

THE NORTHERN TERRITORY OF AUSTRALIA

POLICE ADMINISTRATION ACT

No. 18 of 1979

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#### SCHEDULE

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 18 of 1979

## AN ACT

Relating to the Police Force

[Assented to 26 January 1979]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### PART I - PRELIMINARY

- |   |                    |
|---|--------------------|
| 1. This Act may be cited as the <u>Police Administration Act 1978</u> .   | Short title        |
| 2. This Act shall come into operation on the date of commencement of the <u>Summary Offences Act</u> .  | Commencement       |
| 3.(1) Notwithstanding the repeal of Part II of the <u>Police and Police Offences Ordinance</u> effected by section 4 of the <u>Summary Offences Act</u> a person who was a member of the Police Force under Part II of the <u>Police and Police Offences Ordinance</u> immediately before the commencement of this Act continues to be a member of the Police Force under this Act with the same rank and seniority and, subject to this Act, upon the same terms and conditions which applied to the member immediately before the commencement of this Act. | Repeal and savings |
| (2) Notwithstanding the repeal of Part IV of the <u>Police and Police Offences Ordinance</u> effected by section 4 of the <u>Summary Offences Act</u> all warrants issued and all arrests and other actions taken by a member pursuant to Part IV of the <u>Police and Police Offences Ordinance</u> shall continue to have force and effect as if issued or taken under the provisions of Part VI of this Act.   |                    |
| (3) Notwithstanding the repeal of Part IIA of the <u>Police and Police Offences Ordinance</u> effected by section 4 of the <u>Summary Offences Act</u> the Police Arbitral Tribunal established by that Part shall continue in force under Part III of this Act, subject to this Act.   |                    |
| (4) A reference in any law in force in the Territory to the Commissioner of Police shall be read as a reference to the Commissioner of Police appointed under or holding office pursuant to this Act.   |                    |

## Police Administration

(5) A reference in any law in force in the Territory to a member of the Police Force shall be read as a reference to a member of the Police Force appointed under or holding office pursuant to this Act.

### Interpretation

4. In this Act unless the contrary intention appears -

"Assistant Commissioner" means an Assistant Commissioner of Police appointed under section 8;

"association" means the Officers Association or the Police Association, as the case may be;

"Commissioner" means the Commissioner of Police appointed under section 7;

"Deputy Commissioner" means a Deputy Commissioner of Police appointed under section 8;

"Judge" means a Judge of the Supreme Court of the Northern Territory;

"justice" means a person appointed to be a justice under the Justices Act;

"magistrate" means a person appointed to be a magistrate under the Magistrates Act;

"member" means a member of the Police Force;

"Officers Association" means the Northern Territory Police Commissioned Officers Association;

"Police aide" means an aide appointed under section 19;

"Police Association" means the Northern Territory Police Association;

"Police Cadet" means a Police Cadet appointed under section 18;

"Police Force" means the Police Force of the Northern Territory of Australia established by this Act;

"Special Constable" means a Special Constable appointed under Division 4 of Part III;



## Police Administration

"Tribunal" means the Police Arbitral Tribunal formerly constituted under the Police and Police Offences Ordinance and continued under Part III of this Act.

### PART II - POLICE FORCE OF THE NORTHERN TERRITORY

#### Division 1 - Establishment of Police Force

5. There is established by this Act the Police Force of the Northern Territory.

Northern  
Territory  
Police Force

6. The Police Force shall consist of a Commissioner and other members appointed and holding office under and in accordance with this Act.

Constitution  
of Police  
Force

#### Division 2 - Commissioner, Deputy and Assistant Commissioners

7. The Administrator may appoint a person to be Commissioner of Police.

Commissioner  
of Police

8. The Administrator may appoint a person to be a Deputy or an Assistant Commissioner of Police.

Deputy or Assist-  
ant Commissioner  
of Police

9.(1) Subject to the provisions contained in an Act (including this Act), the Commissioner, a Deputy Commissioner or an Assistant Commissioner appointed under this Part -

Remuneration of  
Commissioner,  
&c.

(a) shall be paid such remuneration and allowances; and

(b) shall hold office on such terms and conditions,

as the Administrator, from time to time, determines.

(2) The Commissioner, a Deputy Commissioner or an Assistant Commissioner appointed under this Part shall not be an employee for the purposes of the Public Service Act.

(3) In determining the matters specified in subsection (1) the Administrator shall ensure that the remuneration and allowances and terms and conditions of the Commissioner, a Deputy Commissioner or an Assistant Commissioner shall be not less than those of other members of the Police Force.

(4) Where the Commissioner, a Deputy Commissioner or an Assistant Commissioner ceases to

## Police Administration

hold office other than by reason of his death, resignation or retirement under section 10(3), he shall be paid compensation to be determined by the Administrator.

### Retirement

10.(1) The Commissioner, a Deputy Commissioner or an Assistant Commissioner, who has attained the age of 55 years may retire from the Police Force.

(2) The Commissioner, a Deputy Commissioner or an Assistant Commissioner, who attains the age of 60 years, shall cease to hold office as a member of the Police Force.

(3) Notwithstanding any other provision of this Act, the Commissioner, a Deputy Commissioner or an Assistant Commissioner may retire from the Police Force where he satisfies the Administrator that by reason of illness or other incapacity he is unable to discharge the duties of his position.

(4) A retirement under sub-section (3) is not effective until it is accepted by the Administrator.

### Resignation

11.(1) The Commissioner, a Deputy Commissioner or an Assistant Commissioner may resign his office by writing signed by him and delivered to the Administrator.

(2) A notice of resignation under sub-section (1) shall not have effect until it is accepted by the Administrator.

### Acting Commissioner, &c.

12.(1) Where -

(a) there is a vacancy in the office of Commissioner, Deputy Commissioner or Assistant Commissioner; or

(b) the Commissioner, a Deputy Commissioner or an Assistant Commissioner is absent from duty or from the Territory or, for any other reason, is unable to carry out the duties of his office,

the Administrator may appoint a member to act as the Commissioner, a Deputy Commissioner or an Assistant Commissioner, as the case may be, during the vacancy, absence or inability, as the case may be.

(2) Subject to this section, a person appointed under sub-section (1) during a vacancy shall not continue in office after the expiration of 12 months after the occurrence of the vacancy.

## Police Administration

(3) Where a person is appointed to act as the Commissioner, a Deputy Commissioner or an Assistant Commissioner in pursuance of an appointment under sub-section (1) -

- (a) a reference in a law of the Territory to the Commissioner, a Deputy Commissioner or an Assistant Commissioner, as the case may be, includes a reference to the person so appointed to act; and
- (b) that person has all the powers, functions and duties conferred or imposed upon the Commissioner, a Deputy Commissioner or an Assistant Commissioner, as the case may be, by any law of the Territory.

(4) Where a person is, under sub-section (1), appointed to act in a position and that position becomes vacant while the person is so acting, the person may continue to act in that position until -

- (a) the Administrator otherwise directs;
- (b) the position ceases to be vacant;
- (c) the person resigns his appointment made under sub-section (1); or
- (d) a period of 12 months from the date on which the vacancy occurred expires,

whichever first occurs.

(5) A person may resign an appointment under sub-section (1) by writing signed by him and delivered to the Administrator.

(6) A notice of resignation under sub-section (5) shall not have effect until it is accepted by the Administrator.

(7) The validity of anything done by a person acting as Commissioner, Deputy Commissioner or Assistant Commissioner in pursuance of an appointment under sub-section (1) shall not be called in question by reason of any defect or irregularity in or in connexion with his appointment or on the ground that the occasion for his appointment had not arisen or that the appointment had ceased to have effect.

13.(1) Where there is an interval between the inability of the Commissioner, a Deputy Commissioner or an Assistant Commissioner to carry out the duties of his office and an appointment by the Administrator

Interim  
vacancies

## Police Administration

under section 12(1), the powers and functions of the office to which the inability relates may be exercised by the member next senior to the member who held the office in respect of which the inability arose.

(2) An action taken by a member in accordance with sub-section (1) shall be deemed to be the action of the member appointed under section 12.

Control and  
management  
of Police  
Force

14.(1) Subject to this Act, the Commissioner shall be charged and invested with the general control and management of the Police Force and of Special Constables appointed under this Act and may, in addition to those powers, exercise any powers conferred on an Inspector or other officer of the Police Force.

(2) The Commissioner shall exercise and perform all the powers and functions of his office in accordance with the directions in writing, if any, given to him by the Minister.

(3) Subject to this Act, the Commissioner may, by writing under his hand, delegate to a member all or any of the powers of the Commissioner under this Act except this power of delegation.

### Division 3 - Appointment, Resignation and Dismissal of Members

Administrator  
may determine  
establishment  
of Police Force

15. Subject to this Act, the Administrator may determine the number of members of the Police Force and the number of members who, at one time, may hold each of the ranks in the Police Force.

Commissioner  
may appoint  
or promote  
members

16.(1) Subject to this Act, the Commissioner may -

- (a) appoint a person, being a person who is eligible for appointment to the Police Force, to be a member of the Police Force; and
- (b) promote a member, being a member who is qualified for promotion, to the rank next above the rank which that member held on the day immediately preceding the day on which the promotion was made.

(2) An appointment or promotion by the Commissioner under sub-section (1) shall not be made so as to appoint a person or promote a member to the rank of Commissioner, Deputy Commissioner or Assistant Commissioner.

## Police Administration

(3) The Commissioner may promote a member, being a member who is qualified for promotion, to a rank that is 2 ranks above the rank which that member held on the day immediately preceding the day on which the promotion was made where the Commissioner is satisfied that there is no member holding a rank next below the rank to which the promotion is made who is qualified by examination and experience to be promoted to the rank to which the promotion is made.

17.(1) An appointment of a person to be a member of the Police Force under section 16(1)(a) shall not be made unless -

Preference  
for members  
in appoint-  
ment

(a) the appointment is to a prescribed position; and

(b) the Commissioner has, at least 14 days before the appointment, published or caused to be published in the Police Gazette a notice of the qualifications required for the position, together with a statement that if, in the Commissioner's opinion, having received applications from members of the Police Force, there is not within the Police Force a member who has the skill and efficiency suitable for the position, the Commissioner shall appoint a person from outside the Police Force.

(2) An appeal shall lie to the Police Promotions Board from a decision of the Commissioner made under section 17(1)(b) that there is not within the Police Force a member who possesses the skill and efficiency suitable for promotion to the prescribed position.

18.(1) The Commissioner may, from time to time, appoint such persons as he considers necessary to be members of the Police Force with the rank of Police Cadet and, notwithstanding anything contained in this Act, dismiss, discharge or suspend from duty for such period as he considers desirable, a Police Cadet.

Police Cadets

(2) A member who is a Police Cadet shall not be required to take the oath or make an affirmation under section 26 in relation to the exercise of his powers as a Police Cadet.

(3) Subject to sub-section (4), a power conferred by this Act, or any other law in force in the Territory, on a member of the Police Force by virtue of his being such a member shall not be exercised by a member who is a Police Cadet.

## Police Administration

(4) Where a member of the Police Force who is a Police Cadet is appointed to be a Special Constable under this Part the member may, during the period of that appointment, exercise the powers of a member of the Police Force as provided by this Act and the terms and conditions of his appointment.

(5) An appointment of a person to be a member of the Police Force with the rank, on appointment, of Constable shall not be made if there is a Police Cadet who is qualified for promotion to that rank.

### Police aides

19.(1) The Commissioner and any member authorized in that behalf by the Commissioner may, in writing -

- (a) appoint persons to be aides; and
- (b) revoke any appointment made under this sub-section.

(2) The Commissioner may at any time revoke an appointment made under sub-section (1) by an officer authorized under that sub-section.

(3) An aide appointed under sub-section (1) of this section -

- (a) shall, subject to the terms and conditions specified in the instrument of his appointment, have the same powers, privileges, duties and obligations as a Constable appointed under this Act; and
- (b) shall receive such remuneration and allowances as are determined by the Administrator.

(4) A reference in any law in force in the Territory (not being a law relating to conditions of service of members of the Police Force) to a member of the Police Force shall be read as including a reference to an aide appointed under this section.

### Resignation

20.(1) A member of the Police Force other than the Commissioner, a Deputy Commissioner or an Assistant Commissioner shall not resign his office or relinquish the duties of his office unless -

- (a) he is authorized in writing by the Commissioner to do so;
- (b) he has given to the Commissioner one month's notice of his intention to do so; or

Police Administration

(c) his resignation is for the purpose of becoming a candidate for election as a member of a House of the Parliament of Australia or of a State, of the Legislative Assembly of the Northern Territory or of a prescribed legislative or advisory body of another Territory and -

(i) he has, before resigning, given to the Commissioner notice in writing of his intention to resign for that purpose; and

(ii) he resigns on a date not earlier than one month before the date on which nominations for the election close.

(2) A member shall not resign his office or relinquish the duties of his office otherwise than in accordance with sub-section (1).

