

1 GEO. VI. No. 12, 1937. *Police Act.*

to be a company within the meaning of **“The Companies Act of 1931”* or whether constituted or deemed to be constituted under any special Act permits, with the approval of the Governor in Council any work to be constructed by the Bureau of Industry or by any Board under the provisions of †*“The Bureau of Industry Acts, 1932 to 1935,”* such body corporate shall notwithstanding anything contained in **“The Companies Act of 1931”* or in the relevant special Act be deemed to have and at all material times to have had power authority and jurisdiction to permit the construction of such work.

PAROLE.

See PRISONS AND PRISONERS.

PESTS.

See GRASSHOPPERS.

PLAGUE GRASSHOPPERS.

See GRASSHOPPERS.

PLANTS, DISEASES IN.

See AGRICULTURE.

POLICE.

An Act to Consolidate and Amend the Law relating to the Regulation of the Police Force, and for other purposes.

1 GEO. VI.
No. 12.
THE POLICE
ACT OF 1937.

[ASSENTED TO 14TH OCTOBER, 1937.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY AND INTERPRETATION.

PART I.—
PRELIMINARY
AND
INTERPRETA-
TION.

1. ‡This Act may be cited as *“The Police Act of 1937,”* and shall, except as is otherwise provided in this Act, come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is hereinafter referred to as the commencement of this Act.

Short title.

* 22 Geo. V. No. 53, *supra*, page 13433.

† 23 Geo. V. No. 25 and amending Acts, *supra*, pages 14214 *et seq.*

‡ Proclaimed in force as from 11th November, 1937 (Proclamation, 11th November, 1937; *Gazette*, 11th November, 1937, page 1382).

2. This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY AND INTERPRETATION ;

PART II.—APPOINTMENT, DISCIPLINE, AND DUTIES
OF POLICE FORCE ;

PART III.—APPOINTMENT OF SPECIAL CONSTABLES ;

PART IV.—SUPERANNUATION FUND ;

PART V.—POLICE REWARD FUND ;

PART VI.—APPEALS ;

PART VII.—GENERAL.

3. Subject to the provisions hereinafter contained, the Acts specified in the Schedule to this Act are repealed to the extent indicated in that Schedule. Such Acts are herein referred to as the “repealed Acts” :Provided that, without prejudice to **“The Acts Shortening Acts,”* but save as is otherwise provided in this Act—

- (i.) All acts, matters, and things lawfully had and done under and in pursuance of the repealed Acts or any of them shall be and continue to be in full force and effect to all intents and purposes as if no such repeal had taken place, and if the same are not completed may be continued and completed under and in pursuance of the repealed Acts ;
- (ii.) All penalties, fines, and forfeitures enforceable or recoverable under and in pursuance of the repealed Acts or any of them shall and may be enforced and recovered as if this Act had not commenced ;
- (iii.) All persons appointed under any Act hereby repealed and holding office at the time of the commencement of this Act shall be deemed to have been appointed and to hold office under this Act ;
- (iv.) All Proclamations, rules, regulations, orders, directions, appointments, and notices made or given under the authority of any Act hereby repealed and in force at the time of the commencement of this Act shall be deemed to have been made or given under

* 31 Vic. No. 6 and amending Acts, *supra*, pages 6 *et seq.*

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PRELIMINARY
AND
INTERPRETA-
TION.

the authority of this Act, and shall be and continue to be of full force and effect until the same are revoked or amended under this Act.

4. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

“Arrest” (used with reference to persons)— Arrest.

Arrest without warrant other than this Act and take such person to a police station, there to be detained (unless he is released upon recognizance) until he can be brought before a court to be dealt with according to law: and the term “arrested” shall have a correlative meaning;

“Member of the Police Force”—Includes the Commissioner and every inspector, sub-inspector, sergeant, and constable of police; Member of the Police Force.

“Minister”—The Secretary for Health and Home Affairs or other Minister of the Crown for the time being charged with the administration of this Act; Minister.

“Pay and salary,” “pay,” or “salary” mean and include the remuneration ordinarily received in money by a member of the Police Force as the ordinary pay of his rank, but not to include or to have included any allowance in kind or any money paid him by way of allowance other than an allowance which is solely in the nature of an increase in the remuneration received in money paid him as the ordinary pay of his rank; Pay and salary, pay, or salary.

“This Act”—This Act and all Orders in Council and regulations made thereunder. This Act.

PART II.—APPOINTMENT, DISCIPLINE, AND DUTIES OF POLICE FORCE.

PART II.—
APPOINTMENT,
DISCIPLINE,
AND DUTIES
OF POLICE
FORCE.

5. The Governor in Council may from time to time by Order in Council published in the *Gazette* constitute any part of Queensland to be a Police District, and may in like manner from time to time revoke or alter any such Order in Council. Wherever in any Act now or hereafter to be in force the words “Police District” occur, they shall be deemed and taken to mean a Police District so constituted as aforesaid. Police Districts may be constituted.

Existing
districts.

All Police Districts proclaimed under any repealed Act and existing at the commencement of this Act shall be and be deemed to be Police Districts duly constituted under and for the purposes of this Act, and shall continue in existence until the same are abolished or amended under this Act.

Appoint-
ment of
Commis-
sioner of
Police.

6. (1.) The Governor in Council may from time to time appoint some fit and proper person to be Commissioner of Police, hereinafter referred to as “the Commissioner,” who shall, subject to the direction of the Minister, be charged with the superintendence of the Police Force of Queensland.

(2.) The Commissioner shall, subject as is hereinafter provided, continue in office during such period as he is of good behaviour and until he reaches the age of sixty-five years. The salary of the Commissioner shall not exceed one thousand one hundred pounds per annum.

(3.) In the case of the illness, absence, or suspension of the Commissioner the Governor in Council may appoint some other person to act as the deputy of the Commissioner during such illness, absence, or suspension; and such person shall, during the time for which he acts as such deputy, have all the powers and perform all the duties of the Commissioner.

(4.) The Commissioner shall be deemed to have vacated his office—

- (a) If he engages during his term of office in any paid employment outside the duties of his office;
- (b) If he becomes insolvent, bankrupt, or compounds with his creditors, or makes any assignment of his salary for their benefit, or takes advantage of any provisions of any Act relating to bankruptcy or insolvency;
- (c) If he becomes permanently incapable of performing his duties; or
- (d) If he resigns his office by writing under his hand addressed to the Governor in Council, and such resignation is accepted by the Governor in Council.

Present
Commis-
sioner to
remain in
office.

7. The Commissioner in office at the commencement of this Act shall, and without any further or other appointment whatsoever, be deemed to have been appointed as Commissioner under and pursuant to this

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FORCE.

Act, and shall hold office accordingly at a salary of one thousand one hundred pounds per annum, subject to the provisions of **“The Salaries Act of 1930,”* as amended by †*“The Financial Emergency Act of 1931.”*

8. The Governor in Council may from time to time appoint such number of inspectors and sub-inspectors of police as may be found necessary, and may from time to time assign any such inspector or sub-inspector to any such district as aforesaid, and all such inspectors and sub-inspectors shall; subject to the control and authority of the Commissioner, be respectively charged with the government, direction, and superintendence of the Police Force stationed within the districts to which they shall be respectively assigned, and shall have such more limited authority in relation to the said Police Force as the Governor with the like advice shall direct.

