a fine;
- (d) a reduction in rank or seniority, or both; or
- (e) dismissal from the Force.

Removal of
suspension.

58. A suspension imposed under the provisions of this Division may be removed by the Commissioner at any time and shall be removed immediately on the finding by the Commission of Inquiry that the charge has not been proved.

Effect of
suspension.

59. An officer suspended under this Division is not entitled to pay and allowances from and including the day on which he is suspended until the day when the suspension is removed excepting where—

- (a) the Commission of Inquiry finds the charge not proved, when all pay and allowances for the period of the suspension shall be restored; or
- (b) the Minister otherwise directs.

PART V.—EXAMINATIONS.

Member may
present himself
for examination.

60. Subject to the provisions of this Part a member may present himself for the examinations held pursuant to the provisions of this Part.

Examinations
to be held.

61.—(1.) Examinations shall be held for qualification for promotion to the rank of—

- (a) Sergeant Third Class;
- (b) Sergeant Second Class;
- (c) Sergeant First Class; and
- (d) Inspector.

(2.) Each examination shall consist of two sections, that is to say—

- (a) a written examination; and
- (b) a practical examination which may be an oral or written, or a partly oral and partly written examination.

Syllabus.

62.—(1.) The Commissioner shall from time to time—

- (a) cause a syllabus to be compiled showing the matters upon which examination will be made; and
- (b) cause a notification of the syllabus having been compiled to be published in the *Police Gazette*.

(2.) A syllabus—

- (a) shall, as to ordinances and statutes, be confined to those of which copies have been issued to members;
- (b) shall not be altered less than six months before the date of an examination to which it relates.

Amended by
1964, No. 10.

(3.) A member who intends to sit for an examination may apply to the Commissioner for a copy of the syllabus relating to that examination.

63. To be eligible to sit for an examination qualifying a member for promotion to a rank specified in column 1 of the table set forth hereunder a candidate must have the qualification set forth in column 2 of that table opposite to the reference to the rank in column 1:—

Eligibility to sit for examinations.

TABLE.

COLUMN 1	COLUMN 2
Sergeant Third Class	Three years' service.
Sergeant Second Class	Passed the examination for promotion to the rank of Sergeant Third Class.
Sergeant First Class	Passed the examination for promotion to the rank of Sergeant Second Class.
Inspector	Passed the examination for promotion to the rank of Sergeant First Class.

64.—(1.) Examinations in accordance with this Part shall be conducted by examiners (hereinafter referred to as "the examiners") appointed for that purpose by the Commissioner.

Examinations to be conducted by examiners.

(2.) The examiners shall set the examination within the scope of the syllabus referred to in this Part, and shall indicate on the question paper for a written examination—

Amended by 1964, No. 10.

- (a) the maximum number of marks to be awarded in respect of each question;
- (b) the time allotted for answering the question paper;
- (c) whether it is compulsory to answer any particular questions in order to secure a pass; and
- (d) such other information as they think fit.

65.—(1.) Examinations in accordance with this Part may be held whenever in the opinion of the Commissioner it is necessary, but shall be held not less frequently than once in each year.

Examinations to be held once in each year.

(2.) Notwithstanding the provisions of the last preceding sub-regulation, when no application, in accordance with regulation 67 of these Regulations, has been received in respect of a particular examination, that examination need not be held.

66.—(1.) The date and place of an examination shall be notified in the *Police Gazette* not less than three months before the date of the examination.

Date and place of examinations.

(2.) The Commissioner may, in an emergency or for any just or reasonable cause, postpone the date of an examination or change the place notified by notice in the *Police Gazette* or any other suitable notification to interested members.

67 A member who is eligible and who desires to present himself for an examination shall make a written application to that effect to the Commissioner not less than two months before the date of the examination.

Member to apply to sit for examination n.

Amended by 1964, No. 10.

68. Before the holding of any examination the Commissioner shall cause—

Number to be allotted to candidates, &c.

(a) a number to be allotted to each candidate; and

(b) a list of the numbers which have been allotted to candidates, but not their names,

Amended by 1964, No. 10.

to be furnished to the examiners.

Arrangements for member on leave.

69. Where a member who wishes to sit for an examination is on approved leave when an examination is held the Commissioner shall endeavour to arrange for the member to sit for the examination at a Police Station convenient to the place at which the member is residing whilst on leave.

Candidates to be granted leave.

70.—(1.) A member, other than a member who is on approved leave, who sits for an examination shall be regarded as on duty on the day on which the examination is held and during the time occupied in travelling to and from the place of examination, provided that overtime shall not be payable where such travelling and examination time occurs outside the time of rostered duty.

(2.) Notwithstanding the provisions of the last preceding sub-regulation, a member who has made three unsuccessful attempts to pass an examination may be required to apply for recreation leave for the purpose of attending and sitting for that examination again.

Candidate to sit for both sections of examination.

71. Subject to regulation 72 of these Regulations, a member who sits for an examination shall sit for both sections of that examination.

Candidates may be credited with pass in one section of examination.

72.—(1.) A member who obtains not less than 60 per cent of the maximum number of possible marks in a section of an examination shall be credited with a pass in that section.

(2.) A member who has been credited with a pass in one section, but not both sections, of an examination may, during the currency of that credit, sit for the section in respect of which he has not been credited with a pass without also sitting for the section in respect of which he has been so credited.