Penalty: \$500 or imprisonment for 3 months or both.

21.(1) Where the Commissioner is satisfied that a person who was a member of the Police Force -

Reappointment  
of person  
who resigned  
to contest  
elections

(a) resigned from the Police Force for the purpose specified in section 20(1)(c) and after having given the notice required by that section;

(b) was a candidate for election to a House of the Parliament or to another assembly or body referred to in that paragraph; and

(c) failed to be elected,

the Commissioner shall, upon application by that person within 2 months after the declaration of the result of the election, reappoint the person to a position in the Police Force having a salary, or range of salary, applicable to the position occupied by the member before the date of his resignation.

(2) A person shall be reappointed under this section without being required to undergo any medical examination and whether or not he possesses the appropriate educational qualifications or meets the appropriate requirements.

(3) A person shall be reappointed under this section without probation.

(4) A person reappointed under this section shall be deemed to have continued in the Police Force as if he had not resigned but had been on leave of absence without pay during the period from the day on which

## Police Administration

his resignation became effective to and including the day immediately preceding the day on which he was reappointed.

(5) The period referred to in sub-section (4) shall, for all purposes, be deemed to form part of the member's period of service in the Police Force.

(6) This section does not authorize the reappointment of a person who has attained the age of 60 years.

### Retirement

22.(1) A member who has attained the age of 55 years may retire from the Police Force.

(2) A member who attains the age of 60 years ceases to be a member of the Police Force.

### Commissioner may deal with members

23. Where a member other than a Deputy Commissioner or an Assistant Commissioner appears to the Commissioner to be -

- (a) inefficient or incompetent in relation to;
- (b) unable to discharge or incapable of discharging; or
- (c) unfit to discharge,

the duties of his position, the Commissioner may -

- (d) transfer the member to another position (whether in the same or a different locality) to which the same salary, or range of salary, is applicable as the salary or range of salary applicable to his position;
- (e) reduce the member to a lower position and salary;
- (f) retire the member from the Police Force;
- (g) suspend the member from the Police Force for such period as he thinks fit; or
- (h) dismiss the member from the Police Force.

### Commissioner may retire members

24. Where the Commissioner after receiving such medical advice as the Commissioner thinks fit is satisfied that a member other than a Deputy Commissioner or an Assistant Commissioner is by reason of illness or other incapacity unable to discharge the duties of his position, the Commissioner may retire the member on health grounds.



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25. Subject to this Act, a member shall perform the duties and obligations and have the powers and privileges as are, by any law in force in the Territory, conferred or imposed on him.

Function of  
members

26.(1) A person shall not exercise or perform any of the powers, functions or duties conferred or imposed upon a member of the Police Force by a law of the Territory unless he has taken an oath or made an affirmation in accordance with the form in the Schedule.

Members to  
take oath

(2) An oath or affirmation for the purposes of sub-section (1) may be taken or made before the Commissioner, a Deputy Commissioner or an Assistant Commissioner who is a Commissioner for Oaths or Affidavits.

27. A person on taking and subscribing the oath or making the affirmation as provided in section 26, shall be bound by the terms and conditions of his employment as a member of the Police Force, as provided by this Act, until such time as he ceases to be a member of the Police Force.

Oath binding  
on members

28.(1) Subject to sub-sections (2) and (3), every person, on taking and subscribing the oath or making the affirmation as provided in section 26, shall be deemed to have thereby entered into a written agreement with, and shall be thereby bound to serve the Crown as a member of the Police Force or in any other capacity if so instructed in accordance with this Act or the regulations, at the current rate of pay, until lawfully discharged.

Members to  
serve the  
Crown

(2) No agreement of the type referred to in sub-section (1) shall be set aside for want of reciprocity.

(3) An agreement of the type referred to in sub-section (1) may be cancelled at any time by the lawful discharge, dismissal or removal from office of any such person, or by the resignation of any such person being accepted by the Administrator or the Commissioner, as the case may be.

### Division 4 - Special Constables

29.(1) The Commissioner may at any time appoint or authorize the appointment of a member of the Police Force -

Police officers  
of other  
jurisdictions

(a) of the Commonwealth;

## Police Administration

(b) of a State of the Commonwealth; or

(c) of a Territory of the Commonwealth,

to be a Special Constable, on such terms and conditions as the Commissioner thinks fit.

(2) A person appointed in pursuance of subsection (1) shall not be a member of the Police Force but shall comply with the provisions of Part V of this Act and shall have the powers and duties of a member of the Police Force under any law in force in the Territory.

### Appointment

30.(1) The Commissioner may at any time appoint or authorize the appointment of a person, not being a person referred to in section 29, to be a Special Constable on such terms and conditions as the Commissioner thinks fit.

(2) A person appointed in pursuance of subsection (1) shall, during the period of appointment of that person, be a member of the Police Force and shall have such powers and duties as are specified in the instrument appointing that person to be a Special Constable.

### Revocation

31. The Commissioner may at any time revoke an appointment made under this Division.

### Oath

32. A Special Constable shall, before proceeding to discharge his duties, make and subscribe, before a person authorized by the Commissioner, an oath or affirmation in accordance with the form in the Schedule.

### Evidence of appointment

33. The Commissioner shall issue to each Special Constable evidence of appointment which shall for all purposes be evidence of the appointment and authority of the Special Constable to whom it is issued.

### Neglect of duty

34. A Special Constable shall not neglect or refuse to obey any lawful order given to him in connexion with the performance of the duties of his office.

Penalty: \$500 or imprisonment for 3 months.

## PART III - CONDITIONS OF SERVICE OF MEMBERS OF POLICE FORCE

### Division 1 - Police Arbitral Tribunal

### Establishment of Tribunal

35. There shall be a Police Arbitral Tribunal which shall have jurisdiction to hear and determine all

## Police Administration

matters relating to the remuneration and terms and conditions of service of members of the Police Force other than the Commissioner, a Deputy Commissioner or an Assistant Commissioner.

36. The Tribunal shall be constituted by a member of the Australian Conciliation and Arbitration Commission established by the Conciliation and Arbitration Act 1904 of the Commonwealth, appointed for that purpose, from time to time, by the President of the Australian Conciliation and Arbitration Commission.

Constitution of Tribunal

37. Where no appointment is made under section 36 the Minister may appoint any other person to constitute the Tribunal.

Appointment of other member

38. Subject to this Act, the proceedings to be adopted at the hearings of the Tribunal shall be determined by the Tribunal.

Procedures

39. There shall be a Secretary to the Tribunal who shall be appointed by the Minister.

Secretary to the Tribunal

40. The Tribunal shall, wherever practicable, summon a meeting within 14 days of the receipt of the written request from the secretary of an association or the Commissioner to do so.

Tribunal to fix date for meeting

41. The person constituting the Tribunal shall be paid fees, allowances and expenses at rates determined by the Administrator.

Fees and allowances of Tribunal

42.(1) A determination made by the Tribunal in pursuance of this Division shall be notified in the Gazette by a notice stating that such determination has been made and specifying the place where copies of the determination can be purchased or obtained.

Gazettal of determinations

(2) A determination shall, except to the extent to which it is expressed to come into operation on an earlier or later date, but subject to sub-section (5), come into operation on the date of its notification in the Gazette.

(3) When the Tribunal makes a determination under this Part, it shall forthwith send a copy of the determination to the Minister.

(4) The Minister shall, on the first sitting day of the Legislative Assembly after he receives a copy of the determination forwarded to him pursuant to sub-section (3), cause that copy to be laid before the Assembly.

## Police Administration

Determination  
binding on  
all parties

43.(1) Any determination made by the Tribunal in pursuance of this Act shall be binding on the Crown, the Commissioner and the members of the Police Force to whom it is expressed to relate.

(2) A person shall not -

(a) fail or omit to abide by any determination; or

(b) do, or procure any person to do, anything in contravention of the provisions of a determination.

Penalty: \$500 or imprisonment for 3 months or both.

Interpretation  
of determin-  
ation

44.(1) Notwithstanding anything contained in this Act, the Tribunal may, on its own motion or on the submission of any person or organization interested in any determination, give an interpretation of any term of an existing determination, and the provisions of this Act shall apply to any such interpretation in like manner as they apply to a determination.

(2) Before giving any such interpretation on its own motion, the Tribunal shall hear argument on behalf of any person or organization who or which is interested in the determination and is desirous of being heard.

Witnesses

45.(1) For the purposes of this Part, the Tribunal may, by writing, summon any person to attend the Tribunal at a time and place named in the summons to give evidence or produce any books, documents or writings in his custody or control which the Tribunal deems relevant to any proceedings before it and which the person is required by the summons to produce.

(2) The Tribunal may, in its discretion, on the application of a party to proceedings before it, by writing, summon any person to appear as a witness before the Tribunal.

Oaths

46. The Tribunal may administer an oath to a person appearing as a witness before the Tribunal.

Failure to  
answer  
summons

47. A person served with a summons under section 45 shall not fail without reasonable excuse to attend the Tribunal, or to produce any documents, books or writings in his custody or control, which he was required by the summons to produce.

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Penalty: \$500 or imprisonment for 3 months or both.

48.(1) A person appearing as a witness before the Tribunal shall not refuse to be sworn or to make an affirmation or to answer any question relevant to the proceedings before the Tribunal which is put to him by the Tribunal.

Offences by witnesses

Penalty: \$500 or imprisonment for 3 months or both.

(2) Nothing in sub-section (1) shall be construed as compelling a person to answer any question which would tend to incriminate him.

49. A witness before the Tribunal shall not knowingly give false testimony touching any matter material to any proceedings before the Tribunal.

Perjury

Penalty: \$2,000 or imprisonment for 12 months or both.

50. The person constituting the Tribunal shall not be personally liable for any act or default of the Tribunal done or omitted to be done in good faith in administering this Part.

Protection of member

### Division 2 - Consent Agreements

51. The Minister and an association may, from time to time, enter consent agreements relating to the remuneration and terms and conditions of service of members of the Police Force and for that purpose the Minister may make an agreement -

Parties to a consent agreement

(a) relating to the remuneration and terms and conditions of service of members of the Police Force above the rank of Sergeant First Class (but not including the Commissioner, a Deputy Commissioner or an Assistant Commissioner) - with the Officers Association; or

(b) relating to the remuneration and terms and conditions of service of members of the Police Force of, or below, the rank of Sergeant First Class - with the Police Association.

52. Every consent agreement made in pursuance of section 51 shall be in writing and for the term to be specified therein and not exceeding 5 years from the date of the making thereof.

Consent agreements to be in writing

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Certification  
of consent  
agreements  
by Tribunal

53.(1) No consent agreement made in pursuance of section 51 shall have effect until it has been certified by the Tribunal and filed under sub-section (3).

(2) The Tribunal shall certify a consent agreement unless it is of the opinion that it is not in the public interest that it should be certified.

(3) An agreement referred to in sub-section (1) and certified under sub-section (2) shall be filed with the Secretary to the Tribunal and shall, thereupon, subject to sub-section (6), be of full force and effect according to its terms.

(4) Upon certifying a consent agreement under sub-section (2), the Tribunal shall transmit a copy of the certified consent agreement to the Minister.

(5) The Minister shall, on the first sitting day of the Legislative Assembly after he receives a copy of the certified consent agreement, cause that copy to be laid before the Assembly.

Consent agree-  
ment binding  
on all parties

54.(1) Every consent agreement shall during its continuance be binding on the Crown, the Commissioner and the members of the Police Force to whom it is expressed to relate.

(2) A person shall not -

(a) fail or omit to abide by a term of a consent agreement; or

(b) do, or procure any person to do, anything in wilful contravention of the provisions of a consent agreement.

Penalty: \$500 or imprisonment for 3 months or both.

Consent agree-  
ment to be  
notified in  
the Gazette

55. Any agreement made in pursuance of section 51 shall be notified in the Gazette by a notice stating that the agreement has been made and specifying the place where copies of the agreement can be purchased or obtained.

Duration of  
consent  
agreement

56. In default of any express provision to the contrary therein contained, an agreement shall, unless rescinded, and subject to any variation, continue in force after the expiration of the term specified therein, until the expiration of one month after either party thereto has given written notice to the Secretary to the Tribunal and to the other party of his desire to determine it.

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57. A consent agreement, once certified and filed, shall have effect as a determination of the Tribunal.

Effect of  
consent agree-  
ment of the  
Tribunal

### Division 3 - Transitional Provisions

58. Until other provision is made by way of agreement or determination under this Act, the remuneration, terms and conditions of service and entitlements of members of the Police Force existing at the commencement of this Act shall continue in force.

Transitional

## PART IV - POLICE PROMOTIONS BOARD

### Division 1 - Establishment of Board

59.(1) There is hereby established the Northern Territory Police Promotions Board to hear and determine matters relating to promotion, personnel and administration within the Police Force.

Establishment  
of Board

(2) In this Part unless the contrary intention appears "member" means a member of the Police Promotions Board established by sub-section (1).

