

POLICE REGULATION.

No. 92 of 1971.

AN ACT to amend the *Police Regulation Act 1898*
and the *Police Regulation Act 1963*.

[14 December 1971.]

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 1971*. Short title and citation.

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

2 The Principal Act is amended by inserting before section one Part I. thereof the heading—

“ PART I.
PRELIMINARY.”

3 Section five of the Principal Act is amended— Interpretation.

(a) by inserting before the definition of “ Commissioner ” the following definition:—

“ ‘ cadet ’ means any person employed under section twenty-eight A;”;

(b) by inserting after the definition of “ Commissioner ” the following definitions:—

“ ‘ departmental employee ’ means a person employed under section twenty-eight C;

“ ‘ disciplinary offence ’ means a breach of any regulation made under paragraph (d) of section twenty-nine;”;

(c) by inserting after that definition the following definition:—

“ ‘ technical officer ’ means any person employed under section twenty-eight C;”;

(d) by omitting from the definition of “ the police force ” the words “ and all constables ” and substituting therefor the words “, sergeants of police, constables, and junior constables ”.

Part IA.

4 The Principal Act is amended by omitting before section seven thereof the words "PART I. APPOINTMENTS." and substituting therefor the words—

"PART IA.

APPOINTMENTS.

Division I—Police officers."

Chief Superintendent.

5 Section ten of the Principal Act is amended by inserting in subsection (1) thereof after the word "appoint" the words "a chief superintendent and".

6 After section twenty-eight of the Principal Act the following Division is added:—

"Division II—Cadets, technical officers, and departmental employees.

Appointment and dismissal of cadets.

"28A The Commissioner with the approval of the Minister may—

- (a) appoint such cadets as he thinks fit; and
- (b) suspend or dismiss any cadet.

Transitory provision.

"28B Where a junior constable is appointed as a cadet, having been in continuous employment as a junior constable immediately prior to such appointment as a cadet—

- (a) his appointment as a junior constable is by force of this section revoked; and
- (b) his appointment as a cadet is deemed to have been effected on the day he was appointed a junior constable.

Appointment and dismissal of technical officers and departmental employees.

"28c—(1) Subject to subsection (2) of this section, the Commissioner with the approval of the Minister may—

- (a) appoint such technical officers and departmental employees as he thinks fit; and
- (b) suspend or dismiss any technical officer or departmental employee.

"(2) No person shall be appointed under subsection (1) of this section as a technical officer unless he has such technical or trade qualifications as are prescribed.

"(3) A technical officer or departmental employee shall not be permitted to perform any duty under this Act (except the rendering of aid or assistance under section thirty-seven) other than duty associated with or ancillary to the technical or other duty (as the case may be) he is appointed to carry out.

"(4) A police officer may, on making written application to the Commissioner in that behalf, be appointed as a technical officer or a departmental employee.

"(5) A police officer who is appointed as a technical officer or a departmental employee—

- (a) shall, notwithstanding any award made under the *Public Service Tribunal Act 1958*, receive pay (and allowances if any) being not less than the amount of the pay being received by him at the time of that appointment; and

- (b) where that police officer is, at the time of that appointment, a contributor to the Fund established under section thirty-nine, may, notwithstanding anything contained elsewhere in this Act, elect to continue to make contributions to the Fund in accordance with the regulations, and, if he so elects, the provisions of Part IV shall apply to and in respect of him in the same manner and to the same extent as if he had continued as a police officer.

“ 28D Except with the written consent of the Commissioner, no cadet, technical officer, or departmental employee shall resign from his office or withdraw from the duties thereof unless he gives to the Commissioner one month’s notice in writing of his intention to do so.”

Notice of intention to resign or withdraw.

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

“ 29 The Governor may make regulations for the government of the police force and other persons employed under this Act with respect to all matters necessary for carrying into effect the several objects of this Act and, in particular and without limiting the generality of this section, may make regulations for or in relation to—

Regulations.

- (a) making the members of the police force efficient for the discharge of their respective duties;
- (b) prescribing their duties in enforcing obedience to law;
- (c) prescribing the duties and conditions of employment of persons, other than police officers, employed under this Act;
- (d) prescribing disciplinary offences being offences of, or of the nature of—
 - (i) insubordination;
 - (ii) misconduct;
 - (iii) neglect of duty; or
 - (iv) violation of duty,
 in the office of a member of the police force or of a cadet, technical officer, or departmental employee; and
- (e) prescribing penalties, not exceeding forty dollars, for the breach of any regulation made under this section.”

8 Section thirty of the Principal Act is amended by inserting after the words “ police officer ” the words “ , cadet, technical officer, or departmental employee ”.

Penalty for resigning without notice.

9 Section thirty-two of the Principal Act is amended—

- (a) by inserting, after the words “ police officer ” (first occurring), the words “ , cadet, technical officer, or departmental employee ”; and
- (b) by omitting therefrom the words “ or shall be guilty of any act of insubordination or misconduct against the discipline of the police force,”.

Penalty for taking bribe, &c.

Amendment of
the *Police
Regulation
Act 1963.*

10—(1) Section six of the *Police Regulation Act 1963* is amended—

- (a) by inserting, in sub-paragraph (ii) of paragraph (a) of subsection (2), after the symbol “III”, the words “(twice occurring)”;
- (b) by inserting, after the word “therefor” in that sub-paragraph the words “, in each case;”;
- (c) by transposing the word “and”, at the end of that sub-paragraph to follow sub-paragraph (i) of that paragraph; and
- (d) by omitting sub-paragraph (iii) of that paragraph.

(2) This section shall be deemed to have commenced on the day on which the *Police Regulation Act 1963* commenced.

FACTORIES, SHOPS, AND OFFICES.

No. 93 of 1971.

AN ACT to amend the *Factories, Shops, and
Offices Act 1965.* [14 December 1971.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Factories, Shops, and Offices Act 1971.*

(2) The *Factories, Shops, and Offices Act 1965*, as subsequently amended, is in this Act referred to as the Principal Act.

Rostered
opening.

2 Section sixty-four of the Principal Act is amended by inserting, after subsection (7), the following subsection:—

“(7A) A permit shall not be granted under this section in respect of a petrol filling station unless the Minister is satisfied that the proprietor can and will provide at least the services prescribed under this Act or approved by the Minister.”