(3.) A credit granted to a member in accordance with the provision of this regulation shall lapse if at either of the two relevant examinations next held after the examination in respect of which the credit was granted, that member is not credited with a pass in respect of that section of the examination in which he has previously failed to obtain a pass.

Pass in both sections necessary to pass examination.

73. Subject to the last preceding regulation, a member shall have passed an examination when he has been credited with a pass in each section of that examination.

Examiners to advise marks gained.

74. After each examination the examiners shall provide the Commissioner with a list giving, in respect of each candidate, the examination number, the number of marks gained, and the percentage gained of the maximum possible marks for the examination.

Names of successful candidates to be published.

75.—(1.) The Commissioner shall cause a list giving the name of each successful candidate, his examination number and the number of marks gained by him to be published in the *Police Gazette*.

Amended by 1964, No. 10.

(2.) An unsuccessful candidate who applies to the Commissioner shall be supplied with his examination number and the number of marks gained by him.

PART VI.—PROMOTIONS.

Division 1.—General.

76. In this Part—

“efficiency” means special qualifications and fitness to bear the responsibilities of higher rank, together with merit, diligence, good conduct, general good character and record of service and, in the case of a member who is a returned serviceman, includes such efficiency as, in the opinion of the Commissioner or the Police Appeals Board, as the case may be, he would have attained but for his absence on active service.

Efficiency, meaning of.

Division 2.—Constable First Class and Senior Constable.

77. When a constable has completed eight years’ service and the Commissioner is of the opinion that his efficiency is satisfactory he shall be promoted to the rank of Constable First Class.

Constable First Class.

78. When a member of a rank specified in column 1 of the table set forth hereunder has complied with the conditions set forth in column 2, and the Commissioner is of the opinion that the member’s efficiency is satisfactory, the Commissioner shall promote that member to the rank of Senior Constable:—

Senior Constable.

TABLE.

COLUMN 1	COLUMN 2
Constable	Has passed the examination qualifying for promotion to the rank of Sergeant Third Class and has completed four years’ service.
Constable First Class	Has passed the examination qualifying for promotion to the rank of Sergeant Third Class, or has completed fifteen years’ service.

79.—(1.) If the Commissioner does not promote a member otherwise eligible for promotion in accordance with the last two preceding regulations because the member’s efficiency, in his opinion, is not satisfactory, he shall notify the member in writing accordingly.

Appeal by member not promoted.

(2.) A member affected by any such notice may appeal through the Commissioner to the Administrator against the notice.

Amended by 1964, No. 10.

(3.) The Commissioner shall cause any such appeal, with his report, to be forwarded to the Administrator, and the Administrator shall determine the appeal.

Amended by 1964, No. 10.

Division 3.—Sergeants.

80. When a vacancy occurs in a rank of Sergeant Third Class, Sergeant Second Class, or Sergeant First Class, the Commissioner may, subject to this Division, provisionally promote a member to fill the vacancy.

Commissioner may promote or transfer members.

81. A member shall not be provisionally promoted in pursuance of the provisions of the last preceding regulation unless—

Qualifications for promotion or transfer.

- (a) his efficiency, in the opinion of the Commissioner, is satisfactory;
- (b) he has passed the examination qualifying for promotion to the rank in which the vacancy occurs; and
- (c) his rank is the rank next below that in which the vacancy occurs.

Selection for provisional promotion.

82. In the selection of a member for provisional promotion under the provisions of this Division, consideration shall be given first to the relative efficiency and, in the event of any equality of efficiency of two or more members, then to the relative seniority of members qualified in accordance with the provisions of regulation 81 of these Regulations for promotion to the vacancy.

Provisions relating to provisional promotions.

83. A provisional promotion made in pursuance of the provisions of regulation 80 of this Division shall be—

- (a) provisional and without increased salary until the promotion is confirmed;
- (b) notified in the *Police Gazette*; and
- (c) subject to the right of appeal by other members in accordance with the provisions of Division 3 of Part VII. of these Regulations.

Plain Clothes Police.
Substituted by 1963, No. 17.

84.—(1.) A member who, not being a member employed in the Finger Print Section or the Policewomen's Section of the Force, is appointed to the Criminal Investigation Branch or the Special Branch of the Force, shall on being so appointed, prefix his rank with the designation "Plain Clothes" during the period he is attached to the Criminal Investigation Branch or the Special Branch of the Force.

(2.) A member who is required under the last preceding sub-regulation to prefix his rank with the designation "Plain Clothes" may prefix his rank with the designation "Detective" while he continues to serve with the Criminal Investigation Branch or the Special Branch of the Force if—

- (a) the member—
 - (i) has completed five years' service in the Force, of which at least twelve months has been continuous service in the Criminal Investigation Branch or the Special Branch of the Force, or partly in one and partly in the other of those Branches; or
 - (ii) has completed three years' continuous service in the Criminal Investigation Branch or the Special Branch of the Force, or partly in one and partly in the other of those Branches; and
- (b) the Commissioner has made, in writing, a statement, which is in force, that he is satisfied that the member has displayed satisfactory capacity and satisfactory energy in the detection of crime.

Commissioner may fill a vacancy temporarily.

