

AUSTRALIAN CAPITAL TERRITORY.

No. 2 of 1958.

AN ORDINANCE

To amend the *Police Ordinance 1927-1956*.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this twenty-third day of January, 1958.

W. J. SLIM

Governor-General.

By His Excellency's Command,

ALLEN FAIRHALL

Minister of State for the Interior.

POLICE ORDINANCE 1958.

1. This Ordinance may be cited as the *Police Ordinance 1958*.^{*} Short title and citation.

(2.) The *Police Ordinance 1927-1956*[†] is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Police Ordinance 1927-1958*.

2. This Ordinance shall come into operation on the thirtieth day of January, One thousand nine hundred and fifty-eight. Commencement.

3. Section five of the Principal Ordinance is amended— Establishment of Police Force.

(a) by inserting in sub-section (2.), after the word "otherwise", the words "(not being terms or conditions relating to discharge, dismissal, retirement or resignation from the Police Force)"; and

(b) by omitting sub-section (2B.).

^{*} Notified in the *Commonwealth Gazette* on 30th January, 1958.

[†] Ordinance No. 19, 1927, as amended by No. 14, 1930; No. 18, 1932; No. 23, 1934; Nos. 25 and 35, 1938; No. 14, 1943; Nos. 5 and 9, 1947; No. 8, 1950; No. 5, 1954; No. 5, 1955; and No. 19, 1956.

7618/57.—PRICE 3D.

4.—(1.) After section five of the Principal Ordinance the following sections are inserted:—

Appointments
to be on
probation.

“5AA.—(1.) Unless the Minister, in any particular case, otherwise directs, the appointment of a person to be a member of the Police Force shall be on probation for a period of twelve months and the appointment may be terminated by the Minister at any time during that period.

“(2.) After the period of twelve months on probation has expired, the Minister may, after considering a report from the Commissioner of Police, confirm or annul the appointment.

Age for
appointment.

“5AB.—(1.) Subject to the next succeeding sub-section, a person who has attained the age of thirty-five years is not entitled to be appointed as a member of the Police Force.

“(2.) A person may, notwithstanding that he has attained the age of thirty-five years, be appointed to the Police Force, if the Minister, in the special circumstances of a particular case, so directs or the person is a person who—

(a) was retired from the Police Force on the ground that, by reason of mental or bodily infirmity, he was unfit for discharge, or incapable of discharging, the duties of his position in the Police Force; and

(b) is to be appointed to the Police Force by reason of the operation of section fifty of the *Superannuation Act 1922-1957*.”

(2.) Where a person was, immediately before the commencement of this Ordinance, serving on probation as a member of the Police Force of the Territory under the Principal Ordinance, the provisions of section five AA of the Principal Ordinance as amended by this Ordinance apply as if that section had been in force at the time of his appointment.

Oath or
affirmation
equivalent to
agreement.

5. Section seven of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“(1.) A person who has, whether before or after the commencement of this sub-section, taken and subscribed, or made and subscribed, the oath or affirmation referred to in the last preceding section shall be deemed to have thereby entered into a written agreement and to be bound by that agreement to serve Her Majesty as a member of the Police Force from the date on which the oath or affirmation was taken and subscribed, or made and subscribed, until the employment of the person as a member of the Police Force is terminated in accordance with a provision of this Ordinance or of the Regulations.

“(1A.) An agreement referred to in the last preceding sub-section shall not be set aside, cancelled or annulled for want of reciprocity.”

6. After section seven A of the Principal Ordinance the following sections are inserted:—

“ 7B.—(1.) The Commissioner is, after attaining the age of sixty years, entitled to retire from the Police Force if he desires to do so, but may, subject to this section, continue in the Police Force until he attains the age of sixty-five years. Tenure of office.

“ (2.) If the Commissioner continues in the Police Force after he has attained the age of sixty years, he may at any time before attaining the age of sixty-five years be retired by the Minister from the Police Force.

“ (3.) The Commissioner shall, on attaining the age of sixty-five years, be retired by the Minister from the Police Force.

“ (4.) A member of the Police Force, other than the Commissioner, shall, on attaining the age of sixty years, be retired by the Minister from the Police Force.

“ 7C. If a member of the Police Force appears to the Minister to be, by reason of mental or bodily infirmity, unfit to discharge or incapable of discharging the duties of his position in the Police Force, the Minister may retire him from the Police Force or transfer him to some other position in the Police Force with salary appropriate to that other position. Retirement of invalid members.

“ 7D.—(1.) If, at any time, the Minister finds that a greater number of members of the Police Force is employed than is necessary for efficient working, a member whom the Minister finds to be in excess may be transferred to such other position of equal rank as the member is qualified to fill, and, if no such position is available, the member may be transferred to a position of lower rank. Excess members.

“ (2.) If no position is available for the member, the Minister may retire him from the Police Force.”.