9. Nothing in this Act contained shall authorise the creation of any office or the appointment of any person in connection with the Police Force except such as may be provided for by Parliament.

10. The Commissioner shall appoint so many sergeants and constables of police of different grades as he deems necessary for the preservation of the peace throughout Queensland, and upon sufficient proof of misconduct or unfitness, to be submitted for the approval of the Governor in Council, shall have power to dismiss any sergeant or constable, and all sergeants and constables of whatever grade shall so long as they continue members of the said Police Force have all such powers, privileges, and advantages and be liable to all such duties and responsibilities as any constable duly appointed now has or hereafter may have either by the common law or by virtue of any Statute or Act of Council or Order in Council now or hereafter in force in the State:

Provided that every person who is appointed to be a constable, and who has not previously been a member of the Police Force of this State, shall be appointed in the first instance for one year only and may, if the Commissioner considers he is unsuitable for any reason whatsoever to continue in the Police Force, be discharged by the Commissioner at any time before

* 21 Geo. V. No. 9, *supra*, page 13075.

† 22 Geo. V. No. 1, *supra*, page 13402.

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the expiration of one year from the day of such person's first appointment as a constable, and without assigning any reason other than that the Commissioner considers he is unsuitable to continue in the Police Force :

Provided further, that every constable who is not discharged before the expiration of one year from the day of his appointment shall, without reappointment, be deemed to be appointed generally and without limit of time, and shall not be liable to be discharged against his own will or dismissed by the Commissioner otherwise than after investigation of a charge of an offence or for unfitness as provided by this Act :

Appointment
of members
of the Police
Force of the
Northern
Territory or
other States
of the Com-
monwealth
of Australia
to act as
special
constables
for the
State of
Queensland.

Provided, however, that nothing contained in this Act shall prevent any member of the Police Force of the Northern Territory of the Commonwealth of Australia, or any member of the Police Force of any other State of the Commonwealth of Australia, from being appointed a sergeant or constable of the Police Force of the State of Queensland if the Superintendent of Police of the Northern Territory of the Commonwealth of Australia, or the Commissioner of Police of any of the other States of the Commonwealth of Australia, so requests, and such member may be sworn in and shall thereupon be charged with the duties set forth in his oath of office, and shall be a member of the Police Force of the State of Queensland until his appointment is terminated by the Commissioner ; but any such officer on being so appointed shall not be deemed to be in the employment of the Commissioner, and shall not be personally entitled to any privileges or gratuity under this Act, or to receive any salary or allowances from the Commissioner except as may be provided for by the authority in whose employment he is.

Rules for
government
and
discipline
of Police
Force.

11. (1.) The Governor in Council may make rules for the general government and discipline of the members of the Police Force ; all such rules shall be published in the *Gazette*, and upon such publication shall have the same force and effect as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

All such rules shall be laid before Parliament forthwith, if then sitting ; and if not then sitting, within fourteen days after the commencement of the next ensuing session.

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AND DUTIES
OF POLICE
FORCE.

(2.) Such rules may provide that any member of the Police Force who neglects or refuses to obey any lawful order, or to execute any process lawfully directed to be executed by him, or who is guilty of any misconduct, neglect, or violation of or absence from duty shall be liable, upon a summary investigation by the Commissioner, to be fined in any sum not exceeding five pounds or to be disgraced or dismissed from the Police Force. Such investigation may, subject to the rules, be conducted in any way that the Minister directs.

Summary
punishment
for
misconduct.

(3.) Any inspector or sub-inspector of police or other person appointed by the Minister to conduct any such investigation may, by writing under his hand, summon any person to attend such investigation at a time and place named in the summons, and then and there require him to give evidence on oath or affirmation (which oath or affirmation he is hereby authorised to administer) and to produce any books, documents, or writings in his custody or control which he is required by the summons to produce.

Witnesses
on such
investiga-
tions.

(4.) If any person served with a summons to attend an investigation fails without reasonable excuse to attend the investigation or to produce any documents, books, or writings in his custody or control which he was required by the summons to produce, he shall be liable on conviction to a penalty not exceeding twenty pounds :

Penalty for
failing to
attend or
produce
documents.

Provided that it shall be a defence to a prosecution under this subsection for failing without reasonable excuse to produce any documents, books, or writings if the defendant proves that the documents, books, or writings were not relevant to the inquiry.

(5.) If any person appearing as a witness at any investigation refuses to be sworn or to make affirmation or declaration or to answer all such questions as may be legally demanded of him at any such investigation, he shall be liable on conviction to a penalty not exceeding twenty pounds :

Refusing to
be sworn,
&c., or give
evidence.

Provided that no such person shall be compelled to answer any question tending to incriminate him.

(6.) In any investigation under this section the Commissioner and the member of the Police Force in respect of whom such investigation is held may respectively be represented by his counsel, solicitor, or

Representa-
tion at
investiga-
tion.

agent duly appointed in writing in that behalf, who may examine witnesses and address the person conducting the investigation.

Disqualifica-
tions of
constables.

12. (1.) No person shall be appointed a constable of police—

- (a) Unless he is of sound constitution, able-bodied, and under the age of twenty-seven years, of good character for honesty, fidelity, and activity, and able to read and write ;
- (b) Who has been convicted of any crime or misdemeanour, or who is a bailiff, sheriff's bailiff, or who is a hired servant in the employment of any person whomsoever, or who keeps a house for the sale of beer, wine, or spirituous liquors.

(2.) Any member of the Police Force who is or becomes a bailiff, a sheriff's bailiff, or hired servant, or acts in any of the said capacities, or sells any beer, wine, or spirituous liquors shall become incapable of acting, and shall forfeit his appointment as such member and all authority, privileges, salary, and gratuity payable to him as such.

Penalty on
persons
obtaining
admission
into Police
Force in
certain
cases,

13. Whosoever by concealing, after having been dismissed from the Police Force, the fact of such dismissal, or by any false or forged certificate, or by any false representation obtains admission into and receives pay in the said Police Force, shall on conviction be liable to imprisonment for a term not exceeding three months.

Oath to be
taken by
members of
the Police
Force.

14. No person appointed to be a member of the Police Force shall be capable of holding such office or of acting in any way therein until he has taken and subscribed the following oath :—

“I, A.B., swear by Almighty God that I will well and truly serve our Sovereign Lord King George the Sixth in the office of constable or in such other capacity as I may be hereafter appointed, promoted, or reduced, without favour or affection, malice or ill-will, from this date and until I am legally discharged ; that I will see and cause His Majesty's peace to be kept and preserved ; and that I will prevent to the best of my power all offences against the same ; and that while I shall continue to be a member of the Police Force of Queensland I will to the best of my skill and knowledge discharge all the duties legally imposed upon me faithfully and according to law. So help me God.”