85.—(1.) If the Commissioner is of the opinion that there is no member available who is qualified to fill a vacancy in a rank, he may temporarily fill the vacancy by appointing a member to carry out the duties of the vacant rank until a qualified member becomes available.

(2.) Where the Commissioner appoints a member to carry out the duties of a vacant rank temporarily, under the provisions of the last preceding sub-regulation, he shall as soon thereafter as is reasonably practicable publish a notice to that effect in the *Police Gazette*.

Division 4.—Confirmation.

86.—(1.) Subject to this regulation, where an appeal against a provisional promotion is not lodged in accordance with the provisions of Division 3 of Part VII. of these Regulations, the Commissioner shall, within three months from and including the date of publication of the *Police Gazette* in which the provisional promotion was notified, confirm the promotion.

Confirmation when no appeal lodged or appeal is dismissed.

(2.) Where an appeal against a provisional promotion is lodged in accordance with the provisions of Division 3 of Part VII. of these Regulations, the Commissioner shall, where the appeal is dismissed, confirm the promotion immediately.

(3.) Where, before a member's provisional promotion is confirmed—

- (a) the member is charged with an offence against the Ordinance or these Regulations, the Commissioner may postpone the confirmation of that promotion until the charge against the member has been dismissed; and
- (b) the member is found guilty of an offence against the Ordinance or these Regulations, the Commissioner may refuse to confirm that promotion.

87.—(1.) Subject to these Regulations, where an appeal against a provisional promotion is lodged in accordance with the provisions of Division 3 of Part VII. of these Regulations, the Commissioner shall, where the appeal is upheld—

Confirmation when appeal is lodged.

- (a) immediately cancel the promotion of the member against whose provisional promotion the appeal was made; and
- (b) immediately promote the member whose appeal was upheld to the vacant position.

(2.) Where an appeal against a provisional promotion is lodged in accordance with the provisions of Division 3 of Part VII. of these Regulations, and, before the appeal is determined by the Police Appeals Board, the member who has lodged the appeal or the member against whose provisional promotion the appeal has been lodged, is charged with an offence against the Ordinance or these Regulations the Police Appeals Board—

- (a) shall not determine the appeal until the charge against the member has been upheld or dismissed; and
- (b) shall have regard to the result of the charge in determining the appeal.

88.—(1.) Where a provisional promotion is confirmed or a member is promoted following his appeal against a provisional promotion being upheld by the Police Appeals Board, the promotion shall be with effect from the date of the provisional promotion.

Effective date of promotion.

(2.) Where an appeal under paragraph (b) of sub-regulation (1.) of regulation 102 of these Regulations is upheld, the successful appellant shall be promoted to the vacancy with effect from the date of the decision of the Police Appeals Board.

PART VII.—APPEALS.

Division 1.—Police Appeals Board.

Interpretation.

89. In this Part, "the Board" means the Police Appeals Board.

Persons not compellable to answer incriminating question.

90. Nothing in this Part shall be construed as compelling a member or other person to answer any question which would tend to incriminate him.

Establishment and functions of Board.

91. There shall be a Police Appeals Board, which shall have power to hear and, subject to these Regulations, determine—

- (a) appeals against punishments imposed under Division 2 of Part IV., of these Regulations; and
- (b) appeals in relation to—
 - (i) provisional promotions made in pursuance of the provisions of regulation 80 of these Regulations; and
 - (ii) any failure of the Commissioner provisionally to promote a member to a vacancy which the Commissioner has filled temporarily in accordance with the provisions of regulation 85 of these Regulations.

Composition of Board.

92. The Administrator shall appoint a Chairman of the Board who shall be a Stipendiary Magistrate of the Northern Territory and two other members of the Board who shall be—

- (a) a person nominated by the Commissioner; and
- (b) a member nominated by the Northern Territory Police Association in writing under the hand of the President and Secretary of that Association.

Termination of appointment.

93.—(1.) An appointment to the Board shall terminate upon—

- (a) the death, or resignation, of the appointee;
- (b) the appointee ceasing to reside in the Northern Territory; or
- (c) in the case of a member nominated by the Northern Territory Police Association, his retirement or dismissal from the Force or his transfer to a station so distant from the place where the Board ordinarily sits that his continuing to act would, in the opinion of the Commissioner, interfere with the efficient working of the Force.

(2.) The appointment of—

- (a) the Board member nominated by the Commissioner, at the request of the Commissioner; or
- (b) the Board member nominated by the Northern Territory Police Association, at the request of the Association in writing under the hand of the President and Secretary of the Association,

may be terminated by the Administrator at any time.

(3.) The appointment of the Chairman shall be deemed to be terminated upon his ceasing to hold the office of Stipendiary Magistrate in the Northern Territory.

(4.) When an appointment to the Board is terminated the Administrator shall fill the vacancy by appointing another member of the Board nominated, where applicable, in the same manner as is set out in regulation 92 of these Regulations.

94. When a matter comes before the Board in which a member of the Board is directly concerned, that member shall temporarily cease to act, and his place shall be filled by the appointment by the Administrator of a temporary substitute member nominated, where applicable, in the same manner as is set out in regulation 92 of these Regulations. Substitute members.

95.—(1.) The Chairman shall determine the place, date and time of meeting of the Board for the purpose of hearing an appeal under this Part, and shall give at least seven days' notice thereof to the other members of the Board, the Commissioner and the appellant. Proceedings common to all appeals.