60.(1) The Board shall be constituted by -

Constitution  
of Board

- (a) a Chairman;
- (b) a person nominated by the Commissioner; and
- (c) the appropriate available nominated member,

who shall be appointed by the Minister.

(2) The Chairman shall be a Stipendiary Magistrate nominated by the Chief Magistrate.

(3) The Minister shall appoint to be an available nominated member -

- (a) a person stated by the secretary of the Officers Association, in writing under his hand, to be the person nominated by that association for the purpose of being appointed to be an available nominated member; and
- (b) a person stated by the secretary of the Police Association, in writing under his hand, to be the person nominated by that association for the purpose of being appointed to be an available nominated member.

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(4) The appropriate available nominated member is -

- (a) where the Board exercises or is to exercise jurisdiction or a power conferred on it by this Act in respect of an appeal by a member above the rank of Sergeant First Class - the person appointed to be an available nominated member after having been nominated by the Officers Association for the purpose of being so appointed; or
- (b) where the Board exercises or is to exercise jurisdiction or a power conferred on it by this Act in respect of an appeal by a member of, or below, the rank of Sergeant First Class - the person appointed to be an available nominated member after having been nominated by the Police Association for the purpose of being so appointed.

(5) For the purposes of this section, "Stipendiary Magistrate" and "Chief Magistrate" have the meaning respectively ascribed thereto in the Magistrates Act.

Term of  
office

61. Subject to this Part, a member of the Board holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment but is eligible for reappointment.

Fees and  
allowances

62.(1) Subject to sub-section (2), members of the Board other than the Chairman, shall be paid fees, allowances and expenses at rates determined by the Administrator.

(2) A person who is an officer or employee of the Public Service of the Commonwealth or of the Northern Territory shall not be entitled to receive any fees under sub-section (1).

(3) A member of the Police Force who is attending or travelling to or from a meeting of the Board in his capacity as an available nominated member shall be regarded as performing the functions and duties of his office as a member of the Police Force during that period.

Termination  
of appoint-  
ment

63.(1) An appointment to the Board shall terminate upon -

- (a) the death or resignation of the member;
- (b) the member ceasing to reside in the Territory;  
or



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(c) in the case of a person appointed under section 60(3) -

- (i) his retirement or dismissal from the Police Force;
- (ii) his transfer to a station so distant from the place where the Board ordinarily sits that his continuing to act would, in the opinion of the Commissioner, interfere with the efficient working of the Police Force; or
- (iii) the secretary of the relevant association notifying the Minister, in writing under his hand, that the member has ceased to be the available nominated member for that association.

(2) The Chairman shall cease to be a member of the Board upon his ceasing to hold the office of Stipendiary Magistrate.

64. A vacancy in the membership of the Board shall be filled in the manner prescribed in section 60.

Filling of  
vacancies

65. When a matter comes before the Board in which a member of the Board is directly concerned, that member shall notify his interest to the Minister and shall temporarily cease to act, and the Minister shall appoint a temporary substitute member in the manner prescribed in section 60.

Disclosure  
of interests

### Division 2 - Staff of Board

66.(1) There shall be a Registrar of the Board who shall be appointed in accordance with this section.

Staff of  
Board

(2) The Registrar shall be appointed by the Minister and shall perform such duties and functions as are provided by this Act and the regulations and such other duties and functions as the Chairman directs.

(3) The Registrar, and the staff necessary to assist him, shall be persons appointed or employed under the Public Service Act.

### Division 3 - Constitution and Powers of Board

67. The Board shall have power to -

Appeals

- (a) hear and determine an appeal from a decision of the Commissioner made under section 16, 23

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or 24 or contrary to section 17 or 18(5) of this Act; and

- (b) hear and determine an appeal in relation to a provisional promotion.

### Procedures

68.(1) The Board may -

- (a) take evidence on oath or affirmation;
- (b) proceed in the absence of a person entitled to be present if the person has had reasonable notice of the proceeding;
- (c) adjourn a proceeding before the Board from time to time;
- (d) summon a person to appear before the Board to give evidence and to produce such documents, if any, as are referred to in the summons;
- (e) require a person appearing before the Board to give evidence either to take an oath or make an affirmation; and
- (f) administer an oath or affirmation to a person so appearing before the Board.

(2) The oath or affirmation to be taken or made by a person for the purposes of this section is an oath or affirmation that the answers he will give to questions asked of him will be true.

(3) Where a person who is a party to a proceeding before the Board requests a member to do so, the member may summon a person to appear before the Board at the hearing of the proceeding to give evidence and to produce such documents, if any, as are referred to in the summons.

### Hearings

69.(1) Subject to sub-section (2), the hearing of a proceeding before the Board shall be in public.

(2) Where the Board is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or in the public interest, the Board may, by order -

- (a) direct that the hearing, or a part of the hearing, of a proceeding shall take place in private and give directions as to the persons who may be present;

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- (b) give directions restricting or prohibiting the publication of evidence given before the Board, whether in public or in private, or of any matters contained in documents lodged with the Board or received in evidence by the Board; and
- (c) give directions prohibiting or restricting the disclosure of evidence given before the Board, of the contents of a document lodged with the Board in relation to a proceeding or of any finding or decision of the Board in relation to a proceeding.

70. Nothing in this Part shall be construed as compelling a member of the Police Force or other person to answer any question which would tend to incriminate him.

Self-incrimination

71. At the hearing of a proceeding before the Board a party to the proceeding may appear in person or may be represented by a legal practitioner or, by leave of the Board, by some other person.

Parties may be represented

72.(1) In a proceeding before the Board -

Proceedings

- (a) the procedure of the Board is, subject to this Act and to the regulations, within the discretion of the Board;
- (b) the proceeding shall be conducted with as little formality and technicality and with as much expedition as the requirements of this Act and a proper consideration of the matter before the Board permit; and
- (c) the Board is not bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks appropriate.

(2) The regulations may make provision, not inconsistent with this Act, for and in relation to -

- (a) the stay of proceedings in, or of decisions of, the Board; and
- (b) the payment of costs and expenses in respect of proceedings before the Board and the assessment of those costs and expenses.

73.(1) A member has, in the performance of his duty as a member, the same protection as a Judge of the Supreme Court.

Protection of members, parties and witnesses

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(2) A legal practitioner or other person appearing before the Board has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court.

(3) Subject to this Act, a person summoned to attend or appearing before the Board as a witness has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, in any civil or criminal proceedings, as a witness in proceedings in the Supreme Court.

### Division 4 - Decisions of Board

Effect of  
decisions

74.(1) On an appeal under this Part the Board may affirm, set aside or vary the decision of the Commissioner.

(2) Where, under sub-section (1), the Board sets aside a decision of the Commissioner it may substitute its own decision for the decision under appeal.

(3) Where on appeal the Board varies or substitutes a decision of the Commissioner effect shall be given to the decision as so varied or substituted as if it were the decision of the Commissioner.

## PART V - DISCIPLINE

### Division 1 - Duties and Obligations of Members

General  
orders

75.(1) The Commissioner may, from time to time, in writing, issue such general orders and instructions as are necessary to secure the good government and efficient working of the Police Force.

(2) Subject to this Act, general orders and instructions issued by a Commissioner holding office under the Police and Police Offences Ordinance and, as in force immediately before the commencement of this Act, shall be deemed to have been issued under sub-section (1).

Obligations  
of members

76. A member -

- (a) shall, during his hours of duty, devote himself exclusively and zealously to the discharge of his duties;
- (b) shall behave at all times with courtesy to the public;
- (c) shall give prompt attention to all matters that come within the scope of his duties;

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(d) shall promptly carry out all his duties; and

(e) shall comply with and give effect to such of the provisions of the laws in force in the Territory and of the general orders and instructions as are applicable to him in the performance of his duties.

77. A member shall not, without the permission of the member under whose control, direction or supervision he performs his duties, absent himself from duty during his hours of duty.

Absence  
from duty

78. A member shall promptly obey all lawful instructions given to him by a member of superior rank.

Lawful  
instructions

79. A member shall not unreasonably seek the influence or interest of any person for the purpose of obtaining promotion, transfer or any other personal advantage.

Influence

80. A member shall not, either directly or indirectly, solicit or accept a gift or other reward from any person concerning the performance of his duties.

Gifts

81.(1) Except with the express permission in writing of the Commissioner, a member of the Police Force shall not, whether within or outside the Territory -

Members  
engaging in  
business

(a) accept or continue to hold, discharge the duties of, or be employed in, a paid office in connexion with any business whether carried on by a body corporate, partnership or an individual;

(b) engage in business, whether as a principal or agent;

(c) engage, or continue in the private practice of, a profession, occupation or trade or enter into employment, whether remunerative or not, in a profession, occupation or trade with a body corporate, partnership or individual; or

(d) accept or engage in any remunerative employment other than in connexion with his duties as a member of the Police Force.

(2) Sub-section (1) does not prevent a member of the Police Force from becoming a member or shareholder of an incorporated company or of a company or society of persons registered under the law of a State

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or Territory of the Commonwealth but, except as provided by sub-section (3), a member of the Police Force shall not take any part in the conduct of the business of the company or society otherwise than in the exercise of his rights as a member or shareholder of the company or society.

(3) A member of the Police Force may, with the written approval of the Commissioner, act as a director of a co-operative society that is registered under the law of a State or Territory of the Commonwealth and which does not enter into contracts for the supply of goods or services to the Commonwealth or the Territory.

(4) The Commissioner may, at any time, withdraw a permission granted under this section.

### Bankruptcy

82. A member who becomes a bankrupt -

- (a) shall forthwith give notice to the Commissioner of the fact that he has become a bankrupt; and
- (b) shall, as and when required to do so by the Commissioner, furnish such information in relation to his bankruptcy as the Commissioner requires.

### Misleading statements

83. A member shall not wilfully make in the course of his duty a false, misleading or inaccurate statement.

### Advantage

84. A member shall not use the fact that he is a member of the Police Force for the purpose of obtaining any personal advantage.

## Division 2 - Disciplinary Offences

### Disciplinary offences

85. A member who -

- (a) contravenes or fails to comply with a provision of Division 1;
- (b) contravenes or fails to comply with the general orders and instructions;
- (c) is guilty of disgraceful or improper conduct, either in his official capacity or otherwise;
- (d) is negligent or careless in the discharge of his duties;
- (e) acts in a disorderly manner or in a manner unbecoming to a member of the Police Force;

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- (f) acts in a manner that is prejudicial to the good order and discipline of the Police Force;
- (g) acts in a manner that brings discredit to the reputation of the Police Force;
- (h) is, while on duty, under the influence of intoxicating liquor or drugs; or
- (i) is convicted of an offence against any law in force in a State or Territory of the Commonwealth,

is guilty of a disciplinary offence and is subject to punishment in accordance with Division 3.

### Division 3 - Disciplinary Powers of Commissioner

86. Where it appears to the Commissioner that a member of the Police Force may have committed a disciplinary offence, the Commissioner may cause to be served personally on that member a written notice -

Notice of  
alleged  
offence

- (a) stating briefly the particulars of the disciplinary offence;
- (b) stating that the member may, within 14 days of the service of the notice, deliver to the Commissioner a written statement in connexion with the alleged disciplinary offence;
- (c) stating that the member is entitled to appear before the Commissioner at the hearing of the matter; and
- (d) informing the member of the time, but not less than 14 days thereafter, at which the Commissioner will hear and determine the matter.

87.(1) After the expiration of the time specified in the notice given under section 86 the Commissioner shall -

Commissioner's  
determination

- (a) where he determines that if the member were found guilty of the disciplinary offence with which he is charged, the member would be subject to a penalty specified in section 88(a) or (b) - hear and determine whether the member has committed the disciplinary offence specified in the notice; and
- (b) where he determines that if the member were found guilty of the disciplinary offence with

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which he is charged, the member would be subject to a penalty specified in section 88(c), (d), (e) or (f) - refer the matter to the Police Appeal Board for hearing.

(2) The procedure to be adopted at a hearing under sub-section (1)(a) shall be at the discretion of the Commissioner.

(3) For the purpose of determining at a hearing under sub-section (1)(a) whether a member of the Police Force has committed the disciplinary offence, the Commissioner shall take into account the contents of any written statement delivered to him by the member, and if the member appears before the Commissioner on the hearing, any oral statements made before him by the member, in relation to the question whether the member has committed that disciplinary offence.

(4) At a hearing under sub-section (1)(a), a member may appear in person but may not be represented by any other person.

(5) At a hearing under sub-section (1)(a), a member shall answer any question put to him which is within his knowledge.

(6) An answer given by a member pursuant to sub-section (5) shall be used only for the purpose of determining the charge which is the subject of the hearing.

(7) Where, during the course of a hearing under sub-section (1)(a), the Commissioner forms the opinion that the matter should be referred to the Police Appeal Board for determination he shall discontinue the hearing and refer the matter to the Police Appeal Board.