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FORCE.

Such oath shall be administered by a justice of the peace, and shall in all cases be subscribed by the person taking the same, and the oath so taken shall be forwarded to the Commissioner.

15. Every person taking and subscribing such oath shall be deemed to have thereby entered into a written agreement with and shall be thereby bound to serve His Majesty as a member of the Police Force in whatsoever capacity he may be at any time thereafter required to serve, and at the current rate of pay of any rank to which he may be appointed or reduced until legally discharged; and such agreement shall not be set aside, cancelled, or annulled for want of reciprocity, and every agreement shall be determined by the discharge, dismissal, or other removal from office of any such person, or by the acceptance of the resignation of such person by the Governor in Council or the Commissioner, as the case may be.

16. If any question arises as to the right of any member of the Police Force to hold or execute his office, common reputation shall be deemed evidence of such right, and it shall not be necessary to have or produce any written appointment, or any oath, affidavit, or other document or matter whatsoever in proof of such right.

17. When any member of the Police Force shall be discharged or dismissed from or shall otherwise cease to hold and exercise his office, all powers and authorities vested in him as a member of the Police Force shall immediately cease.

18. No member of the Police Force shall be at liberty to resign his office or withdraw from the duties thereof unless expressly authorised in writing so to do by the Commissioner, or unless he shall give to the Commissioner three months' notice in writing of his intention so to resign or withdraw; and any member of the Police Force who shall so resign or withdraw without such previous permission or notice shall, upon conviction for every such offence, forfeit and pay a sum not exceeding twenty pounds.

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AND DUTIES
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FORCE.

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Penalty
for not
delivering
accoutre-
ments, &c.

19. If any person who, having been a member of the Police Force, has been discharged or dismissed from, or who has otherwise ceased to hold and execute his office, shall not forthwith deliver over everything whatsoever which may have been supplied to him for the execution of his office, or which may be in his custody by virtue thereof, to such person as may be appointed by any order, special or general, issued by the Commissioner, every such person shall, upon conviction thereof on the complaint of any member of the Police Force, be imprisoned and kept to hard labour for any period not exceeding three months; and any justice of the peace may and shall issue his warrant to search for and seize to the use of His Majesty all and every the arms, ammunition, accoutrements, horses, saddles, bridles, vehicles, clothing, and other appointments and things which shall not be so delivered over wherever the same shall be found.

Members of
Police Force
to attend at
Supreme
Courts and
Petty
Sessions and
execute
warrants,
&c.

20. Every member of the Police Force shall, when required, attend at the several Supreme and Circuit Courts, and also at the Petty Sessions held at the respective places where such members are stationed, and shall obey and execute in all cases every lawful summons, warrant, execution, order, and command of the judge presiding at any such Supreme or Circuit Court, and of the justices at Petty Sessions.

Members of
the Police
Force to
execute
process.

21. Every member of the Police Force shall when required execute all process directed to him for levying the amount of any recognizance forfeited to His Majesty, or of any fine imposed on any juror, witness, party, or person at any Assizes or Commission of Oyer and Terminer or Gaol Delivery or Sessions of the Peace, or any other fine imposed under any Act or Imperial Act or an Act of the Commonwealth.

A member
of the Police
Force may
act for
another in
such cases.

22. Any process or warrant, order, or command of any justice directed, delivered, or given to any member of the Police Force may be executed and enforced by any other member of the Police Force or assistant, and every such lastmentioned member of the Police Force and assistant shall have the same rights, powers, and authorities for and in the execution of such process, warrant, order, or command as if the same had originally been directed to him by name.

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OF POLICE
FORCE.

23. Any member of the Police Force who neglects or refuses to obey any lawful order or execute any process lawfully directed to be by him executed, or is guilty of any other misconduct, neglect, violation of, or absence from duty shall on conviction be liable to a penalty not exceeding for the first offence five pounds, or for the second or any subsequent offence twenty pounds.

Penalty on
members of
the Police
Force for
neglect of
duty.

24. Any member of the Police Force who—

Punishment
for police
taking
bribes, &c.

- (a) Directly or indirectly takes any bribe, pecuniary or otherwise, to forego his duty as such member; or
- (b) In any manner aids, abets, assists, or connives at the escape, or any attempt or preparation to escape, of any prisoner from any gaol or other place in which such prisoner is lawfully confined, or otherwise in lawful custody; or
- (c) Deserts his post; or
- (d) Assaults his superior officer,

shall in addition to any other penalty or punishment for such offence to which he may be liable, be liable on conviction thereof on the complaint of any member of the Police Force to a penalty not exceeding twenty-five pounds nor less than five pounds, or in the discretion of the justices before whom he is convicted to be imprisoned and kept to hard labour for any period not exceeding six months.

PART III.—APPOINTMENT OF SPECIAL CONSTABLES.

PART III.—
APPOINTMENT
OF SPECIAL
CONSTABLES.

25. If it shall appear to the Governor in Council or to the Commissioner or any inspector or sub-inspector of police that any tumult, riot, crime, or breach of the peace has taken place or may reasonably be apprehended in any city, town, or place, and he is of opinion that the ordinary constables or officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of their property or for the apprehension of offenders, then and in every such case—

Appoint-
ment of
special
constables.

- (a) The Governor in Council may by Order in Council authorise any person to appoint, and such person; or

(b) The Commissioner or inspector or sub-inspector of police as aforesaid, as the case may be,

is hereby authorised to appoint, by precept in writing under his hand, so many as he thinks fit of the inhabitants who are not legally exempt from serving the office of constable residing in or near to such city, town, or place to act as special constables for such time and in such manner as to the person so authorised by the Governor in Council, or the Commissioner, or inspector, or sub-inspector of police shall seem fit and necessary for the public peace, and for the protection of the inhabitants and the security of property in or near such city, town, or place.

Form of oath
to be taken
by special
constables.

26. Every person appointed a special constable under this Act shall, before acting as such, take an oath before a justice of the peace in the following form, that is to say:—

“I, A.B., do swear that I will well and truly serve our Sovereign Lord King George the Sixth in the office of special constable for the [*city, town, or place, as the case may be*] without favour or affection, malice or ill-will, and that I will to the best of my power cause the peace to be kept and preserved and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law. So help me God”:

Provided always that whenever it shall be deemed necessary to appoint such special constables as aforesaid, notice thereof shall be forthwith transmitted by the Commissioner to the Minister.

Commis-
sioner may
make orders
or rules
for special
constables.

27. The Commissioner may, with the approval of the Minister, make such orders or rules as may from time to time be necessary and expedient for rendering any special constables appointed under this Act efficient for the preservation of the public peace.

Power of
special
constables.

28. Every special constable appointed under this Act shall have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities as any constable duly appointed now has by virtue of the common law or of any Act or Imperial Act or Act of the Commonwealth.

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OF SPECIAL
CONSTABLES.

29. If any person residing within the city, town, or place as aforesaid being appointed a special constable as aforesaid shall refuse to take the oath hereinbefore mentioned when thereunto required by any justice of the peace, he shall on conviction thereof forfeit and pay any sum not exceeding twenty pounds.