(2.) Where an appellant to whom notice has been given in accordance with the last preceding sub-regulation fails, without reasonable excuse, notice of which has been given by him to the Chairman on or before the date and time determined for the meeting of the Board, to appear at the hearing, the Board may deal with the appeal in the absence of the appellant.

(3.) At any hearing under this Part before the Board—

- (a) the Chairman may, by notice served on a member, summon that member to attend before the Board or a person appointed by the Board for the purpose of receiving evidence, and to produce documents in his possession, give evidence, and answer questions;
- (b) the Chairman may take evidence on oath;
- (c) where it appears that by reason of expense, inconvenience or delay it is undesirable to summon a particular member to attend before the Board to give evidence, the Board may by order in writing signed by the Chairman—
 - (i) appoint a person whom the Board considers to be a fit and proper person to receive the evidence of that member ; or
 - (ii) require that member to submit evidence by sworn statement;
- (d) decision of the Board shall be arrived at by a majority opinion of the members of the Board; and
- (e) if the Board is of the opinion that an appellant has no reasonable ground for appeal, and that the appeal is frivolous or vexatious, it may order the appellant to pay such sum, not exceeding the costs of the hearing, as the Board thinks fit, and any sum so ordered to be paid shall be a debt due and payable to the Commonwealth.

(4.) As soon as is reasonably practicable after the conclusion of any hearing, the Chairman shall forward to the Administrator advice of the decision of the Board.

Division 2.—Appeals against Punishments.

Member may
appeal against
punishment.

96.—(1.) A member may appeal to the Police Appeals Board against a punishment imposed by an officer of the Force under Division 2 of Part IV. of these Regulations by serving notice on the Chairman and the officer who imposed the punishment within fourteen days from and including the date upon which the punishment was imposed.

(2.) An appeal under the last preceding sub-regulation shall state the ground or grounds of the appeal.

Grounds of
Appeal.

97. An appeal under the last preceding regulation shall be on one or more of the following grounds:—

- (a) that the officer conducting the inquiry was wrong in fact, or in law, in finding the member guilty of the offence with which he was charged;
- (b) that the punishment imposed is unduly severe having regard to the seriousness of the charge and the record of service of the member; and
- (c) that the punishment is in excess of the punishment authorised to be imposed by these Regulations.

Special pro-
visions in
relation to
appeals
against
punishments.

98. At the hearing of an appeal before the Board under this Division—

- (a) the Board shall act according to substantial justice and the merits of the case and shall not be bound by technicalities, but shall follow as nearly as practicable the practice and procedure of courts of summary jurisdiction;
- (b) the Chairman may at any time—
 - (i) summon any person whose evidence appears to be material to the determination of any subject of inspection, inquiry, or investigation being conducted by the Board;
 - (ii) take evidence on oath; and
 - (iii) require the production of documents;
- (c) the Commissioner and the member concerned may be represented by counsel, solicitor or agent who may examine witnesses and address the Board;
- (d) the Board may conduct its proceedings in public or in private; and
- (e) the Board may confirm or annul a punishment against which the appeal is brought or, subject to these Regulations, impose such other punishment as it deems fit.

Summons to
be obeyed.

99.—(1.) A member of the Force who neglects or fails, without reasonable cause, to attend in obedience to a summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry or investigation, shall be guilty of an offence against these Regulations.

(2.) A person (not being a member of the Force) who, after payment of tender of reasonable expenses, neglects or fails, without reasonable cause, to attend in obedience to a summons issued pursuant to paragraph (b) of the last preceding regulation, shall be guilty of an offence.

Penalty: Twenty pounds.

100. Where, in an appeal under this Division, the Board finds the appellant innocent of the charge, or reduces the punishment appealed against, it may, if it thinks fit, order that the amount of any reasonable costs necessarily incurred by the appellant in connexion with his appeal be refunded to the appellant, and the Administrator shall refund that amount.

Board may order or recommend refund of appellant's costs.

101. Where a member has been suspended for an offence, or an alleged offence, dealt with by the Board under this Division, the Board may, if it sees fit—

Board may order or recommend restoration of pay of suspended member.

- (a) in the case of an appeal which it is empowered by these Regulations to determine, order that the whole or part of any pay and allowances withheld be restored to the member, and the Administrator shall cause that order to be given effect; or
- (b) in the case of an appeal that is referred, in accordance with these Regulations, for determination by the Minister, recommend that the whole or part of any pay and allowances withheld be restored to the member.

Division 3.—Appeals in Relation to Promotions.

102.—(1.) Subject to the provisions of this Division, a member may appeal against—

Member may appeal.

- (a) a provisional promotion made in pursuance of the provision of regulation 80 of these Regulations;
- (b) a failure of the Commissioner to provisionally promote the member to a vacancy which the Commissioner has filled temporarily under the provisions of regulation 85 of these Regulations.

(2.) A member who wishes to appeal under the provisions of the last preceding sub-regulation shall, within twenty-eight days or such greater period as the Commissioner may in special circumstances decide from and including the date of publication of the *Police Gazette* in which—

- (a) in the case of an appeal under paragraph (a) of that sub-regulation, notification of provisional promotion is made; or
- (b) in the case of an appeal under paragraph (b) of that sub-regulation, notification in accordance with the provisions of sub-regulation (2.) of regulation 85 of these Regulations is made,

lodge a notice in writing or by telegram with the Chairman of the Police Appeals Board and the Commissioner.