(8) The Commissioner shall cause to be served personally on the member to whom a determination under sub-section (1)(a) relates, notice of the determination and of the punishment imposed.

(9) Where the Commissioner has determined that a member has not committed the disciplinary offence with which he was charged, the Commissioner shall dismiss the charge and notify the member in writing accordingly.

(10) A determination made by the Commissioner in which he exercises the powers conferred by sub-section (1)(a) has, unless an appeal is instituted under Part VI, full force and effect.



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88. Where a member has committed a disciplinary offence the Commissioner or the Police Appeal Board, as the case may be, may, as a punishment -

Punishment

- (a) reprimand the member;
- (b) impose on the member a fine not exceeding \$100;
- (c) reduce the member to the rank below the rank which the member holds;
- (d) reduce the rate of salary of the member to a rate of salary within the limits of salary fixed for the rank held by the member;
- (e) suspend the member from the Police Force for such time as the Board may specify; or
- (f) dismiss the member from the Police Force.

### PART VI - POLICE APPEAL BOARD

#### Division 1 - Establishment of Board

89.(1) There is hereby established the Police Appeal Board to hear and determine appeals from determinations under Division 3 of Part V of this Act.

Establishment  
of Board

(2) In this Part unless the contrary intention appears "member" means a member of the Police Appeal Board established by sub-section (1).

90.(1) The Board shall be constituted by -

Constitution  
of Board

- (a) a Chairman;
- (b) a person nominated by the Commissioner; and
- (c) the appropriate available nominated member,

who shall be appointed by the Minister.

(2) The Chairman shall be a Stipendiary Magistrate nominated by the Chief Magistrate.

(3) The Minister shall appoint to be an available nominated member -

- (a) a person stated by the secretary of the Officers Association, in writing under his hand, to be the person nominated by that association for the purpose of being appointed to be an available nominated member; and

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(b) a person stated by the secretary of the Police Association, in writing under his hand, to be the person nominated by that association for the purpose of being appointed to be an available nominated member.

(4) The appropriate available nominated member is -

(a) where the Board exercises or is to exercise jurisdiction or a power conferred on it by this Act in respect of an appeal by a member above the rank of Sergeant First Class - the person appointed to be an available nominated member after having been nominated by the Officers Association for the purpose of being so appointed; or

(b) where the Board exercises or is to exercise jurisdiction or a power conferred on it by this Act in respect of an appeal by a member of, or below, the rank of Sergeant First Class - the person appointed to be an available nominated member after having been nominated by the Police Association for the purpose of being so appointed.

(5) For the purposes of this section, "Stipendiary Magistrate" and "Chief Magistrate" have the meaning respectively ascribed thereto in the Magistrates Act.

Term of  
office

91. Subject to this Part, a member of the Board holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment but is eligible for reappointment.

Fees and  
allowances

92.(1) Subject to sub-section (2) members of the Board other than the Chairman shall be paid fees, allowances and expenses at rates determined by the Administrator.

(2) A person who is an officer or employee of the Public Service of the Commonwealth or of the Northern Territory shall not be entitled to receive any fees under sub-section (1).

(3) A member of the Police Force who is attending or travelling to or from a meeting of the Board in his capacity as an available nominated member shall be regarded as performing the functions and duties of his office as a member of the Police Force during that period.

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93.(1) An appointment to the Board shall terminate upon -

Termination  
of appoint-  
ment

- (a) the death or resignation of the member;
- (b) the member ceasing to reside in the Territory;  
or
- (c) in the case of a person appointed under section 90(3) -
  - (i) his retirement or dismissal from the Police Force;
  - (ii) his transfer to a station so distant from the place where the Board ordinarily sits that his continuing to act would, in the opinion of the Commissioner, interfere with the efficient working of the Police Force;  
or
  - (iii) the secretary of the relevant association notifying the Minister, in writing under his hand, that the member has ceased to be the available nominated member for that association.

(2) The Chairman shall cease to be a member of the Board upon his ceasing to hold the office of Stipendiary Magistrate.

94. A vacancy in the membership of the Board shall be filled in the manner prescribed in section 90.

Filling of  
vacancies

95. When a matter comes before the Board in which a member of the Board is directly concerned, that member shall notify his interest to the Minister and shall temporarily cease to act, and the Minister shall appoint a temporary substitute member in the manner prescribed in section 90.

Disclosure  
of interests

### Division 2 - Staff of Board

96.(1) There shall be a Secretary to the Board who shall be appointed in accordance with this section.

Staff of  
Board

(2) The Secretary shall be appointed by the Minister and shall perform such duties and functions as are provided by this Act and the regulations and such other duties and functions as the Chairman directs.

### Division 3 - Powers of Board

97.(1) The Board may -

Procedures

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- (a) take evidence on oath or affirmation;
- (b) proceed in the absence of a person entitled to be present if the person has had reasonable notice of the proceeding;
- (c) adjourn a proceeding before the Board from time to time;
- (d) summon a person to appear before the Board to give evidence and to produce such documents, if any, as are referred to in the summons;
- (e) require a person appearing before the Board to give evidence either to take an oath or make an affirmation; and
- (f) administer an oath or affirmation to a person so appearing before the Board.

(2) The oath or affirmation to be taken or made by a person for the purposes of this section is an oath or affirmation that the answers he will give to questions asked of him will be true.

(3) Where a person who is a party to a proceeding before the Board requests a member to do so, the member may summon a person to appear before the Board at the hearing of the proceedings to give evidence and to produce such documents, if any, as are referred to in the summons.

(4) A summons to a witness under this section may be served personally or by sending it by pre-paid post to the person to whom it is directed at his last-known place of residence or business.

### Witnesses

98. A person summoned to attend as a witness before the Board shall not -

- (a) without reasonable excuse, refuse or fail to attend, or to produce documents, books or writings, in accordance with the summons; or
- (b) refuse to be sworn or to make an affirmation or to answer a question relevant to the proceedings before the Board.

Penalty: \$200.

### Obstruction of members

99. A person shall not obstruct the Chairman or a

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member of the Board in the exercise of the powers conferred on him under this Act.

Penalty: \$200.

100. A member of the Police Force shall not communicate any information which he has received in the performance of any duties connected with the exercise of the powers or functions of the Board to a person other than a member of the Board or to a person to whom the Board has authorized him to communicate the information.

Communication  
of Board  
matters

Penalty: \$200.

101.(1) Subject to sub-section (2), the hearing of a proceeding before the Board shall be in public.

Hearings

(2) Where the Board is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or in the public interest, the Board may, by order -

- (a) direct that the hearing, or a part of the hearing, of a proceeding shall take place in private and give directions as to the persons who may be present;
- (b) give directions restricting or prohibiting the publication of evidence given before the Board, whether in public or in private, or of any matters contained in documents lodged with the Board or received in evidence by the Board; and
- (c) give directions prohibiting or restricting the disclosure of evidence given before the Board, of the contents of a document lodged with the Board in relation to a proceeding or of any finding or decision of the Board in relation to a proceeding.

102. Nothing in this Part shall be construed as compelling a member of the Police Force or other person to answer any question which would tend to incriminate him.

Self-  
incrimination

103. At the hearing of a proceeding before the Board a party to the proceeding may appear in person or may be represented by a legal practitioner or, by leave of the Board, by some other person.

Parties  
may be  
represented

104.(1) In a proceeding before the Board the procedure of the Board is, subject to this Act and to the regulations, at the discretion of the Board.

Proceedings

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(2) The regulations may make provision, not inconsistent with this Act, for and in relation to -

- (a) the manner in which proceedings before the Board may be conducted;
- (b) the stay of proceedings in, or of decisions of, the Board;
- (c) the manner in which the Board may inform itself on any matter; and
- (d) the payment of costs and expenses in respect of proceedings before the Board and the assessment of those costs and expenses.

Protection  
of members,  
parties and  
witnesses

105.(1) A member has, in the performance of his duty as a member, the same protection as a Judge of the Supreme Court.

(2) A legal practitioner or other person appearing before the Board has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court.

(3) Subject to this Act, a person summoned to attend or a person appearing before the Board as a witness has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, in any civil or criminal proceedings, as a witness in proceedings in the Supreme Court.

### Division 4 - Conduct of Appeals

Notice of  
appeal

106.(1) An appeal under this Part shall be instituted by lodging with the Secretary to the Board a notice of appeal.

(2) For the purposes of this Part, a notice of appeal shall -

- (a) state the ground or grounds on which the appeal is made;
- (b) be signed by the appellant; and
- (c) be lodged with the Secretary to the Board before the expiration of 14 days after the date on which a copy of the determination is delivered to the appellant under section 87(8), or within such further time as the Board, on an application made by the member either before or after the expiration of that period of 14 days, may allow.

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(3) An appeal under this Part may be made -

- (a) on the ground that the Commissioner's determination that the appellant committed a breach of discipline was wrong; or
- (b) on the ground that the punishment is unduly severe,

or on both of those grounds.

107. Where a notice of appeal under this Part is lodged with the Secretary to the Board, the Chairman of the Board shall fix the date on which, and the time and place at which, the hearing of the appeal will commence.

Fixing of  
hearing date

108. An appeal under this Part shall be by way of a rehearing.

Rehearing

109. The Board shall cause a record to be made of the evidence of a witness at the hearing of an appeal under this Part.

Transcripts

110.(1) A question of law arising in an appeal under this Part (including the question whether a particular question is one of law) shall be determined in accordance with the opinion of the Chairman of the Board.

Determination  
of questions

(2) Subject to sub-section (1), a question arising in an appeal under this Part shall be determined in accordance with the opinion of a majority of the Board.

111.(1) On an appeal under this Part, the Board may -

Powers of  
Board

- (a) affirm or set aside the determination of the Commissioner that the appellant had committed the disciplinary offence; and
- (b) where the Board affirms the Commissioner's determination that the appellant had committed the disciplinary offence - impose on the member any of the punishments referred to in section 88.

(2) The Commissioner shall give effect to a decision of the Board under sub-section (1).

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Division 5 - Miscellaneous

Suspension for  
breach of  
discipline

112.(1) Where -

- (a) the Commissioner serves on a member of the Police Force a notice under section 86; and
- (b) the Commissioner considers that the breach of discipline specified in the notice is of such a serious nature that the member should not continue to perform his duties until the question whether the member has committed a breach of discipline has been determined,

the Commissioner may suspend the member from duty.

(2) The Commissioner may, at any time, cancel the suspension of the member from duty and shall cancel the suspension of the member where -

- (a) the Commissioner determines that the member has not committed a breach of discipline;
- (b) the Board sets aside a determination of the Commissioner that the member had committed a breach of discipline; or
- (c) the Board determines that the member has not committed a breach of discipline.

(3) A member who has been suspended from duty under this section shall be paid his salary during the period of the suspension.

Member facing  
criminal  
charges may  
be suspended

113.(1) Where a member is charged with having committed an offence against the law of the Commonwealth or of a State or Territory of the Commonwealth punishable either on indictment or on summary conviction the Commissioner may suspend the member from duty.

(2) If, upon the hearing of the charge by a court, the member is found guilty of the offence, the Commissioner may -

- (a) dismiss the member from the Police Force;
- (b) reduce the member to a lower rank; or
- (c) reduce the salary of the member.

(3) The Commissioner may, at any time, revoke the suspension of a member suspended under this section, whether before or after the conviction of the member.



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(4) A person who is suspended under this section shall, unless the Minister otherwise directs, be paid salary during the period of the suspension.

(5) Where a person has been dismissed under sub-section (2) and -

- (a) the conviction or finding has subsequently been quashed;
- (b) the person has received a pardon;
- (c) the conviction or finding has otherwise been nullified; or
- (d) the person has been released from prison as a result of an inquiry into the conviction,

the Commissioner may reappoint the person as a member of the Police Force.

(6) Where a person is reappointed a member of the Police Force under sub-section (5) -

- (a) the person shall be deemed to have been, during the period which commenced on the date of his dismissal and ended on the date of his reappointment, on leave of absence without pay; and
- (b) that period shall, for all purposes other than the payment of salary, be counted as a period of service as a member.

114.(1) A fine imposed on a member of the Police Force under Part V of this Act is payable -

Payment  
of fines

- (a) at the expiration of 14 days after the date on which the Commissioner makes the determination under section 87; or
- (b) where, on an appeal under this Part, the imposition of the fine by the Commissioner is affirmed by the Board - at the expiration of 14 days after a date determined by the Board.

(2) Where -

- (a) a fine imposed under Part V or this Part is payable by a member of the Police Force; and
- (b) the fine has remained unpaid for not less than 14 days,

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the Commissioner may cause the amount of the fine to be deducted from salary due to the member either in a lump sum or by such instalments as the Commissioner thinks proper.

### Service

115. Where, because a member's whereabouts are unknown, it is not possible for a notice under section 86 or 87 to be served on the member personally, service of the notice may be effected by posting the notice to the member's last-known place of residence.