Penalty for
special
constable
refusing to
take the oath
of office.

30. If any person being appointed and sworn a special constable as aforesaid, and being called upon to serve, neglects or refuses to act as such special constable, or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, he shall on conviction before any police magistrate or any two justices of the peace forfeit and pay any sum not exceeding ten pounds, unless such person shall prove to the satisfaction of the police magistrate or justices that he was prevented by sickness or some other unavoidable cause as shall in the judgment of the said police magistrate or justices be a sufficient excuse.

Penalty on
special
constable
refusing to
serve or
guilty of
disobedience
of orders.

31. The Minister shall—

- (a) Upon the recommendation of the Commissioner, order that every special constable appointed as aforesaid shall be paid for his services such salary, wages, and allowances as the Minister deems proper; and
- (b) Order the payment of such expenses as have been incurred in providing arms, weapons, and other necessary articles to such persons.

Minister
may direct
reasonable
allowances to
be paid to
special
constables.

32. (1.) The Commissioner may at his discretion suspend or determine the services of all or any special constables appointed under this Act.

Power to
discontinue
service of
special
constable.

(2.) The Commissioner may remove any special constable from his office for any misconduct or neglect of duty therein.

33. (1.) Every special constable shall forthwith on the expiration of his office, or after he has ceased to hold and exercise the same, deliver over to his successor (if any) or, if no successor has been appointed, to such person and at such time and place as may be directed by any member of the Police Force all arms, weapons, and other articles which have been provided for him.

Special
constables to
deliver up
weapons, &c.

(2.) If any special constable neglects or refuses to comply with the provisions of this section he shall be liable to a penalty not exceeding ten pounds.

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APPOINTMENT
OF SPECIAL
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Punishment
for
assaulting or
resisting
special
constables.

34. Any person who assaults or resists any special constable whilst in the execution of his office, or who promotes, incites, or encourages any other person so to do shall be liable to a penalty not exceeding ten pounds or to imprisonment for any term not exceeding six months with or without hard labour.

PART IV.—
SUPERANNUA-
TION FUND.

PART IV.—SUPERANNUATION FUND.

Superannua-
tion Fund.

35. There shall be deducted from the pay and salary of the several members of the Police Force under this Act the sum of five pounds and five shillings per centum per annum, and so rateably from any pay or salary of whatever amount, which sum so deducted shall be invested by the Investment Board, and the interest and dividends thereof or so much of the same as are not required for the purposes hereinafter mentioned shall also be invested and accumulated as part of "The Police Superannuation Fund" (hereinafter referred to as "the Fund"), and be applied as occasion may require for the payment of such superannuation allowances as may be ordered or appointed by the Governor in Council to be charged on the Fund or payable thereout.

Age of
retirement.

36. The age of retirement in the Police Force shall be sixty years, except in the case of the holder of the office of Commissioner of Police, but should the public interests render it expedient to retain the services of any member of the Police Force above the age of sixty years, and should such member consent to his services being so retained, the Minister after the prescribed investigation may authorise such retention until such member attains the age of sixty-five years.

Retirement
before age of
sixty owing
to bodily
injury.

37. When a member of the Police Force who has not attained the age of sixty years desires to retire from the Police Force owing to bodily injury received in the execution of his duty or mental or bodily infirmity, or when it is reported to the Minister that such member of the Police Force is by reason of bodily injury received in the execution of his duty or mental or bodily infirmity unfit to perform his duties, the Minister may investigate the matter, and if after an examination

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by two medical practitioners or the receipt of other testimony it is proved to the satisfaction of the Governor in Council that—

- (a) The injury or infirmity was not due to or caused by the use of intoxicating liquors ; and
- (b) The injury or infirmity is likely to be permanent ; and
- (c) Such member is by reason of such injury or infirmity incapable of discharging his duties ; and
- (d) It is for the public interests that such member shall retire from the Police Force,

the Governor in Council may order that such member shall retire from the Police Force.

38. Subject to the provisions hereinafter contained, every member of the Police Force shall upon retiring from the Police Force under the foregoing provisions of this Act be entitled to the superannuation allowance hereinafter prescribed and respectively applicable to his term of service and particular case.

Persons retiring entitled to superannuation allowance.

39. If a member of the Police Force has when he retires from the Police Force under the foregoing provisions of this Act served less than fifteen years he shall be entitled to receive a superannuation allowance at the rate of one hundred and twenty-five pounds per annum :

Allowance where service less than fifteen years.

Provided that in every such case—

- (a) Such allowance shall only be continued on such proof of continued incapacity as the Minister may from time to time require ; moreover
- (b) If, after investigation by the Minister and an examination by two medical practitioners or the receipt of other testimony it is proved to the satisfaction of the Governor in Council that such person has regained his health and is capable of duty, the Minister may reappoint such person to the Police Force, and in such case he shall receive the pay of the grade in which he was included at the date of his retirement, and he shall for the purpose in the future of calculating length of service be

deemed to have remained in the Police Force for the period during which he was receiving superannuation allowance ; and if such person so reappointed declines to resume such duty he shall no longer be entitled to receive any superannuation allowance.

Allowance
after service
for fifteen
years.

40. (1.) Subject as is hereinafter provided, if a member of the Police Force has when he retires from the Police Force under the foregoing provisions of this Act served fifteen years or over in the Police Force, he shall receive a superannuation allowance at the rate of one hundred and twenty-five pounds per annum, with an additional five pounds per annum for each completed year of service in the Police Force over the said fifteen years, but the total superannuation allowance on retirement shall not in any case exceed a rate of two hundred and fifty pounds per annum.

In calculating length of service, the time during which the retired member has served in any class or grade of the Police Force subsequently to the thirteenth day of November one thousand eight hundred and ninety-one, shall be reckoned :

Provided that if, after investigation by the Minister and after an examination by two medical practitioners or the receipt of any other testimony, it is proved to the satisfaction of the Governor in Council that such person has regained his health and is capable of duty, the Minister may reappoint such person to the Police Force, and in such case he shall receive the pay of the grade in which he was included at the date of his retirement, and he shall for the purpose in the future of calculating length of service be deemed to have remained in the Police Force for the period during which he was receiving superannuation allowance ; and if such person so reappointed declines to resume such duties he shall no longer be entitled to receive any superannuation allowance.

Increases of
superannua-
tion
allowance to
certain
non-com-
missioned
officers of
police.

(2.) Provided that if a member of the Police Force retires from the Police Force under the foregoing provisions of this Act and is at the date of such retirement a non-commissioned officer with the rank of second-class sergeant, or a non-commissioned officer with a rank higher than that of second-class sergeant, and such non-commissioned officer has when he retires served fifteen years or over in the Police

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TION FUND.

Force, such non-commissioned officer shall be entitled to receive an additional allowance of twenty pounds per annum over and above the superannuation allowance as calculated in accordance with the first paragraph of subsection one of this section forty :

Provided always that the total superannuation allowance (including the additional allowance as aforesaid) on retirement shall not in any case exceed a rate of two hundred and seventy pounds per annum.