(3.) Where a member gives notice by telegram he shall confirm that notice in writing as soon thereafter as is reasonably practicable.

(4.) A written notice of appeal shall state the ground of appeal.

Grounds of appeal.

103. The ground on which a member may appeal under the last preceding regulation shall be—

- (a) in the case of an appeal under paragraph (a) of sub-regulation (1.) of that regulation—
 - (i) that he has passed the examination qualifying for promotion to the rank in which the vacancy exists;
 - (ii) that his rank is the rank next below that in which the vacancy exists; and
 - (iii) superior efficiency or equal efficiency and seniority;
- (b) in the case of an appeal under paragraph (b) of sub-regulation (1.) of that regulation, that the member is qualified for promotion to the vacancy in that—
 - (i) his efficiency is satisfactory;
 - (ii) he has passed the examination qualifying for promotion to the rank in which the vacancy exists; and
 - (iii) his rank is the rank next below that in which the vacancy exists.

Special provision in relation to appeals under this Division.

104. At the hearing of an appeal before the Board under this Division—

- (a) the Board shall act according to substantial justice and the merits of the case and shall not be bound by technicalities;
- (b) no party shall be entitled to be represented by counsel or attorney, but the Commissioner may appear personally or by an agent;
- (c) the hearing shall be conducted in private;
- (d) except with the consent of the parties to the appeal the Board shall hear first the case stated by the appellant, then (when the appeal is an appeal against a provisional promotion) the case stated by the member against whose provisional promotion the appeal is being made, then the case stated by or on behalf of the Commissioner, and then any reply which the appellant wishes to make to the case stated by the other parties to the appeal.
- (e) the Board shall consider the ground of an appeal and subject to sub-regulation (2.) of regulation 87 of these Regulations dismiss or allow the appeal; and
- (f) where more than one member appeals, the Board shall determine which one (if any) of the appellants is the successful appellant.

Board's decision to be published.

105. The Commissioner shall publish the decision of the Board as soon as is reasonably practicable in the *Police Gazette*.

Part VIII. substituted by 1964, No. 10.

PART VIII.—UNIFORMS, BADGES OF RANK, AND EQUIPMENT.

Officers' uniforms. Substituted by 1964, No. 10.

106.—(1.) An officer shall wear uniform on such occasions as the Commissioner directs him to do so and on such other occasions as he considers it necessary or desirable that he should do so.

(2.) An officer shall be paid an annual allowance, as determined from time to time by the Administrator, in lieu of uniform.

(3.) Out of the allowance paid to him under the last preceding sub-regulation, an officer shall maintain sufficient items of standard uniform to be worn on the occasions referred to in sub-regulation (1.) of this regulation.

(4.) For each other item of uniform with which an officer is required to provide himself he shall be reimbursed as much of the landed cost as the Administrator approves as reasonable.

107. A member of the Force shall wear the uniform and badges of rank appropriate to his rank prescribed in Standing Orders, at such time, in such manner, and subject to such conditions and exemptions as are prescribed in Standing Orders.

Uniform to be worn on duty. Substituted by 1964, No. 10.

108. The provisions for the supply, procurement and replacement of items of uniform and of items of equipment shall be laid down in Standing Orders.

Supply, &c. of uniforms. Substituted by 1964, No. 10.

* * * * *

Regs. 109-120 repealed by 1964, No. 10.

PART IX.—RECORD OF SERVICE.

121.—(1.) The Commissioner shall cause to be kept a Record concerning the conduct and service of each member.

Personal file to be kept for each member.

(2.) The following information shall be recorded on the Record—

Amended by 1964, No. 10.

(a) in Part I, a Personal Record showing the full name, registered service numbers, dates of appointment and promotions, Police examinations passed, personal description, marital status and termination of service;

(b) in Part II, a record of all offences, and punishments and reprimands by the Commissioner or an Inspector for misconduct or breaches of discipline, or convictions by a Court, and such other entries as directed by the Commissioner. Cautions are not to be entered on the Record, except in those instances in which a caution is administered in respect of one incident which, with others, is the subject of a charge or charges and punishment upon some other phase of the matter which is entered upon the Record;

(c) in Part III, a record of special services. (Ordinary letters of recommendation in connection with special arrests, or promotions, and presentations of addresses on transfer, passing favourable comments on the conduct of Police, &c., are not to be entered.) Any action by Police recorded in this Part of the Record shall be at once brought to the notice of the Commissioner.

(d) in Part IV, a Service Record will be kept, showing the various Stations to which the member is sent during his service, and any appointments which are made concerning the member.

(3.) Entries made on the second and third pages of the Record are to be as concise as possible.

(4.) Records will be carefully kept up to date at Police Headquarters, and only such entries made as are provided for by these Regulations.

(5.) When a member of the Force marries, or becomes a widower, the fact should be noted on the record under the heading "Married or Single", on the first page of the record.

Amended by
1964, No. 10.

(6.) Any member of the Force, will, upon application to an Inspector, be allowed to see the entries upon his Record.

Details of
minor punish-
ments to be
removed from
personal file.

