

# STATUTORY RULES.

1941. No. .

REGULATION 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 Regulation under the *Peace Officers Act 1925*.

Dated this *Seventeenth*

day of *August*, 1941.

Governor-General.

By His Excellency's Command,

*(Sgd.) W. M. HUGHES,*

Attorney-General.

## AMENDMENT OF THE PEACE OFFICERS REGULATIONS.†

After regulation 10 of the Peace Officers Regulations the following regulation is added:—

“11.—(1.) Where judgment has been given by any court against any 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 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. Attachment of salaries of Peace Officers.

“(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

\* Notified in the *Commonwealth Gazette* on . . . 1941.

† Statutory Rules 1928, No. 115, as amended by Statutory Rules 1934, No. 53; 1936, No. 115; and 1937, No. 55.

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.”.