

STATUTORY RULES.

1942. No. 212.

REGULATIONS UNDER THE PEACE OFFICERS ACT 1925.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Peace Officers Act 1925*.

Dated this sixth day of May, 1942.

GOWRIE

Governor-General.

By His Excellency's Command,

J. A. BEASLEY

Acting Attorney-General.

PEACE OFFICERS' GUARD REGULATIONS.

1. These Regulations may be cited as the Peace Officers' Guard Citation Regulations.
2. The Peace Officers Regulations (being Statutory Rules 1928, No. Repeal. 115, as amended by Statutory Rules 1934, No. 53; 1936, No. 115; 1937, No. 55; and 1941, No. 204) are repealed.
3. In these Regulations, unless the contrary intention appears—Definitions.
 - "Superintending Peace Officer" means the Peace Officer appointed under the Act as Superintending Peace Officer;
 - "Deputy Superintending Peace Officer" means the Peace Officer appointed under the Act as Deputy Superintending Peace Officer;
 - "Peace Officer" means any Peace Officer who is appointed under the Act to any rank or grade, other than that of Superintending Peace Officer or Deputy Superintending Peace Officer, in the Peace Officers' Guard and includes a Special Peace Officer;
 - "Peace Officers' Guard" means the Peace Officers' Guard constituted under the Act for the preservation of peace and good order in or in connexion with—
 - (a) establishments established or purchased or deemed to have been established or purchased in pursuance of the *Supply and Development Acts 1939*;
 - (b) establishments or places where essential services are carried on, including wharves; and
 - (c) such other establishments or places as the Superintending Peace Officer directs;
 - "Special Peace Officer" means any Special Peace Officer who is appointed under the Act to be a member of the Peace Officers' Guard;
 - "the Act" means the *Peace Officers Act 1925*.

* Notified in the *Commonwealth Gazette* on 7th May, 1942, 2257.—PRICE 5D.

Exemption
from certain
State laws.

4. A Peace Officer shall not be required under, or by reason of, any law of a State—

- (a) to obtain or have any licence or permission for doing any act or thing in performance of his duties or exercise of his powers as a Peace Officer; or
- (b) to register any animal, vehicle, vessel, or article belonging to the Commonwealth.

Authority of
Superintending
Peace Officer.

5. The Superintending Peace Officer shall be subject to the direction of the Attorney-General.

Functions of
Deputy
Superintending
Peace Officer.

6. The Deputy Superintending Peace Officer shall, subject to the direction of the Superintending Peace Officer, have control of such Peace Officers as the Superintending Peace Officer directs.

Offences.

7.—(1.) Any Peace Officer who—

- (a) wilfully disobeys or disregards any lawful order or command made or given by any person duly authorized to make or give such order or command or any of the General Orders issued from time to time for the information and guidance of members of the Peace Officers' Guard;
- (b) is negligent or careless in the discharge of his duties;
- (c) is inefficient or incompetent through causes which appear to be within his own control;
- (d) uses intoxicating liquor or drugs to excess or is drunk on duty;
- (e) is guilty of any disgraceful or improper conduct either in his official capacity or otherwise;
- (f) commits any breach of discipline;
- (g) having made or subscribed an oath or affirmation in accordance with section 3 of the Act does or says anything in violation of that oath or affirmation;
- (h) uses for any purpose other than for the discharge of his official duties any information gained by or conveyed to him as a Peace Officer; or
- (i) discloses, directly or indirectly, otherwise than in the course of his duty, the contents of official papers, information concerning public business or any matter of which he has official knowledge,

shall be guilty of an offence and shall be liable to such punishment as is prescribed in these Regulations.

(2.) The Deputy Superintending Peace Officer may, if he is of opinion that a Peace Officer has committed an offence mentioned in sub-regulation (1.) of this regulation—

- (a) caution or reprimand the Peace Officer; or
- (b) inflict on the Peace Officer a penalty not exceeding Two pounds; or
- (c) report the Peace Officer to the Superintending Peace Officer.

(3.) Where the Deputy Superintending Peace Officer reports a Peace Officer to the Superintending Peace Officer pursuant to sub-regulation (2.) of this regulation, the Superintending Peace Officer may—

- (a) inflict on the Peace Officer such penalty, either by fine not exceeding Ten pounds, or by reduction in rank or grade, with loss of pay, as he thinks fit;
- (b) recommend to the Attorney-General that the Peace Officer be dismissed; or
- (c) where the Peace Officer so reported is a Special Peace Officer, dismiss the Special Peace Officer.