(3.) Provided further, that if a member of the Police Force retires from the Police Force under the foregoing provisions of this Act and is at the date of such retirement a commissioned officer with the rank of sub-inspector, or a commissioned officer with a rank higher than that of sub-inspector, and such commissioned officer has when he retires served fifteen years or over in the Police Force, such commissioned officer shall be entitled to receive an additional allowance of fifty pounds per annum over and above the superannuation allowance as calculated in accordance with the first paragraph of subsection one of this section forty: Provided always that the total allowance as aforesaid (including the additional allowance as aforesaid) on retirement shall not in any case exceed a rate of three hundred pounds per annum.

Increases of superannuation allowance to commissioned officers of police who retire.

(4.) Upon his retirement from the Police Force the Commissioner shall be entitled to a superannuation allowance at the rate of four hundred pounds per annum—

Superannuation allowance to Commissioner.

(a) If he has served fifteen years in the Police Force; or

(b) If, not having served fifteen years in the Police Force, he has been retired therefrom under and in pursuance of section thirty-seven of this Act.

(5.) Nothing contained in this section shall entitle or be deemed to entitle any member of the Police Force whose retirement has been approved by the Governor in Council prior to the commencement of this Act to any further or other pension than the pension approved by the Governor in Council in his case upon approving of his retirement, and to the intent that every member of the Police Force whose retirement was approved prior to the commencement of this Act shall be and, subject as provided in this Act, continue to be entitled to the pension

Retirements approved prior to commencement of this Act.

approved in his case upon the approval by the Governor in Council of his retirement and to no further or other pension whatsoever.

Retirement
after five
years' service
for other
causes.

41. If a member of the Police Force retires or is retired or discharged from the Police Force for any reason other than bodily injury or mental or bodily infirmity after having served five years or upwards in the Police Force, he shall be entitled to receive a sum of money equal to one-half of the total amount actually contributed by him by way of deduction from pay and salary to the Fund without interest: Provided that if such person rejoins the Police Force he shall be required to refund the amount so paid to him, and in such case his previous service shall be allowed to count towards superannuation allowance.

Death of
member or
pensioner
leaving
family.

42. (1.) If a married member of the Police Force or a pensioner who at the date of his retirement was married dies leaving a widow or widow and children or children, there shall be paid in respect of—

- (a) Each child until such child reaches the age of fourteen years, a sum at the rate of thirty-two pounds and ten shillings per annum; and
- (b) The widow, a sum of sixty pounds per annum so long as she remains unmarried.

Application
of section.

(2.) Payments under this section in respect of the widow and/or a child or children of a deceased married member of the Police Force or a deceased pensioner, who at the date of his retirement was married, shall be made as and from the commencement of this Act, and to the intent that, as and from the commencement of this Act, such payments shall be made in respect of the widow and/or the child or children of every deceased married member of the Police Force and every deceased pensioner who at the date of his retirement was married and whether such member or pensioner died before, on, or after the commencement of this Act.

Superannua-
tion
allowance
not to be
paid whilst
in receipt of
any salary
from
Consolidated
Revenue
Fund.

43. (1.) Notwithstanding anything to the contrary contained in this Act, or the repealed Acts, or in any other Act, or law, rule of law, or practice or process of law, or in any judgment pronounced or order made by any court, no member or ex-member of the Police Force, or widow, child, or children of any deceased member or ex-member of the Police Force who may be entitled to any superannuation allowance under this Act, or the

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repealed Acts, or any other Act, shall be entitled to receive, and it is hereby declared that no such member or ex-member, widow, child, or children ever was or were entitled to receive, any such superannuation allowance in addition to and whilst in receipt of any salary or other emolument which he or she or they may be or may have been entitled to receive out of Consolidated Revenue Fund on account of any leave that may have accrued due, or may be granted, or may have been granted to any such member, or ex-member, or deceased member at the date of his retirement, or at death, as the case may be.

(2.) The provisions of this section shall operate and have effect, and shall always be deemed to have operated and to have had effect, notwithstanding any judgment pronounced or order made by any court of competent jurisdiction, and whether such judgment was or shall be pronounced or order was or shall be made before, on, or after the commencement of this Act; and any such judgment pronounced or order so made is hereby vacated and shall be void and of none effect whatever:

Effect and
operation of
section.

Provided that nothing in this section shall prejudice or affect the rights of any party to any judgment or under any order of any court of competent jurisdiction in any case where such judgment was given or order made prior to the first day of September, one thousand nine hundred and thirty-six, or prejudice or affect the rights of any party on appeal from any such judgment or order.

Saving.

44. If a member of the Police Force who is unmarried dies there shall be paid to such of his next-of-kin as are proved to the satisfaction of the Minister to have been dependent on him a sum of money equal to the contributions made by him to the Fund without interest.

Death of
unmarried
member.

45. Subject to section forty-three of this Act, every yearly superannuation allowance payable under this Act or any Act repealed by this Act shall commence on the day of the retirement of the person to whom it is to be paid, and shall be payable by equal monthly instalments on the first day of each calendar month, but shall be apportionable as if it accrued from day to day in case of its commencing or terminating at any other than one of the said monthly days of payment.

Date of
commence-
ment of
superannua-
tion
allowance.

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SUPERANNUA-
TION FUND.

Police Act.

1 GEO. VI. No. 12,

Allowance,
&c., charged
on Fund.

46. Every superannuation allowance and other sum payable under this Act shall be chargeable upon and paid out of the Fund.

Separate
account of
dealings
under this
Act.

The Board shall keep a separate account of all moneys of the Fund received and expended respectively under the provisions of this Act.

No person
to assign any
sum of
money to
which he is
entitled
under this
Act.

47. Except subject to such regulations as may be made by the Governor in Council, it shall not be lawful for any member of the Police Force, whether retired from the Police Force or not, to assign, transfer, make over, or otherwise part with, either absolutely or conditionally, otherwise than by will any sum of money to which he may be entitled under any of the provisions of this Part of this Act.

Deed
purporting
to assign
void.

And any deed or instrument, other than a will, purporting to assign, transfer, make over, or part with any such sum of money as aforesaid shall be void.

Money not
to pass to
creditors.

No sum of money to which any such member of the Police Force or his personal representatives or dependent next-of-kin may be entitled as aforesaid shall pass to the creditors of or be in any way liable to or chargeable with the payment of any of the debts, liabilities, or engagements of such member of the Police Force, or be levied or attached or taken in execution by virtue of any process.

Provision
in case of
transfer of
police officer
to Public
Service.

48. When a member of the Police Force is transferred to an office in the Public Service not being an office in the Police Force, or to an office in the Railway Service, the amounts which have been deducted from his salary and paid to the Fund shall be repaid to him from the Fund without interest.

Retired
officer may
be required
to give
service.

49. Any member of the Police Force who retires from the Police Force under the provisions of this Part of this Act shall nevertheless, unless the Governor in Council has otherwise ordered at the date of the retirement or hereafter otherwise orders, be liable if called upon to perform such duties in the Public Service of the State suitable to his age and capacity as the Governor in Council may require him to perform.

