

CONSOLIDATED REVENUE DEFICIT (FUNDING).

No. 6 of 1955.

AN ACT to authorize the funding of the deficit in the Consolidated Revenue for the financial year ended on the thirtieth day of June 1953.

[25 May, 1955.]

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 This Act may be cited as the *Consolidated Revenue Deficit (Funding) Act 1955*. Short title.

2 In this Act, "Financial Agreement" means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor. Interpretation.

3 The Treasurer may arrange for the borrowing, in accordance with the Financial Agreement, of any sums of money, not exceeding £301,759 6s. 2d., for the purpose of funding the deficit in the Consolidated Revenue for the financial year that ended on the thirtieth day of June 1953. Power to borrow £301,759 6s. 2d. to fund deficit for 1952-53.

POLICE REGULATION.

No. 7 of 1955.

AN ACT to amend the *Police Regulation Act 1898*.
[25 May, 1955.]

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 1955*. Short title and citation.

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

2 After section forty-nine s of the Principal Act the following Part is inserted:—

“ PART IVB.

“ POLICE DISCIPLINARY BOARD.

Interpreta-
tion.

- “ 50. In this Part, unless the contrary intention appears—
 ‘ Association ’ means the Police Association :
 ‘ Board ’ means the Police Disciplinary Board consti-
 tuted under this Part :
 ‘ Secretary ’ means the Secretary to the Board.

The Police
Disciplinary
Board.

“ 50A.—(1) For the purposes of this Act, there shall be a Board, to be known as the Police Disciplinary Board, constituted as provided by this section.

(2) Subject to subsection (10) of this section, the Board shall consist of three persons appointed by the Governor, of whom—

- I One shall be a police magistrate who shall be the chairman of the Board :
- II One shall be a police officer nominated by the Commissioner : and
- III One shall be a person (being either a police officer or the secretary of the Association) nominated by the governing body of the Association.

(3) If the Commissioner or the Association fails, within thirty days after being requested by the Minister so to do, to nominate a person for appointment as a member of the Board, the Governor may, without a nomination, appoint a police officer to represent the Commissioner or the Association, as the case may be, as a member of the Board.

(4) Each of the members of the Board shall, subject to this Part, hold office for a term of three years from the date of his appointment.

(5) A member of the Board may be paid such fees, and such out of pocket expenses and travelling allowances, as the Governor may determine, but no determination shall be made under this subsection in relation to a member who is a person to whom the *Public Service Act* 1923 applies except upon the recommendation of the Public Service Commissioner.

(6) The chairman and one other member constitute a quorum of the Board, and the Board may function, notwithstanding a vacancy in its membership, so long as a quorum remains.

(7) The chairman of the Board may exercise a deliberative vote only.

(8) If, at a meeting of the Board at which only two members are present, the votes of those members on any question are equal, the determination of that question shall be postponed until a subsequent meeting at which all the members are present.

(9) At any meeting of the Board, the decision of a majority of the members present thereat shall be deemed to be the decision of the Board.

(10) Notwithstanding the provisions of subsection (2) of this section, there shall be two substitute members of the Board, who shall be police officers appointed by the Governor on the nomination respectively of the Commissioner and of the Association.

(11) For the purposes only of the hearing and determination of an appeal by a police officer who is a member of the Board, one of the substitute members of the Board shall sit and act as a member thereof in lieu of the member by whom the appeal is made, and the substitute member who shall so sit and act shall be—

- I The substitute member appointed on the nomination of the Commissioner, in the case of an appeal made by the member appointed under paragraph II of subsection (1) of this section: or
- II The substitute member appointed on the nomination of the Association, in the case of an appeal made by the member appointed under paragraph III of that subsection.

(12) All acts and proceedings of the Board while a substitute member is sitting or acting as a member thereof shall be deemed to be fully valid and effectual for all purposes.

(13) Subject to this Part and to the regulations, the Board may regulate its own procedure.

“50B.—(1) The office of a member of the Board becomes vacant— Vacation of office.

- I At the expiration of the term for which he is appointed: or
- II If he—
 - (a) Dies:
 - (b) Resigns his office by writing under his hand addressed to the Governor:
 - (c) Being the chairman, ceases to hold office as a police magistrate:
 - (d) Being the member appointed under paragraph II of subsection (2) of section fifty A, ceases to be a police officer:
 - (e) Being the member appointed under paragraph III of that subsection, ceases to be a police officer or, if he is not a police officer at the time of his appointment, if he ceases to be the secretary of the Association: or

(f) Is removed from office by the Governor in accordance with subsection (2) of this section.