122. Notwithstanding the provisions of paragraph (b) of sub-regulation (2.) of the last preceding regulation, the Commissioner shall cause the details relating to any offence which is a minor offence within the meaning of regulation 33 of these Regulations to be removed from a member's Record after the expiration of two years from the date a punishment was imposed in respect of that offence unless during that period the Commissioner has received an adverse report concerning the member's efficiency or conduct resulting in an adverse entry being placed on the member's Record, or that member has been punished for another offence.

Minor punish-
ments.

123. The Commissioner may, when the Police Appeals Board so recommends, order the removal from a member's personal file of details of a charge and punishment imposed on a member when that punishment was greater than—

- (a) a reprimand;
- (b) a caution; or
- (c) a fine exceeding £2.

Copy
unfavourable
matter on
file to be
forwarded
to member.

124. Before any adverse entry may be placed on a member's Record, the member shall be permitted by the Commissioner to examine and copy, in the presence of a person nominated by the Commissioner, the paper forming the basis of the proposed adverse entry and to submit to the Commissioner any respectfully worded communication in rebuttal, defence, extenuation, or as the case may be.

Member may
examine file.

125. A member may be permitted by the Commissioner to examine and take copies of information on his personal file in the presence of a person nominated by the Commissioner but will not be permitted to examine the file more than once in every twelve months except where the member satisfies the Commissioner that there are special circumstances requiring a more frequent examination of the file.

PART X.—MISCELLANEOUS.

Division 1.—Transfers.

Members liable
to be
transferred.

126.—(1.) A member shall be liable to be transferred to any part of the Territory at the absolute discretion of the Commissioner, but the Commissioner shall, as far as, in his opinion, it is practicable, be guided by the provisions of this Division when arranging the transfer of a member.

(2.) When a vacancy is filled by the transfer of a member who holds a rank higher than that to which he is transferred, he shall not, unless the transfer is arranged at his request or with his consent, suffer any reduction in rank, salary or privileges.

Members may
apply for
transfer.

127.—(1.) A member may at any time apply for a transfer to—

- (a) any station; or
- (b) any office or position,

mentioned in his application.

(2.) An application submitted under this regulation—

- (a) shall lapse on the thirty-first day of December next following the date of the application;
- (b) may be withdrawn at any time by notice in writing;
- (c) shall set out concisely—
 - (i) the member's claims, qualifications, the stations where and the offices and position in which he has served in the Force, and the length of time served in each;
 - (ii) any medical reasons advanced in support of the application, which should preferably be supported by a medical certificate;
 - (iii) in the case of a married member with dependants, the number of the dependants who reside with him, and the ages of any dependent children; and
 - (iv) such other matter, if any, as the member desires to advance in favour of his application.

128.—(1.) When filling a vacancy at a station, or in an office or position, the Commissioner shall consider the applications submitted under this Division, and subject to this Division, if the interests of the discipline and efficiency of the Force do not otherwise require, shall select a member from those who have applied for the vacancy.

Vacancies to be filled from applicants if practicable.

(2.) Without limiting the absolute discretion vested in him, the Commissioner shall have regard to the following factors when determining how the interests of the discipline and efficiency of the Force may best be served, that is to say—

- (a) the desirability of members sharing equitably the advantages and disadvantages of service in the Force and gaining the varied experience necessary for increased efficiency;
- (b) whether a member who has not applied requires the experience to be gained by transfer to a particular vacancy;
- (c) whether accommodation is available and, if available, is suitable;
- (d) the educational, medical and other facilities available;
- (e) the relative costs involved in transfer;
- (f) the relative periods which would be served before service would be interrupted by recreation or other leave;
- (g) the frequency with which members have previously been transferred, with a view to minimizing avoidable disruption of members' personal arrangements;
- (h) the desirability of ensuring that members whose capacities may be waning after long service in the Force or from other causes are given work within their capacities; and
- (i) any other factors which may be relevant generally, or in a particular case.

129. If the Northern Territory Police Association is of the opinion that a member has reasonable grounds for complaint by reason of his selection, or non-selection, as the case may be, for a particular transfer, the Association may present that member's case for consideration by the Administrator, but no alteration shall be made in the transfer arrangements unless and until the Administrator so determines.

Police Association may present a case to the Administrator. Amended by 1964, No 10

*Police Regulations**Division 2.—Quarters, &c.*

Married member entitled to police house, rent free or allowance in lieu.

130.—(1.) A married member whose wife and family, if any, ordinarily reside with him, shall be entitled to a house rent free.

(2.) Where a house is not provided in accordance with the preceding sub-regulation, the member shall be paid such allowance in lieu as is determined by the Police Arbitral Tribunal.

(3.) Where a member is provided with a house in accordance with sub-regulation (1.) of this regulation and that member purchases the house from the Commonwealth, the house shall be deemed to have satisfied the member's entitlement to a house whilst he is stationed in the town where the house is situated, providing that the member receives in respect of the house, a suitable allowance as determined by the Commissioner.

(4.) A member provided with a house or receiving an allowance in accordance with sub-sections (2.) or (3.) of this regulation shall not without the consent in writing of the Commissioner, sub-let the house provided, or the house he is occupying, or any portion of that house.

Single member entitled to rent free quarters.

