

2 Section twenty of the Principal Act is amended by omitting from subsection (1) the words "ten shillings" and substituting therefor the words "twelve shillings and sixpence".

Qualification
for pension.

3 Section twenty-one of the Principal Act is amended by omitting paragraph I. of subsection (1) and substituting therefor the following paragraph:—

Additional
payments to
pensioners in
certain
cases.

"I. Three pounds seventeen shillings and sixpence in respect of his wife, if any."

4 Section twenty-two of the Principal Act is amended by omitting paragraph I. of subsection (2) and substituting therefor the following paragraph:—

Pensions to
dependants.

"I. Four pounds two shillings and sixpence to the widow, if any, of the deceased so long as she remains his widow:"

5 Section twenty-six of the Principal Act is amended by omitting the words "twelve shillings" and substituting therefor the words "seventeen shillings and sixpence".

Limitation of
amount of
pension.

POLICE REGULATION.

No. 16 of 1954.

AN ACT to amend the *Police Regulation Act 1898.*
[28 April, 1954.]

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

1—(1) This Act may be cited as the *Police Regulation Act 1954.*

Short title and
citation.

(2) The *Police Regulation Act 1898*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation. **2** Section five of the Principal Act is amended by inserting after the definition of "Commissioner" the following definition:—

“ ‘District’ means any portion of the State that is declared to be a district pursuant to section seven.”.

3 After section nine of the Principal Act the following section is inserted:—

Retirement of Commissioner and Deputy Commissioner.

“9A The Commissioner and the Deputy Commissioner, respectively, shall each retire from office on attaining the age of sixty-five years.”.

4 Section ten of the Principal Act is repealed and the following section is substituted therefor:—

Officers of police.

“10—(1) The Governor may appoint such superintendents, inspectors, and other officers of police as he may think necessary.

(2) Subject to the regulations, an officer of police appointed under this section—

I Shall be subject to the control of the Commissioner: and

II Shall be charged with the government and superintendence of such portion of the police force as the Commissioner directs, and may, if the Commissioner so determines, be assigned to a district.”.

5 Section twelve of the Principal Act is repealed and the following section is substituted therefor:—

Appointment, dismissal, &c., of sergeants and constables.

“12—(1) The Commissioner, with the approval of the Minister, may—

I Appoint such sergeants of police, constables, and junior constables, of different grades, as the Commissioner may think fit:

II If the Commissioner so determines, assign a sergeant of police, constable, or junior constable to a district: and

III Suspend, reduce, or dismiss any sergeant of police, constable, or junior constable.

(2) The Governor may disallow any appointment made under the authority of this section.”.

Authority of Commissioner and officers.

6 Section fourteen of the Principal Act is repealed.

7 Section twenty-two of the Principal Act is repealed and the following section is substituted therefor:—

Appointment of special constables.

“22—(1) If it appears to the Commissioner, or to any officer of police of or above the rank of inspector, that—

I Any tumult, riot, serious crime, or breach of the peace has taken place, or may reasonably be likely to take place within any district: or

II The ordinary police force is not sufficient for the preservation of the public peace within, and for the protection of the inhabitants of, and the security of property within, any district,

the Commissioner or the officer of police, as the case may be, may, by precept in writing under his hand, appoint so many as he thinks fit of the persons residing within that district who are not legally exempt from serving the office of special constable to act as special constables in and for that district for such time and in such manner as he thinks necessary.

(2) In addition to appointing persons to act as special constables pursuant to subsection (1) of this section the Commissioner or officer of police, as the case may be, may also appoint such other persons as may be willing to serve to act as special constables in and for the relevant district, notwithstanding that they may be legally exempt from serving or may not be residing within the district.

(3) The Commissioner may, with the approval of the Minister but not otherwise, appoint such and so many persons as he thinks fit to act as special constables in and for the whole of the State for such time and in such manner as he thinks fit.”.

8 Section twenty-three of the Principal Act is amended by omitting the words “form II in the second schedule” and substituting therefor the words “form I in the second schedule, in the case of a special constable appointed under subsection (3) of section twenty-two, or form II in that schedule, in any other case”.

Oath taken by special constables.

9 Section twenty-six of the Principal Act is amended by inserting after the word “shall” the words “, within the district, if any, in and for which he is appointed or, in the case of a special constable appointed under subsection (3) of section twenty-two, shall”.

Powers of special constables.

10 Section twenty-seven of the Principal Act is amended by omitting therefrom the words “a superintendent” and substituting therefor the words “an officer”.

Special constables to be paid for their services.