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SUPERANNUA-
TION FUND.*Investment Board.*

50. There shall be a Board (hereinbefore referred to as "the Board") consisting of the Public Service Commissioner, Under Secretary, Department of Health and Home Affairs, and the Commissioner of Police, who shall be charged with the duty of controlling and investing the moneys standing to the credit of the Police Superannuation Fund.

Investment
Board.

The Board shall subject to such regulations as the Governor in Council may make have full power to deal with and invest the said moneys.

51. A full account of all dealings with the Police Superannuation Fund shall be kept by the Board, and the Board shall in every year submit to the Minister a complete statement of all moneys paid into the Fund and invested by it during the preceding year, together with a full report on the state of the Fund.

Board to
report.

The statement and report of the Board shall be laid by the Minister before Parliament during the first session after the receipt thereof.

52. The Auditor-General, or such officer of his staff as he may from time to time appoint, shall once at least in every year examine the books and accounts of the Board and shall report thereon to Parliament.

Audit.

PART V.—POLICE REWARD FUND.

PART V.—
POLICE
REWARD
FUND.

53. All penalties imposed on any member of the Police Force under this Act, and all penalties or portions of penalties and damages awarded by any justice on any summary conviction to any member of the Police Force as the prosecutor of any information or otherwise, shall instead of being paid to him be paid to the Treasurer of the State, to be by him applied and set apart towards a Fund to be called "The Police Reward Fund," out of which shall be paid to the members of the Force appointed under this Act, or to the widows of any such members, such rewards, bounties, or other allowances as may be directed by any rules made aforesaid.

Appropriation of
penalties.

54. A full account of all dealings with the Police Reward Fund shall be kept, and in every year not later than the thirtieth day of September a complete statement

Report to be
furnished to
Minister.

PART V.—
POLICE
REWARD
FUND.

Police Act.

1 GEO. VI. No. 12,

of all moneys paid into the Fund and invested during the preceding year, together with a full report on the state of the Fund shall be submitted to the Minister.

Audit.

55. The Auditor-General, or such officer of his staff as he may from time to time appoint, shall once at least in every year examine the books and accounts of the Fund and shall report thereon to Parliament.

Transfer of
Fund to
Police Super-
annuation
Fund.

56. It shall be lawful for the Governor with the advice of the Executive Council, if it be deemed necessary or convenient, at any time to transfer and carry over any portion of such Fund to the Police Superannuation Fund.

PART VI.—
APPEALS.

PART VI.—APPEALS.

Appeals
from the
Commis-
sioner ;
Appeal
Board.

57. (1.) If any member of the Police Force of or below the rank of senior sergeant on the grounds of misconduct, or unfitness, or neglect of or violation of or absence from duty, or any other offence against discipline, has been dismissed from the Police Force, or disgraced or fined by the Commissioner of Police, and any officer of the Police Force below the rank of senior sergeant who is dissatisfied with the promotion of any other officer to a rank above his own but not of a higher rank than that of senior sergeant may in such manner and within such time as may be prescribed by the rules appeal to a Board (herein called "The Appeal Board") which shall be constituted for the purpose of such appeal.

How
composed.

(2.) The Appeal Board shall consist of three persons, namely—

- (a) A police magistrate who shall be appointed in each case by the Minister ;
- (b) A person to be appointed in each case by the Commissioner of Police ; and
- (c) A member's representative nominated in each case by the Executive of the Queensland Police Union : provided that such member's representative shall be either a member of the Police Force, who is a member of such Police Force at the time of the hearing of the appeal concerned, or the General Secretary of the Police Union.

Chairman.

The police magistrate appointed as aforesaid shall be the chairman of the Appeal Board.

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APPEALS.

(3.) The Appeal Board shall hear and determine the appeal. Meeting.

The secretary of the Commissioner shall convene the Appeal Board, and shall keep a record of all proceedings thereof and decisions arrived at.

(4.) All powers of the Appeal Board may be exercised by a majority thereof. Board to act
by majority.

(5.) Appeals in the Southern Division of the State may be heard in Brisbane and elsewhere in such Division; appeals in the Northern and Central Divisions of the State may be heard at Townsville and Rockhampton or elsewhere within the said Divisions respectively : Venue.

Provided that where members of the Police Force are employed in remote localities and where arrangements cannot be conveniently made for their attendance in person, whether as appellants or witnesses, or where they would be subjected to great expense in travelling to appear before the Appeal Board, the Commissioner may appoint a competent person or persons to take evidence on oath in that locality concerning the matter of appeal. Such evidence shall be forwarded for consideration of the Appeal Board.

(6.) Every appeal shall be in writing, shall clearly and concisely set forth the grounds upon which the appeal is made, shall be despatched to the secretary of the Commissioner within thirty days after the date when the appellant receives the decision which is appealed against, and shall be heard by the Appeal Board as early as practicable after the date when the appeal is received by the said secretary: Provided that the Appeal Board may decline to hear or entertain any matter of appeal which, in their opinion, is based on trivial or frivolous grounds. Lodging and
hearing of
appeal.

The said secretary shall give to the appellant four clear days' notice of the date when the appeal will be heard.

(7.) The parties to the appeal shall be entitled to subpoena witnesses in the same manner and subject to the same penalties and conditions as witnesses may be summoned to give evidence before justices in petty sessions, and to have all witnesses examined on oath or affirmation. Procedure.

Representa-
tion.

In any proceedings before the Appeal Board the Commissioner and the appellant may respectively be represented by his counsel, solicitor, or agent duly appointed in writing in that behalf, who may examine witnesses and address the Appeal Board.

Duty of
Board.

(8.) The Appeal Board shall investigate in open court every appeal and transmit the evidence taken together with their decision thereon to the Commissioner.

They shall make their inquiry without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure or that is laid before them, whether the same is such evidence as the law would require or admit in other cases or not.

*“*The Official Inquiries Evidence Acts, 1910 to 1929*,” shall be applicable to every appeal had under this section.

Duty of
Commis-
sioner.

(9.) The Commissioner shall transmit such decision and evidence together with his report and recommendation thereon to the Minister.

Powers of
Governor in
Council.

(10.) Upon consideration of the matter the Governor in Council may acquit the appellant of the charge made or, upon being satisfied that the commission of any offence has been established, may according to the nature of the offence award such of the following punishments as the case may seem to require, whether the Commissioner has imposed or recommended them or not:—

- (a) A reprimand ;
- (b) Deprivation of leave ;
- (c) Reduction of salary ;
- (d) Disrating ;
- (e) Suspension without pay ;
- (f) Enforced resignation ;
- (g) Dismissal.

(11.) In the case of an appeal against the promotion of another officer, if the Appeal Board upholds the appeal the Governor in Council shall upon consideration of the matter make such order as appears to him to be just.

