



POLICE REGULATION.

No. 50 of 1973.

ANALYSIS.

1. Short title and citation.
2. *Police Regulation Act 1971.*
3. Commissioner to review reports of disciplinary offences: Notice to be given.
 Police officer, &c., may admit offence or elect trial by magistrate.
 Police officer, &c., admitting disciplinary offence entitled to be heard.
 When disciplinary offence to be determined on complaint before a magistrate.
4. Penalty for misconduct.
5. Appeals.

AN ACT to amend the *Police Regulation Act 1898* and the *Police Regulation Act 1971.* [16 October 1973.]

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 1973.* Short title and citation.
- (2) The *Police Regulation Act 1898*, as subsequently amended, is in this Act referred to as the Principal Act.

Police
Regulation
Act 1971.

2—(1) The *Police Regulation Act 1971* is amended by omitting, from paragraph (c) of section three, the words “that definition” and substituting therefor the words “the definition of ‘police officer’”.

(2) This section shall be deemed to have commenced when the *Police Regulation Act 1971* commenced.

3 After section twenty-nine of the Principal Act the following sections are inserted in Part II:—

Commissioner
to review
reports of
disciplinary
offences:
Notice to be
given.

“29A—(1) The Commissioner shall review every report and any other document bearing on the matter of a report from which it appears a police officer, cadet, technical officer, or departmental employee has committed or is committing a disciplinary offence.

“(2) Where the Commissioner, acting under subsection (1) of this section, believes on reasonable grounds that a police officer, cadet, technical officer, or departmental employee has committed or is committing a disciplinary offence, he shall cause a notice to be served on that person specifying the offence that he believes has been or is being committed and informing that person that he may—

- (a) admit in writing the commission of the offence so specified or of any other disciplinary offence;
- (b) deny in writing the commission of the offence so specified; or
- (c) elect to have that offence determined on complaint before a magistrate,

and that, if he admits under this section the commission of a disciplinary offence, or (in the case of a denial under this section) if the Commissioner after due inquiry is satisfied that the person has committed a disciplinary offence, the Commissioner may impose on him, in respect thereof, a penalty under Part III.

Police officer,
&c., may admit
offence or elect
trial by
magistrate.

“29B Within fourteen days of the service on him of a notice under section twenty-nine A, a police officer, cadet, technical officer, or departmental employee shall submit a written admission in accordance with paragraph (a) of subsection (2) of that section, or a written denial in accordance with paragraph (b) of that subsection, or make an election in accordance with paragraph (c) of that subsection.

“ 29C Where a police officer, cadet, technical officer, or departmental employee makes an admission under paragraph (a) of subsection (2) of section twenty-nine A, he may for the purpose of making an explanation or in relation to any penalty that may be imposed by the Commissioner—

- (a) tender a written submission; or
- (b) request to be paraded before the Commissioner.

“ 29D Where a police officer, cadet, technical officer, or departmental employee on whom a notice under section twenty-nine A is served—

- (a) elects, within the period specified in section twenty-nine B, to have the offence specified in the notice determined on complaint before a magistrate; or
- (b) has, at the expiration of the period specified in section twenty-nine B, failed or refused to make an admission or a denial or such an election as provided by that section,

the offence shall be determined on complaint before a magistrate in accordance with the *Justices Act 1959*.”

4 Section thirty-one of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “ twenty ” and substituting therefor the word “ forty ”; and
- (b) by omitting subsection (2) and substituting therefor the following subsections:—

“(2) In any case in which a police officer, cadet, technical officer, or departmental employee who, having been served with a notice under section twenty-nine A, admits in writing, within the period prescribed in section twenty-nine B, the commission of a disciplinary offence or, within that period, denies the commission of such an offence but the Commissioner, after due inquiry, is satisfied that that person has committed a disciplinary offence, the Commissioner may impose a penalty not exceeding the penalty prescribed in relation to that offence.

“(3) A penalty imposed by the Commissioner under subsection (2) of this section may, if not paid within the time, if any, allowed by the Commissioner in that behalf, be withheld from any salary due or to become due to the police officer, cadet, technical officer, or departmental employee, as the case may be.”

Police officer,
&c., admitting
disciplinary
offence entitled
to be heard.

When
disciplinary
offence to be
determined on
complaint
before a
magistrate.

Penalty for
misconduct.

Appeals.**5** Section fifty D of the Principal Act is amended—

(a) by inserting, after subsection (7), the following subsection:—

“(7A) No person, other than the members of the Board and the persons mentioned in subsection (6) of this section, together with any persons performing any clerical or administrative duty at the hearing of the appeal, shall be admitted to the room or place in which the Board hears an appeal under this section.”;

(b) by omitting from subsection (8) the words “ the Supreme Court,” (first occurring) and substituting therefor the words “ a judge of the Supreme Court, sitting in chambers,” and by omitting the words “ the Supreme Court ” (second occurring) and substituting therefor the words “ that judge ”; and

(c) by omitting subsection (13) and substituting therefor the following subsection:—

“(13) For the purposes of this section, ‘ police officer ’ shall be deemed to include a cadet, a technical officer, and a departmental employee.”.