131. An unmarried member or a married member whose wife and family, if any, do not ordinarily reside with him, shall be entitled to a room or quarters suitably furnished and with proper light and lighting facilities, free of charge.

Member may be required to vacate house during furlough, &c.

132. At any place other than Darwin and Alice Springs a member who is provided with a house may, by notice in writing, be required to vacate the house during the period of his long service or recreation leave while it is required for the accommodation of a relieving member, and on being so required the member shall vacate the house within seven days of the date of the service of the notice, or a later date specified in the notice.

Refrigerator to be supplied.

133.—(1.) A member occupying a house provided by the Commissioner is entitled to be supplied with a household refrigerator to suit the local conditions.

(2.) A member for the time being occupying a house to which a refrigerator has been supplied shall pay a rental charge at the rate of ten per centum per annum of the cost of the refrigerator.

Free sanitary and garbage services.
Substituted by 1961, No. 18.

134.—(1.) A member stationed at a place where sanitary and garbage services are supplied shall be entitled to these services free of charge or, if he is liable, under a law in force in the Territory, for payment of a charge for any of those services, to repayment by the Commissioner for each payment of such a charge made by him.

(2.) A member stationed at a place where no such services are supplied shall be entitled to be supplied with necessary sanitary and garbage receptacles free of charge.

(3.) In this regulation "sanitary service" includes a sewerage service and a service for the removal of night-soil by any means other than a sewerage system.

Water, other than excess water to be free.

135. A member shall be entitled to be supplied with water free of charge excepting such water as the water supply authority charges as excess water.

Division 3.—Fares, &c., on Appointment or Marriage.

136. For the purposes of this Division—

Interpretation.

(a) "fare" means—

- (i) the issue of a warrant entitling the person to whom it is issued to first class travel, by air, rail (with sleeper accommodation available), ship, mail coach or other recognized means of travel, or any combination of those means approved by the Commissioner, at Commonwealth expense, in the manner and by the route set forth in the warrant; or
- (ii) with the approval of the Commissioner, a payment equivalent to the cost to the Commonwealth had a warrant been issued in accordance with the last preceding sub-paragraph, but does not include the cost of lodgings at stopping places, or subsistence, where these are charged for in addition to the fare charged by the transporting authority; and
- (iii) the cost of transporting luggage or personal effects of the member and his dependants: Provided that the method of transporting personal effects in excess of the weight permitted to be carried by aircraft without additional charge shall be at the discretion of the Commissioner.

(b) "dependant" means—

- (i) a member's wife;
- (ii) a member's child or step-child under the age of sixteen years and mainly dependent upon the member for support;
- (iii) a member's child or step-child under the age of eighteen years attending school and mainly dependent upon the member for support; and
- (iv) any person who in the opinion of the Commissioner has been and is likely to continue to be, part of the member's household and has been and is likely to continue to be, mainly dependent upon the member for support.

137.—(1) Where a person is appointed to the Force and is required to travel in order to take up his appointment, his fare and those of his dependants from his place of residence at the time he made application for appointment, or such other place as is approved by the Commissioner, to the place of his appointment in the Territory, shall be granted by the Commissioner. Fares on appointment.

(2.) Where a member has commenced duty but has not been accompanied to the place of his appointment in the Territory by his dependants, or some of them, those dependants, or such of them as have not accompanied the member, shall be granted a fare when travelling to join him.

138. When a member is married at a place outside the Territory after he is appointed to the Force, the wife of the member shall be granted a fare when travelling from a place outside the Territory but within the Commonwealth of Australia to join the member in the Territory. Fares on marriage.

Member may be required to refund fares.

139.—(1.) If a member fails to complete his probationary service, the Commissioner may deduct from any salary or moneys due to the member, or may recover by other means, the full amount, or such portion of the full amount as the Commissioner decides, of any fare granted in accordance with this Division.

(2.) Any amount which the Commissioner decides, in accordance with the last preceding sub-regulation, shall be recovered from a member, shall be a debt due and payable by the member to the Commonwealth.

(3.) If the services of a member are dispensed with during the period of his probation otherwise than for misconduct or inefficiency due to causes within his control, no deduction or recovery of the cost of any fare granted in accordance with this Division shall be made.

Cost of transporting household effects not payable.

140. The cost, or a proportion of the cost of transporting the furniture and household effects of a member on appointment may be borne by the Commissioner.

Division 4.—General.

Oath or Affirmation.

141.—(1.) Where, in these Regulations, a person is authorised to take evidence on oath he may also take evidence by affirmation.

(2.) At any proceedings at which a person is authorised by these Regulations to take evidence on oath he shall, unless the person to whom it is proposed to administer the oath requests that the oath be administered in some other manner, administer an oath in the following manner, that is to say—

- (a) the person taking the oath shall, standing up, hold a copy of the Bible, or the New Testament or the Old Testament, in his hand;
- (b) the person administering the oath shall then utter the words:

“The evidence you shall give touching the matters now before (me, or the Board, or the Commission, as the case may be) shall be the truth, the whole truth and nothing but the truth. So help you, God! ”; and
- (c) the person taking the oath shall then utter the words “So help me, God! ”;

provided that no such oath shall be deemed to be illegal or invalid by reason of any breach of this sub-regulation.