(4.) If the Superintending Peace Officer or any Deputy Superintending Peace Officer considers that any Peace Officer has committed an offence of such a serious nature that he should not continue in the performance of his duty, the Superintending Peace Officer or Deputy Superintending Peace Officer may suspend the officer from duty pending consideration of the question of his dismissal:

Provided that where a Deputy Superintending Peace Officer has suspended a Peace Officer the suspension may be removed at any time by the Superintending Peace Officer.

(5.) Any Peace Officer who is suspended or dismissed shall not, unless the Secretary, Attorney-General's Department, otherwise directs, receive any salary from the date upon which, or for the period during which, he ceased to perform, or did not perform, the duties of his office.

(6.) A Peace Officer may appeal to the Superintending Peace Officer against any punishment inflicted on him by a Deputy Superintending Peace Officer.

(7.) In the event of any appeal under the last preceding sub-regulation, the Superintending Peace Officer may confirm or vary the punishment inflicted by the Deputy Superintending Peace Officer.

(8.) On receipt of notice of any pecuniary penalty imposed upon any Peace Officer under the authority of these Regulations, the officer who pays the salary of the Peace Officer so punished shall, unless he is satisfied that payment of the amount of the penalty has been made, deduct from any salary payable to the Peace Officer the amount of the penalty.

(9.) The deduction may be made by instalments equal as nearly as possible to one-fourth of the salary due from time to time to the Peace Officer.

(10.) All pecuniary penalties imposed under these Regulations shall be paid into and form part of the Consolidated Revenue.

8. The hours of duty of Peace Officers shall not, without payment **Hours of duty.** of overtime, exceed 144 in any roster cycle of twenty-one consecutive days and such hours shall be worked in shifts of such number of hours as the Deputy Superintending Peace Officer directs.

9. All time on duty in excess of 144 hours in any roster cycle of **Overtime.** twenty-one consecutive days, and all time on duty in excess of any rostered shift, shall be paid for at the rate of time and a half;

Provided that, where the necessity for extra duty is created by causes arising unexpectedly during or at the end of any shift, equivalent time-off in lieu of the time by which the extra duty on the particular shift exceeds fifteen minutes but does not exceed thirty minutes may be allowed on such day as the Deputy Superintending Peace Officer approves and, for the time by which the extra duty exceeds thirty minutes, payment of overtime shall be made.

Meal allowance.

10. Where a Peace Officer is required to remain on duty at least two hours beyond his rostered hour of ceasing duty, and such attendance renders it reasonable for him to obtain a meal away from home, he shall be granted a meal allowance of Two shillings.

Travelling Allowance.

11. In such cases as the Superintending Peace Officer thinks fit, a Peace Officer travelling on duty and required to be absent overnight from his permanent or temporary station may be granted an allowance to cover any additional expenses reasonably incurred at the rate set out in the following scale:—

Where maximum nominal salary of position is—	First fourteen days residence.	After fourteen days residence.	
		Married officer.	Unmarried officer.
	Per day. <i>s. d.</i>	Per week. <i>s. d.</i>	Per week. <i>s. d.</i>
£312 and under	10 6	35 0	25 0
£313 to £468	12 0	42 0	30 0
£469 and over	14 6	50 0	35 0

Recreation leave.

12.—(1.) After twelve months' service, the Superintending Peace Officer may grant to a Peace Officer leave of absence for recreation for any period or periods not exceeding eighteen actual working days in the whole of each year.

(2.) If leave of absence for recreation is not taken in the year in which it accrues it shall lapse:

Provided that the Superintending Peace Officer may, in any case where it is impracticable to grant leave of absence in any year, or for any other sufficient reason, direct in writing that the leave may be taken at a specified time in the next following year in addition to the leave for that year, and the leave may then be taken accordingly.

Deductions from recreation leave on account of other absences.

13.—(1.) In any case in which a Peace Officer has, since his last recreation leave or, if the Peace Officer has not previously had recreation leave, since the date of his appointment, been absent from duty for more than twenty-six working days (either in one or more periods), the period of recreation leave which may be granted under the last preceding regulation shall be subject to a deduction of one and one-half days for each twenty-six working days of absence, exclusive of the first twenty-six days.

(2.) Nothing in the last preceding sub-regulation shall apply in the case of any absence in respect of which leave has been granted on account of illness or disability contracted without negligence or misconduct on the part of the Peace Officer in the course of his duty or on account of illness which the Superintending Peace Officer is satisfied arises as a direct result of war service, where the absence does not exceed seventy-eight working days or such further period as the Attorney-General approves.

(3.) A Peace Officer who is granted recreation leave shall not be entitled to claim leave for any other purpose during the currency of that leave.

14.—(1.) A Peace Officer shall, when absent from duty on account of sickness or injury— Sick leave.