* 1 Geo. V. No. 26 and amending Act, *supra*, pages 748 *et seq.*

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(12.) In all cases where the appellant is successful and the Appeal Board considers that reasonable expenses or any part thereof should be paid to the appellant, the chairman shall certify accordingly :

Provided that in the case of an appeal against the promotion of another officer the Commissioner shall not be liable for the travelling or any other expenses of any witness summoned by or on behalf of the appellant except in cases where the appellant is successful and the chairman certifies that the evidence of such witness is necessary and material :

Provided further, that the approval of the Minister shall be obtained before payment in respect of any such expenses is made.

58. Notwithstanding anything contained in any other Act, no appeal from a decision, either of the Appeal Board or of the Governor in Council (or, save as hereinbefore provided, from the Commissioner) with respect to any member of the Police Force shall lie or be permitted to the Court of Industrial Arbitration or to any other court or tribunal whatsoever, and no writ of prohibition or mandamus or *certiorari* shall lie in respect thereof.

No appeal
from Appeal
Board or
Governor in
Council.

PART VII.—GENERAL.

PART VII.—
GENERAL.

59. Any person who assaults or resists, or aids or incites any other person to assault or resist, any member of the Police Force in the execution of his duty shall be liable to a penalty not exceeding ten pounds or to imprisonment with or without the option of a fine for any term not exceeding three months.

Assaults on
police.

60. Any person who knowingly harbours or entertains any member of the Police Force, or permits any member of the Police Force to abide or remain in his house, shop, room, or other place during any part of the time appointed for such member being on duty elsewhere, shall be guilty of an offence and liable, except as is hereinafter provided, to a penalty not exceeding ten pounds :

Penalty on
persons
harbouring
police during
hours of
duty.

Provided that where any person who offends against this section is a licensee within the meaning of **"The Liquor Acts, 1912 to 1935,"* such person shall in lieu of

* 3 Geo. V. No. 29 and amending Acts, *supra*, pages 5527 *et seq.*

offending against this section be deemed to be guilty of an offence against section eighty-two of **“The Liquor Acts, 1912 to 1935,”* and shall be liable accordingly, and to the further intent that nothing in this section shall prejudice or affect such lastmentioned Acts.

Exemption
from tolls.

61. (1.) Every member of the Police Force on actual duty as such, and all prisoners under their charge, and all motor vehicles, carriages, and horses exclusively employed in carrying or conveying such members of the Police Force or their prisoners or baggage or returning therefrom shall be exempt from payment of any tolls or dues in passing any toll-gate, turnpike, road, bridge, or ferry, any Act or law to the contrary notwithstanding.

Penalty for
demanding
same.

(2.) Any toll-collector who demands or receives any duty or toll contrary to this Act shall be liable to a penalty not exceeding ten pounds or to imprisonment for any period not exceeding six months.

Penalty for
unlawful
possession of
accoutre-
ments or
wearing
uniform, &c.

62. Any person who, not being a member of the Police Force—

- (a) Has in his possession any arms, ammunition, article of clothing, accoutrements, or appointments of the Police Force, and does not satisfactorily account for such possession; or
- (b) Without the permission of the Commissioner and otherwise than in the course of a stage play, a music hall or circus performance, or a ball, wears the uniform, or any colourable imitation of the uniform, of a member of the Police Force; or
- (c) Assumes the name, designation, or description of a member of the Police Force or of any class of such members; or
- (d) For the purposes of or in connection with any business, occupation, or employment—
 - (i.) Assumes or uses the designation of detective or private detective, or any other designation which includes the word “detective,” or the name, designation, rank, or description of any member of the Police Force or of any class of such members, or

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GENERAL.

- (ii.) Uses the designation, rank, or description which he previously held in the Police Force,

shall be guilty of an offence and be liable to a penalty not exceeding ten pounds or to imprisonment for any period not exceeding six months.

63. (1.) Any person to whom any allowance, compensation, remuneration, or superannuation has been granted under the provisions of this Act or the repealed Acts who—
Officers super-annuated, &c., to assist in keeping the peace. &c.

- (a) Refuses when called upon by the Commissioner to assist in the suppression of any riot or breach of the peace or in the apprehension of any offender; or
- (b) Is convicted of any crime, misdemeanour, or other disgraceful conduct; or
- (c) Commits any fraud with respect to the claiming, obtaining, or receiving such allowance, compensation, remuneration, or superannuation, or conceals his enjoyment of the same for the purpose of evading the provisions of this Act; or
- (d) Assumes a false name, or makes a false statement as to his place of residence for the same or any other fraudulent purpose; or
- (e) Fails to conform to any rule respecting notification of residence and changes of residence laid down for his guidance,

shall be liable, in addition to any other punishment to which he may by law be liable, at the pleasure of the Governor in Council to forfeit the whole or any part of such allowance, compensation, remuneration, or superannuation.

(2.) Any such person who without leave previously granted by the Minister departs from Queensland shall be liable to the like forfeiture during his absence.

64. Subject to this Act, any person offending against any of the following provisions of this Act, that is to say, against sections 34, 59, or 62 (a), (b), and (c), may be arrested, anything contained in **"The Justices Acts, 1886 to 1932,"* or any other Act to the contrary notwithstanding :
Where offender may be arrested.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

Provided that this section shall not limit or be deemed to limit the power and authority to proceed against an offender by way of complaint or summons under **“ The Justices Acts, 1886 to 1932.”*

Warrant and
arrest of
person
offending
against Act.

65. Upon complaint on oath made before any justice of the peace by any person that he believes on reasonable grounds that an offence against this Act has been committed, such justice may by warrant under his hand directed to any member of the Police Force order the alleged offender to be arrested and brought as soon as practicable before a court to be dealt with according to law.

Limitation
of actions.

66. (1.) An action shall not be brought against any person for anything done or intended or omitted to be done under this Act until the expiration of one month after notice in writing has been served on such person clearly stating the cause of action and the name and address of the intended plaintiff and of his solicitor or agent.

On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

Unless such notice is proved the court shall find for the defendant.

Every such action shall be commenced within two months next after the accruing of the cause of action and shall be tried in the circuit, district, or place where the cause of action occurred and not elsewhere.

Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor, or agent at any time within one month after service of the notice, and in case the same is not accepted may plead such tender.

Costs.

(2.) In any such action, if a verdict is given for the defendant or the plaintiff becomes non-suited or discontinues after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant has by law in other cases, and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the judge before whom the trial is held certifies his approbation of the action and of the verdict obtained thereupon.

* 50 Geo. V. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

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GENERAL.

67. (1.) Any goods and chattels which have lawfully come to the possession of any member of the Police Force and which are unclaimed shall be sold and disposed of by the direction of the Commissioner by public auction (a notice of such sale having been previously published thrice in the *Gazette*) and the clear produce of such sale shall unless claimed within twelve months thereafter be applied to the Police Reward Fund and every such sale shall be valid against all persons, and no person selling any goods or chattels under this enactment shall be subject or liable to pay any auction or other duty in consequence of such sale.

Unclaimed
goods in
possession of
police may
be sold by
Commissioner.