(3.) When a person appearing as a witness conscientiously objects to take an oath, he may, instead of taking the oath, make an affirmation in the following manner, that is to say, he shall utter the words:

“I, _____, do solemnly, sincerely and truly affirm and declare that I will speak the truth, the whole truth, and nothing but the truth”, and an affirmation so made shall be of the same force and effect, and shall entail the same penalties, as an oath.

(4.) A person who appears as a witness at proceedings under these Regulations, where a person is authorised by these Regulations to take evidence on oath, whether the witness has been summoned or appears without being summoned, shall not—

- (a) refuse or fail to take an oath, or to make an affirmation in accordance with the provisions of the last preceding sub-regulation; or

(b) refuse or fail to answer a question lawfully put to him, or to produce a document relevant to the subject of the proceedings.

Penalty: Twenty pounds.

(5.) Nothing in this regulation shall be construed as compelling a person to answer any question which would tend to incriminate him.

142.—(1.) The Commissioner may, by instrument in writing, delegate to a member all, or any, of his powers, functions and authorities under these Regulations (except this power of delegation) so that the delegated powers, functions and authorities may be exercised by the delegate with respect to the matter or matters specified in the instrument of delegation. Delegation by Commissioner

(2.) A delegation under the last preceding sub-regulation is revocable in writing at will and does not prevent the exercise of a power, function or authority by the Commissioner.

143. Where by law a power or authority is vested in, or a duty or responsibility is imposed upon, a member, that power or authority shall be vested in, and that duty or responsibility shall be imposed upon, any other member duly appointed to act in the rank or office of that member during the time when the member appointed to act is duly acting in that rank or office. Member acting in rank or office to hold the authority of that rank or office.

144. On the cessation of his service in the Police Force, from whatever cause, a member shall return to the Commissioner any article of uniform, equipment, or property, or authority, record, book, document or other thing issued to him by reason of his service as a member. Members to return property on cessation of service.

145. If the services of a member are dispensed with otherwise than for misconduct or inefficiency through causes within his control he shall be entitled to reasonable notice not exceeding one month. Notice on termination of service.

146. If the services of a member are dispensed with otherwise than for misconduct or inefficiency through causes within his control, the member shall be entitled to a fare or fares to enable him and his dependents, if any, to return to his place of residence at the time he applied for appointment, or such other place as is approved by the Commissioner.

147.—(1.) If a member considers he has grounds of complaint arising out of an official order, or from any other cause, he may appeal in regard thereto to the Commissioner, or, where the grounds of complaint arose from an order or other action of the Commissioner, to the Administrator, but he shall nevertheless carry out any order given him until it is countermanded. Appeal against order, &c.
Sub-reg. (1.) amended by 1964, No. 10.

(2.) If a member, having appealed to the Commissioner in pursuance of this regulation, is dissatisfied with the decision, the Commissioner shall on request forward the appeal to the Administrator for determination. Amended by 1964, No. 10.

148. Officers shall be paid such allowances as are determined from time to time by the Minister. Allowance to officers.

149.—(1.) Where a notice is required to be given or served for the purpose of these Regulations, then, unless the contrary intention appears, he notice may be given or served— Service of notices.

(a) by delivering it personally in writing;

Police Regulations

(b) by properly addressing, prepaying and posting it in writing as a letter to the last known address of the person on whom the notice is required to be given or served; or

(c) by telegraph.

(2.) Where a notice is given or served by telegraph the person giving or serving the notice shall as soon as is reasonably practicable confirm the notice in writing.

THE SCHEDULES.

FIRST SCHEDULE.

Reg. 2.

REGULATIONS REPEALED.

- Regulations 1954, No. 15.
Regulations 1955, No. 4.
Regulations 1955, No. 8.
Regulations 1956, No. 11.
Regulations 1956, No. 16.
Regulations 1957, No. 18.
Regulations 1960, No. 2.
Regulations 1960, No. 6.

SECOND SCHEDULE.

Reg. 41.

Form 1.

Memorandum to

Take notice that you are charged under the Police and Police Offences Ordinance 1923-1960 and the Police Regulations for that on or about the day of 19 (or between the day of 19 and the day of 19

), you then being a member of the Police Force of the Northern Territory of Australia, neglected to obey a lawful order or were guilty of misconduct or were guilty of neglect of duty or, as the case may be, setting out one of the offences mentioned in regulation 31 in that or in having (here set out the particulars or facts forming the substance of the charge, stating in brief, ordinary language what the member charged is alleged to have done or omitted to do).

And further that on the day of 19, you (here set out further charges in the same way as indicated above).

Do you admit or deny the truth of the above charge (or charges)?

You are not bound to make any admission but if you admit the charge (or charges, or either of them) you may be dealt with under the Police Regulations after taking into consideration any extenuating circumstance you may offer.

If you do not admit the truth of the charge (or charges) an investigation will be made at a time and place of which you will be informed.

Your reply to this charge (or these charges) is required to be made within three days.

Dated at this day of 19

(Signature)
(Rank)

Form 2.

Reg. 41.

"In reply to your memorandum dated the day of 19, reference number charging me with the offence of I have to state that I admit (or deny, as the case may be, the truth of the charge (or charges) therein contained."

NOTE: If the reply is a denial, nothing more need be written by the member charged, but if it is an admission, he may add on a separate sheet anything he may have to say in explanation or extenuation.