## PART VII - POLICE POWERS

### Division 1 - Preliminary

### Interpretation

116.(1) For the purposes of this Part, unless the contrary intention appears -

- (a) anything with respect to which an offence has been committed or is believed on reasonable grounds to have been committed;
- (b) anything with respect to which there are reasonable grounds for believing that it will offer evidence of the commission of any such offence; or
- (c) anything with respect to which there are reasonable grounds for believing that it is intended to be used for the purposes of committing any such offence,

shall be taken to be a thing connected with or relating to an offence, and includes anything that has been unlawfully obtained in connexion with or relating to an offence.

(2) In this Part unless the contrary intention appears -

"aircraft" includes any machine that can derive support in the atmosphere from the reactions of the air;

"ship" means any vessel used in navigation, other than air navigation, and includes a barge, lighter or any other floating vessel;

"vehicle" means any vehicle propelled by internal combustion, steam, gas, oil, electricity or any other power and used or intended for use or adapted or capable of being adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer or caravan intended or adapted or capable of being

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adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to form or to have formed part of such a vehicle, trailer or caravan and anything attached to such a vehicle, trailer or caravan.

(3) A reference in this Part to a ship shall, when the context so admits, include a reference to an aircraft but shall not include a reference to a vessel then employed in the defence forces of Australia or in the defence forces of a foreign government.

(4) A reference in this Part to land shall, where the context so admits, include a reference to a building, structure, premises or a place.

(5) For the purposes of this Part, the term "offensive weapon" means an article made or adapted for the purpose of causing injury to any person or intended by the person having it with him for such use by him.

(6) A reference in this Part to an offence shall, unless the contrary intention appears, include a reference to a crime, a felony, a misdemeanour and any offence triable summarily and shall include an offence against a law of the Commonwealth or of the Territory.

(7) In this Part, a reference to an information, unless the contrary intention appears, includes a complaint, and informant includes a complainant.

(8) For the purposes of this Part, a person shall be deemed to have made an application to a Judge, magistrate or justice by telephone if his application, any submissions concerning his application, and any information required by the Judge, magistrate or justice in connexion with his application are furnished to the Judge, magistrate or justice either wholly or in part, by means of telephone, telex, radio or similar facilities.

(9) For the purposes of this Part, a person shall not be taken to have been charged with an offence unless -

- (a) subject to paragraph (b), particulars of the charge have been entered in a Police Station charge book; or
- (b) where it is not practicable to comply with the requirements of paragraph (a), a person is held in custody following his arrest.

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### Division 2 - Search and Entry

#### Search warrants

117.(1) Where an information on oath is laid before a justice alleging that there are reasonable grounds for believing that anything connected with an offence may be concealed on the person of, in the clothing that is being worn by or in any property in the immediate control of, a person, the justice may issue a search warrant authorizing a member of the Police Force named in the warrant, with such assistance as he thinks necessary, to search the person of, the clothing that is being worn by or property in the immediate control of, the person, if necessary by force, and seize any such thing that he may find in the course of the search.

(2) Where an information on oath is laid before a justice alleging that there are reasonable grounds for believing that there is in or upon any land, vehicle or vessel, anything relating to an offence, the justice may issue a search warrant authorizing a member of the Police Force named in the warrant, with such assistance as he thinks necessary, to enter into or upon and search the land, vehicle or vessel, if necessary by force, and to seize any such thing that he may find in or upon the land, vehicle or vessel.

(3) A justice shall not issue a warrant under sub-section (1) or (2) in relation to an information unless -

- (a) the information sets out or has attached to it a written statement of the grounds upon which the issue of the warrant is sought;
- (b) the informant or some other person has given to the justice, either orally or by affidavit, such further information, if any, as the justice requires concerning the grounds on which the issue of the warrant is being sought; and
- (c) the justice is satisfied that there are reasonable grounds for issuing the warrant.

(4) Where a justice issues a warrant under sub-section (1) or (2) he shall record in writing the grounds upon which he relied to justify the issue of the warrant.

(5) There shall be stated in the warrant issued under this section the following particulars -

- (a) the purpose for which the search or entry is authorized;

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(b) a description of the nature of the things authorized to be seized; and

(c) the date, not being a date later than 14 days after the date of issue of the warrant, upon which the warrant ceases to have effect.

(6) A member may, at any time before a warrant issued under sub-section (1) or (2) is executed, make application to a justice to withdraw the warrant.

118.(1) Where it is impracticable for a member of the Police Force to make application in person to a justice for a search warrant under this Act, the member may make application for a search warrant to a justice by telephone in accordance with this section.

Search  
warrant may  
be issued  
by telephone

(2) Before making application to a justice by telephone under sub-section (1), a member shall prepare an information of a kind referred to in section 117(1) or (2) and, where required by the justice, an affidavit setting out the grounds on which the issue of the warrant is sought, but may, if it is necessary to do so, make the application before the information and the affidavit, if required, have been sworn.

(3) Where a justice is satisfied, upon application made under sub-section (1), that there are reasonable grounds for issuing a warrant, the justice may issue such an arrest warrant as he could issue under section 117 if the application had been made to him in accordance with that section.

(4) Where a justice issues a warrant under sub-section (3) -

(a) the justice shall complete and sign the warrant;

(b) the justice shall inform the member by telephone of the terms of the warrant signed by him, and record on the warrant his reasons for issuing it; and

(c) the member shall complete in duplicate a form of warrant in the terms furnished to him by the justice and write on it the name of the justice who issued the warrant and the date on which and time at which it was issued.

(5) Where a justice issues a warrant under sub-section (3), the member shall, not later than the day next following the date of the expiry of the warrant, forward to the justice who issued the warrant the form

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of warrant prepared by the member and the information and affidavit, if any, duly sworn in connexion with the issue of the warrant.

(6) Upon receipt of the documents referred to in sub-section (5), the justice shall compare the copy of the form of warrant forwarded to him with the warrant signed by him and, if he is satisfied that they are in substance identical, he shall note this fact on the warrant signed by him and forward the warrant together with the copy of the form of warrant and the information and affidavit, if any, to the Commissioner of Police or to such member of the Police Force as may be specified by the Commissioner.

(7) A form of warrant completed by a member in accordance with sub-section (4) is, if it is in accordance with the terms of the warrant signed by the justice, authority for any entry or seizure that it authorizes.

(8) Where it is necessary for a court, in any proceeding, to be satisfied that any entry or seizure was authorized by a warrant issued by a justice in accordance with this section, and the warrant signed by the justice in accordance with this section is not produced in evidence, the court shall assume, unless the contrary is proved, that the entry or seizure was not authorized by such warrant.

(9) Where an application has been made to a justice pursuant to sub-section (1) and the application has been refused by the justice, subject to sub-section (10), neither the member of the Police Force who made the application nor any other member who has any cause to suspect that an application has been made by another member under sub-section (1) in respect of the same matter, shall make a further application to any justice pursuant to sub-section (1) in respect of that matter.

(10) Where an application made pursuant to sub-section (1) has been made to a justice and the application has been refused by that justice a further application may be made to a justice where a member satisfies a justice that the member has, since the time of the original application, received further information or evidence which is material to an application under sub-section (1).

Searches in  
emergencies

119.(1) A member of the Police Force may, in circumstances of such seriousness and urgency as to require and justify immediate search or entry without

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the authority of an order of a court or of a warrant issued under this Part, without warrant -

- (a) search the person of, the clothing that is being worn by and property in the immediate control of, a person reasonably suspected by him to be carrying anything connected with an offence; or
- (b) enter into or upon any land, vehicle or vessel, on or in which he believes, on reasonable grounds, that anything connected with an offence is situated,

and if the member of the Police Force believes on reasonable grounds that it is necessary to do so in order to prevent the loss or destruction of anything connected with an offence, he may seize any such thing that he finds in the course of that search, or upon or in the land, vehicle or vessel, as the case may be.

(2) A member of the Police Force who believes on reasonable grounds that a person is carrying an offensive weapon may stop that person and search the person for any such weapon and seize such weapon if it is found on the person.

(3) A member of the Police Force who believes on reasonable grounds that an offensive weapon is being carried in any vehicle or vessel may stop and enter the vehicle or vessel and seize any such weapon found in the vehicle or vessel.

(4) The powers given by this section are in addition to and shall not derogate from any other powers of a member of the Police Force.

120.(1) A member of the Police Force may, without warrant, enter into or upon any land -

- (a) being used for any show, exhibition, sport, games, contest or entertainment and to which the public is admitted (whether admission thereto is obtained by payment of money or otherwise); or
- (b) being used for the purposes of any form of racing.

Power of  
Police to  
enter premises  
used for  
entertainment

(2) Where a member of the Police Force has entered into or upon any land pursuant to sub-section (1) he may order any person who is a reputed thief or

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who is disorderly or indecent or who is soliciting for the purposes of prostitution to leave that land.

(3) If any such person refuses or fails to leave such land on being ordered by a member of the Police Force to do so, he commits an offence.

Penalty: \$200.

(4) For the purposes of sub-section (2), a reputed thief is a person who has on at least 2 occasions in the period of 5 years immediately preceding the occasion of the exercise of the powers given to the member by this section, been convicted of an offence described in Part IV of the Criminal Law Consolidation Act or any similar offence in any other part of Australia.

### Division 3 - Arrest

Arrest  
warrants

121.(1) Where an information on oath is laid before a justice alleging that there are reasonable grounds for believing that a person has committed an offence -

- (a) the justice may, subject to sub-section (3), issue a warrant for the arrest of the person and for bringing him before a court specified in the warrant to answer to the information and to be further dealt with according to law; or
- (b) the justice may issue a summons requiring the person to appear before a court to answer to the information.

(2) At any time after a justice has issued a summons requiring a person to appear before a court to answer to an information under sub-section (1) and before the summons has been duly served on the person, a justice may, subject to sub-section (3), issue a warrant for the arrest of the person and for bringing him before a court specified in the warrant to answer to the information and to be further dealt with according to law.

(3) A justice shall not issue a warrant under sub-section (1) or (2) in relation to an information unless -

- (a) an affidavit has been furnished to the justice setting out the grounds on which the issue of the warrant is being sought;



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(b) the informant or some other person has furnished to the justice such further information, if any, as the justice requires concerning the grounds on which the issue of the warrant is being sought; and

(c) the justice is satisfied that there are reasonable grounds for issuing the warrant.

(4) Where an informant furnishes information to a justice for the purposes of sub-section (3)(b), he shall furnish the information on oath.

(5) Where a justice issues a warrant under sub-section (1), he shall state on the affidavit furnished to him in accordance with sub-section (3) which of the grounds, if any, specified in that affidavit he has relied on to justify the issue of the warrant and particulars of any other grounds relied on by him to justify the issue of the warrant.

(6) Nothing in this section affects the application of section 19A of the Service and Execution of Process Act 1901 of the Commonwealth.

(7) A member may, at any time before a warrant issued under sub-section (1) is executed, make application to a justice to withdraw the warrant.

(8) Where a warrant issued under sub-section (1) has been executed the person arrested shall be charged with the offence specified in the warrant and shall be brought before a justice unless sooner released on bail.

122.(1) Where it is impracticable for a member of the Police Force to make application to a justice for an arrest warrant under this Act, the member may make application for an arrest warrant to a justice by telephone in accordance with this section.

Arrest warrant  
may be issued  
by telephone

(2) Before making application to a justice by telephone under sub-section (1), the member shall prepare an information of a kind referred to in section 121 and, where required by the justice, an affidavit setting out the grounds on which the issue of the warrant is sought, but may, if it is necessary to do so, make the application before the information and the affidavit, if required, have been sworn.

(3) Where a justice is, upon application made under sub-section (1), satisfied that there are reasonable grounds for issuing a warrant, the justice may issue such an arrest warrant as he could issue under

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section 121 if the application had been made to him in accordance with that section.

(4) Where a justice issues a warrant under sub-section (3) -

- (a) the justice shall complete and sign the warrant;
- (b) the justice shall inform the member by telephone of the terms of the warrant signed by him, and record on the warrant his reasons for issuing it; and
- (c) the member shall complete in duplicate a form of warrant in the terms furnished to him by the justice and write on it the name of the justice who issued the warrant and the date on which and time at which it was issued.

(5) Where a justice issues a warrant under sub-section (3), the member shall, not later than the day next following the date of the execution of the warrant, forward to the justice who issued the warrant the form of warrant prepared by the member and the information and affidavit, if any, duly sworn in connexion with the issue of the warrant.

(6) Upon receipt of the documents referred to in sub-section (5), the justice shall compare the copy of the form of warrant forwarded to him with the warrant signed by him and, if he is satisfied that they are in substance identical, he shall note this fact on the warrant signed by him and forward the warrant together with the copy of the form of warrant and the information and affidavit, if any, to the Commissioner of Police or to such member of the Police Force as may be specified by the Commissioner.