(2) The Governor may remove a member of the Board from office—

- I For misbehaviour, negligence, or incompetence:
- II If, in the opinion of the Governor, the member becomes incapable of performing his duties as a member: or
- III If the member—
 - (a) Becomes bankrupt, or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors:
 - (b) Is convicted of a crime, within the meaning of the *Criminal Code*, and the Governor considers that, by reason of the nature of the crime, it is not proper that he should continue to hold office as a member of the Board: or
 - (c) Is absent, without leave of the Minister, from three or more consecutive meetings of the Board.

Secretary.

“50C.—(1) The person for the time being holding office as Secretary of the Police Department shall be the Secretary of the Board.

(2) The Secretary shall convene meetings or sittings of the Board, shall keep a record of all proceedings and decisions of the Board, and shall perform such other duties as the Board may require or as may be prescribed.

Appeals.

“50D.—(1) A police officer (in this section referred to as ‘the appellant’) who is aggrieved by any decision, determination, order, or recommendation made by the Commissioner—

I With respect to—

- (a) Any reduction in the position, rank, or pay of that police officer:
- (b) The dismissal of that police officer from the police force: or
- (c) The imposition by the Commissioner on that police officer of any fine or the forfeiture by that police officer of all or any of his pay: or

II Requiring that police officer to resign from the police force,
may appeal therefrom to the Board, which shall hear and determine the appeal.

(2) An appeal under this section shall be instituted—

- I By written notice of appeal setting forth the grounds of the appeal and delivered or forwarded by post to the Secretary: and
- II Within thirty days after the appellant has been notified of the decision, determination, order, or recommendation in respect of which the appeal is made.

(3) The appellant shall, within the time mentioned in paragraph II of subsection (2) of this section, deliver or forward by post to the Commissioner a copy of his notice of appeal.

(4) Upon receipt of a notice of appeal under this section, the Secretary shall, after conferring with the chairman of the Board, fix a date, time, and place for the hearing of the appeal, and shall forthwith notify the appellant and the Commissioner of the time and place so fixed.

(5) The date fixed for the hearing of an appeal under this section shall be not less than seven days after the notice of appeal is received by the Secretary.

(6) Upon the hearing of an appeal under this section—

- I The appellant, and the Commissioner or a police officer or officer of the Police Department appointed by the Commissioner in that behalf, may appear before the Board and tender evidence and examine witnesses appearing before the Board:
- II The appellant, and the Commissioner or other officer referred to in paragraph I of this subsection, may be represented by a legal practitioner or by an agent who may examine witnesses and address the Board: and
- III The Board may exercise the powers and authority conferred by Division II of Part II of the *Evidence Act 1910* upon boards of inquiry.

(7) Subject to subsection (8) of this section, the decision of the Board upon the determination of an appeal under this section is final, and the Commissioner shall give effect thereto accordingly.

(8) An appeal lies to the Supreme Court, on points of law only, from decisions of the Board, and the Supreme Court has jurisdiction to hear and determine any such appeal.

(9) The Commissioner shall give effect to any decision or order of the Supreme Court made upon the hearing of an appeal to the Court from a decision of the Board.

(10) The right of appeal conferred on police officers by this section extends to any superintendent or inspector or other officer of police (other than the Commissioner or the Deputy Commissioner) appointed by the Governor who is aggrieved by any decision, determination, or order of the Governor with respect to any reduction in the position, rank, or pay of that superintendent, inspector, or other officer or his discharge or dismissal from the police force, and the foregoing provisions of this section shall be construed accordingly.

(11) In the application of the provisions of this section to an appeal made by any superintendent, inspector, or other officer of police appointed by the Governor, a reference to the Commissioner—

- I In subsections (7) and (9), shall be construed as a reference to the Governor: and

II In subsections (3), (4), and (6) of this section, shall be construed as a reference to the Minister.

(12) Subject to this section, the procedure on the making, hearing, and determination of appeals under this section shall be as prescribed or, in the absence of regulations in that behalf, as the Board may determine.

(13) In this section, 'police officer' does not include a special constable, a junior constable, or a probationary constable."

LOANS (FLOTATION AND CONVERSION) EXPENSES.

No. 8 of 1955.

AN ACT to make provision for meeting the expenses incurred in connection with the raising or conversion of State loans and for matters incidental thereto.

[25 May, 1955.]

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 This Act may be cited as the *Loans (Flotation and Conversion) Expenses Act 1955*.

Short title.

Interpretation.

2 In this Act, unless the contrary intention appears—
“expenses” includes all expenses and charges incurred, payments made, and discounts allowed to subscribers, in connection with the raising or conversion of loans by or on behalf of the State;

“Financial Agreement” means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor.

Power to re-appropriate certain moneys to meet expenses in connection with certain loans.

3 The Treasurer may re-appropriate the amounts specified in the second schedule and apply those amounts in payment of the expenses incurred in connection with the raising and conversion of the loans specified in the first schedule.