11 The Principal Act is amended by omitting from the heading to Part IV the words “AND REWARD”.

Heading to Part IV.

12 Section forty-one of the Principal Act is amended—

Appropriation of Fund.

(a) by omitting from subsection (1) the words “, or for rewards and gratuities to any police officer as hereinafter is mentioned”; and

(b) by omitting subsection (2).

13 Section forty-two of the Principal Act is amended by omitting subsection (10) and substituting therefor the following subsection:—

Funds to be managed and controlled by board.

“(10) The Commissioner may charge and receive such fees as he may think fit in respect of services rendered by a police officer to any person and shall pay to the credit of the Fund all moneys so received by him.”.

Deductions
from pay of
police to be
added to Fund.

14 Section forty-three of the Principal Act is amended by omitting the words " the superannuation branch of ".

Contribution
by State to
Fund.

15 Section forty-four of the Principal Act is amended by omitting subsection (2).

Reward
branch of
Fund.
Regulations.

16 Section forty-four A of the Principal Act is repealed.

17 Section forty-five of the Principal Act is amended by omitting paragraph IV.

Appeals in
respect of
promotions.

18 Section forty-nine R of the Principal Act is amended—

(a) by inserting in subsection (1), after the word "rank" (twice occurring), the words "or position";

(b) by inserting in subsection (3), after the word "rank", the words "or position";

(c) by inserting in subsection (7), after the word "rank", the words "or position"; and

(d) by omitting subsection (11) and substituting therefor the following subsection:—

"(11) In this section, 'efficiency' means special qualifications and aptitude for the discharge of the duties of the rank or position to be filled, having regard to the branch or portion of the police force in which the holder of that rank or position will be discharging his duties and the nature of the duties to be discharged, together with merit and good conduct."

19 After section forty-nine R of the Principal Act the following section is inserted:—

Appointments
of police
officers to
special
positions.

"49RA—(1) Notwithstanding anything contained elsewhere in this Act, the provisions of section forty-nine R, in their application to the appointment of a police officer to a special position, shall have effect subject to this section.

(2) In appointing a police officer to a special position, the Governor or the Commissioner, as the case may be, may also promote that police officer to a higher rank, and in that case the right of appeal against that promotion conferred on police officers by section forty-nine R is exercisable only in accordance with subsections (3) and (4) of this section.

(3) Where notice is given as provided by section forty-nine R of the intention of the Governor or of the Commissioner, as the case may be, to appoint a police officer to a special position—

1 The notice shall state that the position is a special position and that the officer proposed to be appointed thereto has, in the opinion of the Governor or of the Commissioner, as the case may be, special aptitude for the performance of the duties of the position, and if it is proposed that

the officer be promoted to a higher rank, shall also state that fact and specify the rank to which it is proposed to promote him: and

II An appeal may be made under section forty-nine R only on the ground that the appellant has special aptitude for the performance of the duties of the position and that his aptitude therefor is superior to that of the police officer proposed to be appointed to the position, and, if it is proposed also to promote to a higher rank the officer appointed to the special position, on the further ground that the appellant is more entitled to promotion to that rank on the ground of superior efficiency, as defined in subsection (11) of section forty-nine R.

(4) An appeal against the proposed appointment of a police officer to a special position or his promotion, in consequence thereof, to a higher rank, shall be upheld by the Board only if it is satisfied that the aptitude of the appellant for the performance of the duties of the position is superior to that of the police officer proposed to be appointed to the position and that he is more entitled to promotion to that higher rank (if any) on the ground of superior efficiency, as defined in subsection (11) of section forty-nine R.

(5) In this section 'special position' means any position in the police force that is declared by the Commissioner, by notice in the *Police Gazette*, to be a special position for the purposes of this section."

20 The second schedule to the Principal Act is amended by omitting from form II the words "City of Hobart or District of *as the case may be*" and substituting therefor the words "District".

Second
schedule.

21 As soon as practicable after the commencement of this Act, the Board shall cause to be paid to the Treasurer to the credit of the Consolidated Revenue all moneys, and all accumulations thereof, standing to the credit of the reward branch of the Fund at the commencement of this Act.

Application
of moneys
standing to
the credit
of the reward
branch of the
Fund.

PUBLIC WORKS EXECUTION.

No. 17 of 1954.

AN ACT to provide for the execution and carrying out of certain public works and purposes, and to authorize the borrowing of certain sums of money for meeting the cost of those works and purposes, and for the purposes of the *Transport Act 1938* and the *Hydro-Electric Commission Act 1944*. [28 April, 1954.]