(7) A form of warrant completed by a member in accordance with sub-section (4) is, if it is in accordance with the terms of the warrant signed by the justice, authority for any arrest that it authorizes.

(8) Where it is necessary for a court in any proceeding to be satisfied that an arrest was authorized by a warrant issued by a justice in accordance with this section, and the warrant signed by the justice in accordance with this section is not produced in evidence, the court shall assume, unless the contrary is proved, that the arrest was not authorized by such warrant.

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(9) Where an application has been made to a justice pursuant to sub-section (1) and the application has been refused by the justice, subject to sub-section (10), neither the member of the Police Force who made the application nor any other member who has any cause to suspect that an application has been made by another member under sub-section (1) in respect of the same matter, shall make a further application to any justice pursuant to sub-section (1) in respect of that matter.

(10) Where an application made pursuant to sub-section (1) has been made to a justice and the application has been refused by that justice a further application may be made to a justice where a member satisfies a justice that the member has, since the time of the original application, received further information or evidence which is material to an application under sub-section (1).

123.(1) A member of the Police Force may, without warrant, arrest and take into custody any person where he believes on reasonable grounds that the person has committed, is committing or is about to commit an offence.

Arrest without warrant by members of Police Force

(2) Where a person has been arrested in accordance with sub-section (1) and is in the custody of a member of the Police Force but is not charged with an offence, it is lawful to continue to hold the person in custody for so long only as the member believes on reasonable grounds that it is necessary to hold the person -

- (a) to ensure the appearance of the person before a court of competent jurisdiction in respect of the offence;
- (b) to prevent a continuation of, or repetition of, or commission of the offence; or
- (c) to prevent the loss or destruction of evidence relating to the offence.

124.(1) A member of the Police Force may, without warrant, arrest and take into custody any person who the member has reasonable cause to believe is a person for whose apprehension or committal a warrant has been issued by any Judge, magistrate or justice.

Arrest of person where warrant issued

(2) Where a member arrests a person under sub-section (1), the member shall, as soon as reasonably practicable thereafter, produce or cause to be produced to the person the warrant authorizing his

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apprehension or committal and the person shall be charged with the offence specified in the warrant and shall be brought before a justice unless sooner released on bail.

Power to  
arrest  
interstate  
offenders

125.(1) A member of the Police Force may, without warrant, arrest and take into custody a person if the member believes on reasonable grounds that the person has, in a State or another Territory, committed an offence against the law of that State or Territory and there is under the law of the Northern Territory a similar offence that is punishable by imprisonment for a period exceeding 6 months.

(2) A person who is arrested for an offence in accordance with sub-section (1) shall as soon as practicable be brought before a justice.

(3) A justice before whom a person arrested under sub-section (1) is brought may -

- (a) discharge the person;
- (b) admit the person to bail on such conditions and recognizances as the justice thinks fit; or
- (c) authorize the detention of the person for a reasonable time pending the endorsement, under the Service and Execution of Process Act 1901 of the Commonwealth, of a warrant issued in the State or Territory in which the offence was committed.

Power to  
enter to  
make arrests

126.(1) Where a member of the Police Force has, under a warrant, power to arrest a person, he may enter into or upon any premises, vehicle or vessel, by force if necessary, and with such assistance as he thinks necessary at any time of the day or night or between such times as may be specified in the warrant, for the purpose of arresting the person if the member believes on reasonable grounds that the person is in or on the premises, vehicle or vessel.

(2) Subject to sub-section (3), where a member of the Police Force may, without warrant, arrest a person, the member may enter into or upon, by force if necessary, and with such assistance as he thinks necessary, any premises, vehicle or vessel, at any time of the day or night for the purposes of arresting the person if the member believes on reasonable grounds that the person has committed an offence punishable by a term of imprisonment exceeding 6 months and that he is in or on the premises, vehicle or vessel.

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(3) Nothing in this section shall limit or prevent the exercise of any other powers of a member of the Police Force pursuant to any other law in force in the Territory whereby a member may enter into or upon any premises, vehicle or vessel, whether with or without a warrant.

127.(1) A member of the Police Force who arrests a person for an offence shall inform the person, at the time of the arrest or as soon as practicable thereafter, of the offence for which he is arrested.

Persons to  
be informed  
of reason  
for arrest

(2) A member who arrests a person for an offence shall be taken to have complied with sub-section (1) if he informs the person of the substance of the offence for which he is arrested, and it is not necessary for him to do so in language of a precise or technical nature.

(3) Sub-section (1) does not apply to or in relation to the arrest of a person -

- (a) if that person ought, by reason of the circumstances in which he is arrested, to know the substance of the offence for which he is arrested; or
- (b) if the person arrested makes it impracticable by reason of his actions, for the member effecting the arrest to inform him of the offence for which he is arrested.

### Division 4 - Apprehension without Arrest

128.(1) Where a member of the Police Force has reasonable grounds for believing that a person is intoxicated with alcohol or a drug and that that person is -

Circumstances  
in which a  
person may be  
apprehended

- (a) in a public place, or trespassing on private property; and
- (b) because of his intoxicated condition, likely to -
  - (i) commit an offence;
  - (ii) use physical force against another person;
  - (iii) cause damage to the property of another person;
  - (iv) intimidate, alarm or cause substantial annoyance to another person;

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- (v) unreasonably disrupt the privacy of another person;
- (vi) cause bodily harm to himself or expose himself to bodily harm;
- (vii) expose himself to having an offence committed upon or against him; or
- (viii) be unable to adequately care for himself and is not likely to be adequately cared for by any other person,

the member may, without warrant, apprehend and take that person into custody.

(2) For the purposes of carrying out his duties under sub-section (1), a member may, without warrant, enter upon private property.

(3) A member of the Police Force who takes a person into custody under sub-section (1) may -

- (a) search or cause to be searched that person; and
- (b) remove or cause to be removed from that person for safe keeping, until the person is released from custody, any money or valuables that are found on or about that person and any item on or about that person that is likely to cause harm to that person or any other person or that could be used by that person or any other person to cause harm to himself or another.

(4) For the purposes of sub-section (3), the person of a woman shall not be searched except by a woman.

(5) All money or valuables taken from a person under sub-section (3) shall be recorded in a register kept for that purpose and shall be returned to that person on receipt of a signature or other mark made by that person in the register.

Period of  
apprehension

129.(1) Subject to this Division, a person who has been apprehended and taken into custody under section 128 shall be held in the custody of a member of the Police Force, but only for so long as it reasonably appears to the member of the Police Force in whose custody he is held that the person remains intoxicated.

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(2) Subject to this Division, where it reasonably appears to a member of the Police Force in whose custody a person is held at the time under this section that the person is no longer intoxicated, the member shall, without any further or other authority than this sub-section, release that person or cause him to be released from custody without his entering into any recognizance or bail.

(3) A person who has been taken into custody under this section and who is in custody after midnight and before half past 7 o'clock in the morning on that day, may be held in custody until half past 7 o'clock in the morning on that day, notwithstanding that the person is no longer intoxicated.

130.(1) A person in custody after apprehension under section 128 -

Protection  
of apprehended  
person

- (a) shall not be charged with an offence;
- (b) shall not be questioned by a member in relation to an offence; and
- (c) shall not be photographed or have his fingerprints taken.

(2) Where a person is questioned in contravention of sub-section (1)(b) any answers which he may give to any such question shall be inadmissible in evidence against him in any proceedings.

131.(1) The member of the Police Force in whose custody a person is held under this Division may, at any time, without any further or other authority than this sub-section, release that person or cause him to be released without his entering into a recognizance or bail, into the care of a person who the member reasonably believes is a person capable of taking adequate care of that person.

Release

(2) A person in custody shall not be released under sub-section (1) into the care of another person if the person in custody objects to being released into the care of that person.

132.(1) If, after a period of 6 hours after a person has been taken into custody under section 128, it reasonably appears to the member of the Police Force in whose custody he is held that the grounds for the apprehension and taking into custody continue, the member of the Police Force shall bring the person, as soon as practicable, unless sooner released under this Division, before a justice.

Continued  
detention

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(2) Where a person is brought before a justice under sub-section (1), the justice shall -

- (a) if it appears to him that the grounds on which the person was apprehended no longer exist - order the release of the person from custody; or
- (b) if it appears to him that the grounds on which the person was apprehended continue - give such directions as he thinks fit to a member of the Police Force for the safety and welfare of the person including, if he thinks fit, keeping him in the custody of a member of the Police Force (but only for so long as it reasonably appears to the member of the Police Force in whose custody he is held at the time that those grounds continue) or releasing him from custody.

Application  
to member  
for release

133.(1) A person apprehended under section 128 may, at any time after such apprehension, request a member to take him before a justice in order that the person may make an application to the justice for his release.

(2) Where a request is made of a member under sub-section (1) he shall, if it is reasonably practicable for the person to be brought before a justice forthwith, bring the person, or cause the person to be brought, before the justice forthwith.

### Division 5 - Furnishing of Name and Address

Requirement  
to furnish  
names and  
addresses

134.(1) Where a member of the Police Force believes on reasonable grounds that a person whose name or address is unknown to the member may be able to assist him in his inquiries in connexion with an offence that has been, may have been or may be committed, the member may request the person to furnish to the member the person's name and address, or both.

(2) Where a member requests a person under sub-section (1) to furnish his name or address, or both his name and address, to the member and informs the person of his reason for the request, the person -

- (a) shall not refuse or fail to comply with the request;
- (b) shall not furnish to the member a name that is false in a material particular; and



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- (c) shall not furnish to the member as his address an address other than the full and correct address of his ordinary place of residence.

Penalty: \$200.

(3) Where a member who makes a request of a person under sub-section (1) is requested by the person to furnish to the person the member's name, or the address of his place of duty, or both, the member -

- (a) shall not refuse or fail to comply with the request;
- (b) shall not furnish to the person a name that is false in a material particular; and
- (c) shall not furnish to the person as the address of his place of duty an address other than the correct address of his ordinary place of duty.

Penalty: \$200.

135.(1) A member of the Police Force shall, when requested to do so -

Disclosure  
of names

- (a) by a legal practitioner representing a person held in custody under a law in force in the Territory; or
- (b) by the spouse (including a de facto spouse), parent or child of a person held in custody under a law in force in the Territory,

disclose to the person so requesting, whether or not a person is being held in custody and if so where that person is being so held.

(2) A disclosure under sub-section (1) that a person is being held in custody shall only be made with the consent of the person being so held.

### Division 6 - Release and Bail

136.(1) A member of the Police Force who arrests and charges a person with an offence shall, if it is practicable for the person to be brought before a justice forthwith after he is charged, bring the person, or cause the person to be brought, before a justice forthwith to be dealt with according to law.

Bail  
generally

## Police Administration

(2) Where a member of the Police Force who charges a person with an offence is unable to comply with sub-section (1), the member shall -

(a) inform the person charged of his right to apply for bail; and

(b) as far as practicable, ensure that the person charged is able to communicate with a legal practitioner or any other person of his choosing in connexion with any application for bail.

(3) A member shall, if he is authorized to grant bail, as soon as practicable after a person becomes entitled to apply for bail, determine in his discretion whether bail should be granted to the person in accordance with section 137.

(4) A member of the Police Force who is required to determine whether to grant bail to a person charged with an offence shall comply with this Act and with such general orders, not being inconsistent with this Act or any other law in force in the Territory, as may be issued from time to time by the Commissioner of Police relating to the method and procedure for the granting of bail by a member of the Police Force.

(5) A reference to a member of the Police Force authorized to grant bail is a reference to a member of the Police Force who holds the rank of Sergeant or a higher rank or to any other member of the Police Force who is the member for the time being in charge of a police station.

### Conditions of Police bail

137.(1) Where a person is released from custody on bail granted by a member of the Police Force under section 136, the release on bail shall be conditional upon the person charged undertaking to appear before the Court of Summary Jurisdiction at a specified time and place, or at such other time and place as is notified in writing to the person by a member of the Police Force.

(2) The conditions of release on bail may also include one or more of the following requirements:

(a) a written undertaking by the person charged to observe specified requirements as to his conduct while released on bail, not being requirements with respect to the giving of security, the depositing of money or the forfeiture of money;

### Police Administration

- (b) a written acknowledgement by a person acceptable to a member of the Police Force that the person is acquainted with the person charged and regards him as a reasonable person who is likely to appear in Court to answer the charge;
- (c) a written agreement by the person charged, or by another person acceptable to the member of the Police Force, without security, to forfeit to the Territory a specified sum of money if the person fails to appear in Court when required to do so for the purpose of answering the charge;
- (d) a written agreement by the person charged, or by another person acceptable to the member of the Police Force, with security acceptable to the member of the Police Force, to forfeit to the Territory a specified sum of money if the person fails to appear in Court when required to do so for the purpose of answering the charge; and
- (e) the deposit by the person charged, or by another person acceptable to the member of the Police Force, of a specified sum of money with the member to be forfeited to the Territory if the person fails to appear in Court when required to do so for the purpose of answering the charge.