(a) immediately report, or cause to be reported, to the officer in charge at his station, particulars of the illness or injury; and

(b) furnish, or cause to be furnished, to the Superintending Peace Officer a written application for leave, together with a medical certificate:

Provided that the Superintending Peace Officer may grant leave of absence under this regulation, without the production of a medical certificate, for any period not exceeding two days, but the periods of leave so granted shall not exceed three days in the aggregate in any period of twelve months.

(2.) A Peace Officer may, in respect of his service as a Peace Officer, be granted, in case of illness, sick leave in accordance with the provisions of the Determination of the Public Service Arbitrator (No. 39 of 1926), as amended from time to time.

(3.) The Superintending Peace Officer may, on production of satisfactory medical evidence, grant sick leave on full pay in accordance with that Determination for any period not exceeding seven days in any period of twelve months.

(4.) All applications for sick leave in excess of seven days in any such period shall be submitted to the Secretary, Attorney-General's Department, for approval or otherwise.

(5.) A Peace Officer shall not be allowed sick pay if the sickness or injury arises from his own misconduct, or in any case of absence without sufficient cause.

15. When the absence of a Peace Officer is not sanctioned under regulation 12 or regulation 14 of these Regulations, he shall, in addition to any penalty that may be imposed for an offence under these Regulations, forfeit his pay for the period of such absence. Unauthorized absence.

16.—(1.) Any Peace Officer who was employed in a Government Munitions Establishment prior to the first day of November, 1923, and whose service as a Peace Officer is continuous with his service as an employee in such Munitions Establishment, shall have the same rights to furlough, leave of absence or pay in lieu thereof as an officer of the Commonwealth Service has under the provisions of sections 73 and 74 of the *Commonwealth Public Service Act 1922-1941*. Rights of certain officers preserved.

(2.) For the purpose of determining the rights of a Peace Officer under this regulation, his period of service shall be deemed to have commenced on the date of the commencement of his employment in the Government Munitions Establishment.

(3.) The power to grant furlough, leave of absence or pay in lieu thereof under this regulation shall be exercised by the Attorney-General.

17.—(1.) Where judgment has been given by any court against any Peace Officer or against any person who is subsequently appointed to be a Peace Officer for the payment of any sum of money, the person in whose favour the judgment is given may serve on the Paying Officer Attachment of salaries of Peace Officers.

a copy of the judgment, certified under the hand of the Registrar or other proper officer of the court by which the judgment was delivered, and a statutory declaration stating that the judgment has not been satisfied by the judgment debtor, and setting out the amount due by the judgment debtor under the judgment.

(2.) Upon the service upon him of a copy of a judgment and a statutory declaration in pursuance of this regulation, the Paying Officer shall as soon as practicable notify the judgment debtor in writing of the service of the copy of the judgment and statutory declaration, and require him to state in writing, within a time to be specified by the Paying Officer, whether the judgment has been satisfied, and, if so, to furnish evidence in support thereof, and, if the judgment has not been satisfied, to state the amount then due under the judgment.

(3.) If the judgment debtor fails to prove to the satisfaction of the Paying Officer, within the time specified by the Paying Officer, that the judgment has been satisfied, the Paying Officer may, from time to time, deduct, from any moneys due to the judgment debtor such sums as are in his opinion necessary to enable the judgment to be satisfied, or may direct the deduction therefrom of such sums and shall pay, or direct the payment of, those sums to the judgment creditors:

Provided that in no case shall a deduction be made which will reduce the amount to be received by the judgment debtor to less than Two pounds per week, or to less than one-third of the amount which would, but for the provisions of this regulation, be payable to the judgment debtor.

(4.) Where more than one judgment and statutory declaration are served upon the Paying Officer in respect of one judgment debtor, the judgments shall be satisfied in the order in which copies of the judgments are served upon the Paying Officer.

(5.) A payment made to a judgment creditor in pursuance of this regulation shall, as between the Commonwealth and the judgment debtor, be deemed to be a payment to that debtor.

(6.) A person to whom any payment has been made in pursuance of this regulation shall notify the Paying Officer immediately a judgment debt in respect of which the payment was made is satisfied.

Penalty: Fifty pounds or imprisonment for three months.

(7.) If any payment made in pursuance of this regulation exceeds the amount due under the judgment, the excess shall be repayable by the judgment creditor to the judgment debtor, and, in default of payment, may be recovered by the judgment debtor from the judgment creditor in any court of competent jurisdiction.

(8.) The foregoing provisions of this regulation shall not apply in relation to any Peace Officer whose estate the Paying Officer is satisfied has been sequestrated, either voluntarily or compulsorily, for the benefit of his creditors and who has not, at the relevant time, obtained a certificate of discharge.

(9.) In this regulation, "Paying Officer" means such officer of the Attorney-General's Department as the Chief Officer of that Department appoints as a Paying Officer for the purposes of this regulation.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.