(2.) In the case of any such goods and chattels as are in his opinion of a perishable nature or are unsaleable, or are articles of food, the Commissioner may in his absolute discretion direct that they be delivered over to the superintendent or any other officer in charge of a benevolent institution for the benefit of the inmates thereof: Provided that in any town or place where no benevolent institution is established the Commissioner may dispose of same towards any charitable purpose.

Perishables;
how to be
disposed of.

68. (1.) When any person arrested or charged with any offence punishable on summary conviction or for any petty misdemeanour is brought without warrant into the custody of any police officer during his attendance at any police station or watch-house, if such person cannot be immediately brought before a court, such officer may if he deems it prudent take bail by recognizance in such reasonable sum as such officer deems sufficient, with or without sureties from such person conditioned as hereinafter mentioned, or by way of bail may accept such reasonable deposit of money as such officer deems sufficient.

Police officer
may take
bail by
recognizance.

(2.) Every such recognizance shall be conditioned for the appearance in his own proper person of the person thereby bound before a court at the next sittings of such court.

It shall be of equal obligation on the persons entering into the same and subject to the same proceedings for the estreating thereof as if the same had been taken before a justice.

(3.) The police officer shall enter in a book to be kept for that purpose at every such station or watch-house the name, address, and the occupation of the person and his surety or sureties (if any) entering into such recognizance, together with the condition thereof,

or making such deposit in money as aforesaid, and the sum thereby acknowledged, and shall return every such recognizance to the court at the time and place when and where such person is bound to appear.

(4.) If the person does not appear at the time and place required the court shall cause a record of such recognizance to be drawn up and signed by the police officer, and shall order such recognizance to be estreated and the same shall be estreated accordingly; or if a deposit in money by way of bail has been accepted, shall order such bail to be forfeited, and the same shall be forfeited accordingly.

(5.) If the person not appearing applies by his counsel or solicitor for a postponement of the hearing of the charge and the court consents thereto, the court may enlarge the recognizance to such time as it appoints.

(6.) When the person bound appears and the matter is heard and determined, the recognizance shall be discharged; or if a deposit in money by way of bail has been accepted the amount thereof shall be paid over to the person making the deposit unless the court orders the same or any part thereof to be applied in or towards payment of any penalty or costs imposed.

Protection of
members of
the Police
Force.

69. Where an action is brought against any member of the Police Force for any act done in obedience to the warrant or order of a magistrate or justice, such member shall not be responsible for any irregularity in the issuing of the warrant or order or for want of jurisdiction in the magistrate or justice issuing the same; and upon producing such warrant or order, and on proof that the signature thereto is in the handwriting of the person whose name appears subscribed thereto, and that such person is reputed to be and acts as a magistrate or justice possessing jurisdiction in the case, and that the acts complained of were done in obedience to such warrant, the tribunal trying the said issue shall find a verdict for such member and such member shall recover his costs of suit.

Existing
laws
affecting
constables
saved.

70. Nothing in this Act contained shall be deemed to diminish the duties or restrict or affect the liabilities of members of the Police Force at common law or under any Act now in force or hereafter to be passed.

Proceedings.

71. All proceedings for offences under this Act shall be taken and all penalties recovered in a summary way under **"The Justices Acts, 1886 to 1932."*

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

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*Police Act.*PART VII.—
GENERAL.

Proceedings for offences against this Act may be instituted within one year after the offence is committed or within six months after the discovery of the offence by the complainant, whichever is the later period.

72. Save as is otherwise provided by this Act, all penalties and forfeitures imposed by this Act shall when recovered be paid and applied as follows:—that is to say, one moiety into the Consolidated Revenue Fund, and the other moiety into the Police Reward Fund.

Appropriation of penalties.

73. Save as is herein otherwise expressly provided, nothing in this Act contained shall be taken to prevent any member of the Police Force from being discharged, dismissed, or otherwise removed from office in the same manner in all respects as if this Act had not been passed.

Saving of right to dismiss, &c.

74. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

Regulations.

(2.) Regulations may be made on the passing of this Act.

May be made on passing of Act.

(3.) The regulations may fix a penalty not exceeding in any case twenty pounds for any breach thereof.

May fix penalty.

75. All Orders in Council and regulations made or purporting to have been made under this Act shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

Orders in Council and regulations to form part of this Act.

The publication in the *Gazette* of any such Order in Council or regulation shall be conclusive evidence of the matters contained therein and of the power and authority to make such Order in Council or regulation.

All Orders in Council and regulations shall be laid before the Legislative Assembly within fourteen days after such publication, if Parliament is in session; and if not, then within fourteen days after the commencement of the next session.

If Parliament passes a resolution disallowing any such Order in Council or regulation, of which resolution notice has been given at any time within fourteen

sitting days of such House after such Order in Council or regulation has been laid before it, such Order in Council or regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

For the purpose of this section, the term “sitting days” shall mean days on which the House actually sits for the despatch of business.

SCHEDULE.

Year and Number of Act.	Title of Act.	Extent of Repeal.
2 Vic. No. 2 ..	“ <i>The Police Act of 1838</i> ” ..	Whole Act
11 Vic. No. 44 ..	“ <i>The Police Act Amendment Act of 1848</i> ”	Whole Act
19 Vic. No. 24 ..	“ <i>The Police Act of 1855</i> ” ..	The remainder of that Act not repealed by the Schedule to * <i>“The Vagrants, Gaming, and Other Offences Act of 1931.”</i>
27 Vic. No. 11 ..	“ <i>The Police Act of 1863</i> ” ..	Whole Act
45 Vic. No. 12 ..	“ <i>The Police Jurisdiction Extension Act of 1881</i> ”	Whole Act
49 Vic. No. 2 ..	“ <i>The Police Officers’ Relief Act of 1885</i> ”	Whole Act
55 Vic. No. 32 ..	“ <i>The Police Act of 1863 Amendment Act of 1891</i> ”	Whole Act
2 Geo. V. No. 13	“ <i>The Police Acts Amendment Act of 1911</i> ”	Whole Act
3 Geo. V. No. 32	“ <i>The Police Acts Amendment Act of 1912</i> ”	Whole Act
12 Geo. V. No. 4	“ <i>The Police Acts Amendment Act of 1921</i> ”	Whole Act
15 Geo. V. No. 8	“ <i>The Police Acts Amendment Act of 1924</i> ”	Whole Act
19 Geo. V. No. 15	“ <i>The Police Acts Amendment Act of 1928</i> ”	Whole Act
4 Vic. No. 17 ..	“ <i>The Water Police Act of 1840</i> ”	Whole Act
7 Vic. No. 21 ..	“ <i>The Water Police Act of 1843</i> ”	Whole Act
17 Vic. No. 36 ..	“ <i>The Water Police Act of 1853</i> ”	Whole Act
19 Vic. No. 8 ..	“ <i>The Water Police Act of 1855</i> ”	Whole Act
1 Edw. VIII. No. 6	“ <i>The Police Superannuation Declaratory Act of 1936</i> ”	Whole Act

* 22 Geo. V. No. 27, *supra*, page 13987.