(3) Where bail is granted to a person subject to a condition that a sum of money be deposited with a member of the Police Force, the sum may be deposited in cash or, at the discretion of the member, by cheque or other prescribed means.

(4) A person who has given a security to a member of the Police Force in relation to the release of a person (in this sub-section and sub-section (5) referred to as the "defendant") on bail shall, when required by the member, deposit with the member an amount equal to the sum he is liable to forfeit if the defendant fails to appear in Court when required to do so for the purpose of answering to the relevant charge.

(5) Where a sum of money is deposited with a member in accordance with sub-section (2), (3) or (4) an amount equal to that sum shall be returned to the person -

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- (a) if the defendant appears in Court when required to do so by the terms of his release for the purpose of answering to the relevant charge;
- (b) if the defendant fails to appear in Court in accordance with paragraph (a) but the relevant charge is withdrawn or dismissed; or
- (c) if the Court so orders.

(6) Any sum of money deposited in accordance with sub-section (2), (3) or (4) shall be paid into the Court.

(7) A sum of money paid into Court in accordance with sub-section (6) shall be dealt with only in accordance with an order of that Court.

Appeal as  
to bail

138.(1) A member of the Police Force who is required to determine under section 136 whether or not to grant bail to a person charged with an offence shall ensure that -

- (a) the person charged is made aware of the determination of the member with respect to the granting of or the refusal to grant bail as soon as practicable after that determination is made;
- (b) the person charged is aware of his right to apply to a justice for a review of that determination in the circumstances mentioned in sub-section (2); and
- (c) as far as is practicable, the person charged is able to communicate with a legal practitioner or any other person in connexion with an application to a justice under this section.

(2) Where a member of the Police Force authorized to grant bail to a person -

- (a) refuses to grant bail to the person charged;
- (b) fails to determine whether or not to grant bail to that person within a period of 4 hours after the person was charged with an offence; or
- (c) determines to grant bail to the person subject to conditions (other than a condition mentioned in section 137(1)) which the person is unable or unwilling to comply with, or which the

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person is unable or unwilling to arrange for another person to comply with,

the person charged may apply to a justice for a review of the determination, or for a grant of bail by the justice where there has been a failure by the member of the Police Force to grant bail, as the case may be.

(3) Where the person charged indicates to any member of the Police Force that he wishes to make an application under sub-section (2), the member shall, as soon as practicable after the person gives that indication, bring or arrange for the person to be brought before a magistrate or a justice or shall arrange for the person to make an application to a magistrate or a justice by telephone.

(4) A member of the Police Force shall not arrange for a person to make application to a magistrate or a justice by telephone if it is practicable to bring him before a magistrate or a justice in person.

(5) Where a person makes application under this section to a magistrate or a justice by telephone, the magistrate or justice may, after affording the applicant or a legal practitioner acting in his behalf and the member concerned opportunities to make submissions to him, in his discretion, grant, or refuse to grant, the person bail, or may review any conditions of bail granted by a member of the Police Force, and may make such other orders as he thinks fit.

139. Where a person is charged with 2 or more offences at the same time -

Bail in  
respect of  
several  
offences

- (a) a member of the Police Force considering whether to grant bail to the person shall decide, at the same time, whether to grant, or refuse to grant, bail to the person in respect of all the charges;
- (b) an application may be made for bail under section 138 in respect of all the charges, but not otherwise; and
- (c) any bail that is granted to the person shall be granted in respect of all the charges and separate undertakings shall not be required in respect of each charge.

140.(1) Where a member of the Police Force author-

Revocation

## Police Administration

of bail

ized to grant bail believes on reasonable grounds that a person who has been released on bail granted under section 136 or 138 -

(a) is absconding; or

(b) has failed to comply with, or is about to fail to comply with, an undertaking given by him as a condition of his release,

the member may revoke the bail, and the person may then be arrested by a member of the Police Force and shall as soon as practicable be brought before a justice to be dealt with according to law.

(2) Where a sum has been deposited by cheque in relation to the release of a person on bail and the cheque is dishonoured by non-payment, a member of the Police Force authorized to grant bail may revoke the bail, and the person may then be arrested by a member of the Police Force and shall as soon as practicable be brought before a justice to be dealt with according to law.

Effect of  
Police  
bail

141. Subject to this Part, bail (including the conditions of bail) taken or granted pursuant to this Part shall be of like effect and be enforceable and shall, where the person charged or any other person is liable to forfeit any sum of money, be subject to proceedings for estreatment in the same manner as if it has been by recognizance with or without sureties, as appropriate, taken before a court or a justice.

Bail  
register

142. A member of the Police Force shall enter into a book, to be kept for that purpose in every police station, the name, residence and occupation of the person released on bail and of any other person referred to in section 137, together with details of the conditions of bail and details of any money or securities given or deposited, and shall arrange to lay any undertaking, acknowledgement or agreement relating to the bail before the justice before whom the person is required to appear.

Appearance  
before  
justice  
following  
grant of bail

143. Where a person charged with an offence appears in person or by any other person on his behalf before the justice after having been granted bail under section 136 or 138, the justice may -

(a) enlarge the bail to such further time as he appoints;

(b) delete, amend or vary any of the conditions of bail;

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- (c) substitute any new conditions of bail as he thinks fit; or
- (d) discharge the bail.

### Division 7 - Forensic Examinations

144.(1) Where a person is in lawful custody on a charge of an offence, a member of the Police Force may search his person, the clothing that he is wearing and any property in his immediate control and may use such force as is reasonably necessary for this purpose, if he believes on reasonable grounds that it is necessary to do so -

Search of  
arrested  
persons

- (a) for the purpose of ascertaining whether there is concealed on his person, in his clothing or in that property, a weapon or other article capable of being used to inflict injury upon a person or to assist him to escape from custody; or
- (b) for the purpose of preventing the loss or destruction of evidence relating to the offence.

(2) The member may seize any weapon or other article referred to in sub-section (1) or anything relating to an offence, found as a result of a search in accordance with that sub-section.

(3) Sub-section (1) does not authorize a member to require a person to remove any clothing that he is wearing unless the member has reasonable grounds for believing that the removal and examination and detention of such clothing may afford evidence of the commission of the offence with which the person is charged, and the person is provided with adequate clothing to replace the clothing removed.

(4) Any search carried out pursuant to sub-section (1) shall, wherever practicable, be carried out by a member of the same sex as the person searched.

(5) Nothing in this section shall be taken to prevent the search of the person of a person, or of property under the control of a person and the removal from that person of any property for safe keeping upon his being admitted as an inmate of a gaol, lock-up, prison or like place after being charged with an offence.

145.(1) A member of the Police Force may arrange for a registered medical practitioner or a registered

Medical  
examinations

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dentist to examine the body of the person in lawful custody on a charge of an offence if he has reasonable grounds for believing that the examination may provide evidence relating to the offence or to any other offence punishable by imprisonment and -

(a) the person has given his consent in writing;  
or

(b) a magistrate has approved the examination under sub-section (6).

(2) An examination conducted pursuant to sub-section (1) may include the taking of x-rays and other photographs, salivary and other tests and dental impressions or bitemarks of the person examined.

(3) A member of the Police Force may arrange for a registered medical practitioner or a registered dentist to take a specimen from a person in lawful custody on a charge of an offence for the purpose of having the specimen analysed or otherwise examined if the member has reasonable grounds for believing that an analysis or other examination of the specimen may provide evidence relating to the offence or to any other offence punishable by imprisonment, and -

(a) the person has given his consent in writing;  
or

(b) the magistrate has authorized the taking of the specimen under sub-section (6).

(4) A registered medical practitioner or a registered dentist may examine the person of a person and take a specimen from a person in the circumstances described in sub-section (1) or (3), as the case may be, and for this purpose may call upon the assistance of a member of the Police Force, who may use such reasonable force as may be necessary for the purpose of conducting the examination or taking the specimen.

(5) A member of the Police Force who has reasonable grounds for the belief referred to in sub-section (1) or (3), whichever is applicable, in relation to a person who is in lawful custody in respect of an offence may -

(a) make application to a magistrate in person; or

(b) if it is impracticable for him to make application to a magistrate in person - make application to a magistrate by telephone,



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for approval for a registered medical practitioner or a registered dentist to examine the person of the person, or take a specimen from the person, as the case may be.

(6) A magistrate to whom application is made under sub-section (5) may, after hearing the member and the person who is in lawful custody, if he is satisfied that the member has reasonable grounds for the belief referred to in sub-section (1) or (3), whichever is applicable, approve in writing, the examination of the person of the person, or the taking of a specimen from the person, as the case may be.

(7) Where a magistrate gives his approval in relation to an application made to him under sub-section (5) by telephone, the magistrate shall cause the instrument giving approval to be forwarded to the applicant before the examination.

(8) Before arranging for a registered medical practitioner or a registered dentist to examine a person in lawful custody or to take a specimen from such a person, a member of the Police Force shall inquire whether the person wishes to have a registered medical practitioner or a registered dentist of his own choice present during the examination or the taking of the specimen and, if he states that he does so wish, shall -

- (a) provide reasonable facilities to enable the person to arrange for a registered medical practitioner or a registered dentist of his choice to be so present; and
- (b) unless it would be impracticable to do so - arrange for the examination to be made, or the specimen to be taken, at a time when the registered medical practitioner or the registered dentist chosen by the person can be present.

(9) Where a person in lawful custody is examined by a registered medical practitioner or a registered dentist in accordance with sub-section (1), or a specimen is taken from such a person in accordance with sub-section (3), a member of the Police Force shall, upon application by the person, provide the person with a copy of the report of the registered medical practitioner or the registered dentist furnished in respect of the examination or of the report of the analysis or other examination of the specimen.

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(10) Where a registered medical practitioner or a registered dentist -

(a) makes an examination of the person of a person; or

(b) takes a specimen from a person,

in pursuance of arrangements duly made by a member of the Police Force under this section, proceedings do not lie against the registered medical practitioner or the registered dentist in respect of anything reasonably done by him for the purpose of the examination, or for the purpose of taking the specimen.

(11) Nothing in this section shall be taken -

(a) to prevent a registered medical practitioner or a registered dentist from examining a person in lawful custody at the request of that person or for the purpose of treating him for an illness or injury; or

(b) to affect the power of a court to exclude evidence obtained through force or inhumane treatment.

(12) In this section "specimen", in relation to a person, includes any sample of, or taken from, the body of the person and any substance found on the body of the person.

(13) The powers given by this section are in addition to and shall not derogate from any other powers of members of the Police Force pursuant to any other law in force in the Territory.

Prints,  
photographs,  
&c.

146.(1) Subject to any general orders or directions issued or given from time to time by the Commissioner of Police, a member of the Police Force holding the rank of Sergeant or a higher rank, or for the time being in charge of a police station may, in respect of a person in lawful custody -

(a) on a charge of an offence; or

(b) in relation to a warrant issued in accordance with any law in force in the Territory,

take or cause to be taken -

(c) prints of the hands, fingers, feet or toes of the person; or

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(d) photographs of the person.

(2) In exercising his powers under sub-section (1) a member of the Police Force may, for that purpose, use such force and may call upon such assistance as may be necessary.

147.(1) Where proceedings are not instituted against a person for an offence in relation to which he was examined under section 145 or in relation to which a specimen was taken under that section, or in relation to which he was required to submit to the taking of prints or photographs under section 146 -

Destruction  
of prints,  
&c.

(a) within the period of 12 months after such examination occurred or the specimens, prints or photographs were taken; or

(b) if that period is extended under sub-section (4) within that period as from time to time so extended,

the person having the custody of the report of the examination, or the report of the analyses or other examination of the specimen, or the specimen itself, or the Commissioner of Police in the case of prints or photographs, as the case may be, shall cause them and all copies thereof to be destroyed.

(2) Where proceedings are instituted against a person for an offence in relation to which he was examined under section 145 or in relation to which a specimen was taken under that section, or in relation to which he was required to submit to the taking of prints or photographs under section 146 -

(a) within the period of 12 months after the examination occurred or the specimens, prints or photographs were taken; or

(b) if that period is extended under sub-section (4) within that period as from time to time so extended,

but the court does not convict the person of the offence, or find, without recording a conviction, that the person committed the offence, the person having the custody of the report of the examination, or the report of the analyses or other examination of the specimen, or the specimen itself, or the Commissioner of Police in the case of prints or photographs as the case may be, shall cause them and all copies thereof to be destroyed.

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(3) Where an examination occurred or specimens were taken from a person under section 145 or prints or photographs to which section 146 applies were taken of, or in relation to, a person, the Commissioner of Police may, at any time before proceedings are instituted against the person in respect of an offence to which the examination, specimens, prints or photographs relate, but not after -

- (a) the expiration of the period of 12 months after the examination occurred or the specimens, prints or photographs were taken; or
- (b) if that period has been extended under this section - the expiration of that period as so extended or as last so extended, as the case may be,

make application to a magistrate to extend that period, or to extend further that period as previously or last previously extended, as the case may be.

(4) Where application is made to a magistrate under this section to extend the period, or to extend further such a period as previously, or last previously, extended, the magistrate shall -

- (a) if he is satisfied, by information on oath, that there are special reasons why the period should be extended for a period or why the period as previously, or as last previously, extended should be further extended for a period - direct that the period be extended, or that period as previously, or last previously, extended be further extended, for a specified period; or
- (b) if he is not so satisfied - dismiss the application.

(5) The regulations may make provision for and in relation to the hearing of applications under this section, including provision for permitting a person concerned to appear before the magistrate upon the hearing of an application to extend a period.

### Division 8 - Closure of Public Places

Commissioner  
may close  
public  
places

148.(1) Where 12 or more persons take part in an assembly in or upon a public place and conduct themselves in a manner that results in unlawful physical violence to any person or unlawful damage to property, the Commissioner of Police may direct, either

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orally or in writing, that the place or any part thereof be closed and be kept closed to the public for such period of time specified in the direction as the Commissioner considers to be necessary to prevent the continuation of such conduct in or upon that place.

(2) Where a person conducts himself in a manner that creates an immediate and substantial risk of unlawful physical violence resulting to himself or any other person, the Commissioner of Police may direct, either orally or in writing, that a public place be closed and be kept closed to the public for such period of time specified in the direction as the Commissioner considers to be necessary to prevent the infliction of unlawful physical violence on that person or on any other person.

(3) If any person is in or upon any public place that has been closed in pursuance of sub-section (1) or (2) and is advised by a member of the Police Force that the place has been so closed, that person shall forthwith leave that place upon being requested to do so by the member, and it is an offence for the person to refuse or fail to comply with the request.

Penalty: \$200.

### PART VIII - OFFENCES IN RELATION TO POLICE FORCE

149.(1) A person who ceases to be a member of the Police Force shall not refuse to deliver up to the Commissioner, or to such person, and at such time and place, as the Commissioner directs, all property which has been supplied to him for the execution of his duty, or which is in his custody by virtue of his having been a member.

Delivery of  
property

Penalty: \$500 or imprisonment for 3 months or both.

(2) A justice may issue a warrant to search for and seize all property not delivered up as required by sub-section (1), wherever the same may be found.

150.(1) A member of the Police Force shall not fail or neglect to comply with the duties of his office as a member.

Neglect of  
duty

Penalty: \$500 or imprisonment for 3 months or both.

(2) A member shall not wilfully and without

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reasonable cause depart from the Territory with the intention of not returning to the Territory to return for duty, without the approval of the Commissioner or of a person authorized by the Commissioner to give such approval and before the resignation, if any, of that member has taken effect.

Penalty: \$500 or imprisonment for 3 months or both.

(3) The amount of any penalty imposed upon a member of the Police Force for an offence against sub-section (1) or (2) may be deducted from any salary or other moneys then due to the member.

### Bribes

151. A member of the Police Force shall not directly or indirectly take any bribe, pecuniary or otherwise, to forgo his duty as a member of the Police Force.

Penalty: \$2,000 or imprisonment for 12 months or both.

### Escape and deserting post

152. A member shall not -

(a) in any manner aid, abet, assist, or connive at the escape, or any attempt or preparation to escape, of any person from any gaol or other place in which that person is lawfully confined, or otherwise in lawful custody; or

(b) desert his post.

Penalty: \$2,000 or imprisonment for 12 months or both.

### Assault of member

153. A member shall not assault a member who holds or who is performing or exercising the functions or duties of a rank superior to the rank of the first-mentioned member.

Penalty: \$1,000 or imprisonment for 6 months or both.

### False representation

154.(1) A person shall not knowingly make a false representation in connexion with an application for appointment to the Police Force.

Penalty: \$500 or imprisonment for 3 months or both.

(2) A prosecution under this section shall only be brought with the written consent of the Commissioner and upon conviction of a person of an offence under

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sub-section (1), the Commissioner may terminate the appointment, if any, of the person so convicted.

155.(1) A member shall not, without reasonable cause, publish or communicate any fact or document to any other person which comes to the knowledge or into the possession of the member in the course of his duties as a member and which the member has not been authorized to disclose.

Communication  
of  
information

Penalty: \$500 or imprisonment for 3 months or both.

(2) A person shall not publish or communicate any fact or document after he has ceased to be a member and which, if he had still been a member, he would not have been entitled to disclose.

Penalty: \$500 or imprisonment for 3 months or both.

156. Any person shall not without lawful excuse, personate a member of the Police Force.

Personation

Penalty: \$500 or imprisonment for 3 months or both.

157. A person shall not directly or indirectly -

Offering  
bribes

(a) offer or give any bribe or reward to;

(b) enter into any agreement with; or

(c) seek any undertaking from,

a member of the Police Force for the purpose of that member foregoing any of the duties of that member.

Penalty: \$2,000 or imprisonment for 12 months or both.

158. A person shall not assault or resist a member in the execution of his duty or aid or incite any other person to assault or resist a member in the course of his duty.

Assault of  
member

Penalty: \$1,000 or imprisonment for 6 months or both.

159. A person shall not hinder or obstruct a member in the execution of his duty or aid or abet any

Hindering  
member

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other person to hinder or obstruct a member in the execution of his duty.

Penalty: \$1,000 or imprisonment for 6 months or both.

Escape from custody

160.(1) A person who is in the lawful custody of a member of the Police Force, or who is otherwise lawfully confined, shall not -

- (a) escape from that custody or confinement; or
- (b) aid or assist in any act designed to assist in the escape of that person from that custody or confinement.

Penalty: \$1,000 or imprisonment for 6 months or both.

(2) A person shall not aid any unlawful act which -

- (a) results in the release of any person from lawful custody; or
- (b) is done in preparation for securing the release of any person from lawful custody.

Penalty: \$1,000 or imprisonment for 6 months or both.

### PART IX - MISCELLANEOUS

Actions against members

161.(1) Where any action is brought against a member of the Police Force for any act done by that member in accordance with the terms of a warrant issued by a justice or magistrate, such member shall not be responsible for -

- (a) any irregularity in the issue of such a warrant; or
- (b) want of jurisdiction in the justice or magistrate who issued the warrant in respect of which the action is brought.

(2) Where, in any action of a kind referred to in sub-section (1), a member -

- (a) produces the warrant to which the action relates;
- (b) proves that the signature which appears on the warrant and which purports to be that of



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a justice or magistrate, is the handwriting of a person whose name appears subscribed on the warrant as a justice or magistrate;

(c) proves that the person referred to in paragraph (b) is reputed to be and acts as a justice or magistrate, possessing jurisdiction to issue the warrant to which the action relates; and

(d) proves that the acts complained of were done in obedience to such warrant,

a verdict shall be found in favour of the member who shall be entitled to recover the cost of the suit as determined by the court before whom the action was brought.

162.(1) All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within 2 months after the act complained of was committed, and not otherwise.

Actions to  
be brought  
within 2  
months

(2) In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereon.

(3) No plaintiff shall succeed in any such action if tender of sufficient amends has been made before the action is brought, or if a sufficient sum of money has been paid into court after action is brought by or on behalf of the defendant, together with the costs incurred up to that time.

(4) Where, in any such action -

(a) a verdict is given for the defendant;

(b) the plaintiff becomes non-suited or discontinues any such action after issue is joined; or

(c) judgment is given against the plaintiff,

the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases.

(5) Notwithstanding that a verdict has been given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant unless the Judge before whom the trial takes place certifies his approbation of the action and the verdict obtained thereon.

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Vicarious  
liability  
of the  
Crown

163.(1) Subject to sub-section (3), the Crown is liable in respect of a tort committed by a member in the performance or purported performance of his duties as a member in like manner as a master is liable in respect of a tort committed by his servant in the course of the employment of that servant and, shall in respect of such tort, be treated for all purposes as a joint tortfeasor with the member.

(2) In proceedings by way of a claim for damages in respect of a tort, the acts done by a member in the performance or purported performance of his duties as a member may be relied on as constituting contributory negligence by the Crown if the acts could have been so relied on if they had been done by an employee of the Crown in the course of his employment.

(3) The liability of the Crown under sub-section (1) in respect of a tort committed by a member does not extend to a liability to pay damages in the nature of punitive damages in respect of the tort.

(4) Where damages or costs, other than damages in the nature of punitive damages, are awarded against a member in proceedings with respect to a tort committed by a member in the performance or purported performance of his duties as a member, the Crown may pay the whole or a part of the damages or costs awarded against the member and any costs incurred, and not recovered, by him in the proceedings.

(5) Where a sum is liable to be paid by a member under a settlement agreed to by him of a claim that has, or might have, given rise to proceedings of the kind referred to in sub-section (4), the Crown may pay the whole or a part of that sum.

(6) Where the Crown -

(a) pays moneys by way of damages or costs in respect of a tort committed by a member, being moneys that the Crown is liable to pay by virtue of sub-section (1) or pays in accordance with sub-section (4); or

(b) pays a sum in accordance with sub-section (5),

the Crown may recover, in a court of competent jurisdiction, contribution from the member in respect of the payment.

(7) In proceedings for contribution under sub-section (6), the amount of the contribution

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recoverable is such amount as is found by the court to be just and equitable in all the circumstances.

(8) For the purposes of this section, any act done, or purported to have been done, by a member in the capacity of a Special Constable, Police aide or Police Cadet shall be deemed to have been done in the performance, or purported performance, as the case may be, of his duties as a member.

164.(1) The Commissioner may issue to a member a certificate under his hand certifying that, on a specified date, the member was appointed to be a member of the Police Force or a Special Constable or a Police aide, as the case may be.

Certificate  
of appointment

(2) The production, in any proceedings, of the certificate of the kind referred to in sub-section (1) is prima facie evidence of the facts stated in the certificate and unless the contrary notation is proved, a document purporting to be such a certificate shall be deemed to be such a certificate and shall be deemed to have been duly issued.

165.(1) The Commissioner may authorize the publication of a document to be known as the Police Gazette containing such orders, instructions, determinations, directions, notices and other things -

Police  
Gazette

(a) as are required to be published in it by this Act or by the regulations; or

(b) as the Commissioner thinks fit.

(2) No person, other than a member of the Police Force shall, without reasonable cause, knowingly -

(a) have in his possession a copy of the Police Gazette, referred to in sub-section (1); or

(b) reproduce in any manner the whole or a part of a Police Gazette of the kind referred to in sub-section (1).

Penalty: \$200.

(3) No liability, civil or criminal, shall attach to the Crown, the Commissioner or any person acting under the direction of the Commissioner, for anything contained in the Police Gazette.

166.(1) Any goods and chattels which have lawfully come into the possession of a member of the Police Force in the course of the duties of that member

Sale of  
goods

## Police Administration

and which remain unclaimed by any person who has a legal right to those goods or chattels may, after notice has been published in the Gazette of the intention to sell or otherwise dispose of those goods or chattels, be sold by public auction or otherwise disposed of in such manner as the Commissioner directs.

(2) Notwithstanding the provision of sub-section (1), if the goods or chattels described therein are, in the opinion of a member, of a perishable nature, the Commissioner may at any time authorize the sale or other disposal of such goods or chattels in such manner as the Commissioner directs and without publication of prior notice in the Gazette.

(3) Every sale or other disposal carried out in accordance with this section shall be valid as against all persons.

### Regulations

167. The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

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## SCHEDULE

Sections 26 and 32

### FORM 1

#### FORM OF OATH TO BE TAKEN BY MEMBERS

I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen as a member of the Northern Territory Police Force without fear or favour, affection or ill-will from this day and until I am legally discharged from that Force; that I will see and cause Her Majesty's peace to be kept and preserved, that I will prevent, to the best of my powers, all offences against Her Majesty's peace and against all laws in force in the Northern Territory of Australia and that, while I remain a member of the Northern Territory Police Force, I will, to the best of my skill and knowledge, faithfully discharge all my duties according to law - So help me God!

Taken and subscribed at  
this            day of            ,  
19            .  
Before me,

Police Administration

FORM 2

Sections 26 and 32

FORM OF AFFIRMATION TO BE MADE BY MEMBERS

I, A.B., do solemnly and sincerely affirm and declare that I will well and truly serve our Sovereign Lady the Queen as a member of the Northern Territory Police Force without fear or favour, affection or ill-will from this day and until I am legally discharged from that Force; that I will see and cause Her Majesty's peace to be kept and preserved, that I will prevent, to the best of my powers, all offences against Her Majesty's peace and against all laws in force in the Northern Territory of Australia and that, while I remain a member of the Northern Territory Police Force, I will, to the best of my skill and knowledge, faithfully discharge all my duties according to law.

Made and subscribed at  
this                      day of                      ,  
19                      .  
Before me,

\_\_\_\_\_  
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