

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 19 of 1927.

## AN ORDINANCE

### To provide for the Establishment of a Police Force in the Territory for the Seat of Government.

**B**E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910, as follows:—

1. This Ordinance may be cited as the *Police Ordinance* 1927. Short title.

2. This Ordinance shall commence on a date to be fixed by the Attorney-General by notice in the *Gazette*. Commencement.

3.—(1.) Upon a date to be notified by the Attorney-General by notice in the *Gazette* the members and officers of the Police Force of the State of New South Wales shall cease to have and to exercise the powers conferred upon them by section four of the *Provisional Government Ordinance* 1911-1926. Powers of State police to cease.

(2.) Until the date so notified, the members and officers of the Police Force of that State who are employed in the Territory shall have all the powers and functions of members and officers of the Police Force of the Territory as if appointed in pursuance of this Ordinance.

4. In this Ordinance, unless the contrary intention appears— Definitions.

“ Chief Officer ” means Chief Officer of Police and includes any acting Chief Officer;

“ Magistrate ” means any person appointed to be a Magistrate of the Commonwealth, and, until otherwise prescribed, includes any Magistrate of the State of New South Wales;

“ Police Force ” means Police Force of the Territory.

5.—(1.) The Attorney-General may from time to time appoint such constables, sergeants and officers of police as he thinks necessary. Appointment of police.

(2.) Every appointment to the Police Force shall be made in such manner as is prescribed, and on such terms and conditions as to remuneration and otherwise as he thinks proper, and every

person appointed to be a member of the Police Force shall be subject to such regulations for the discipline and good government of the Police Force as are prescribed.

(3.) The Director of the Investigation Branch of the Commonwealth Attorney-General's Department shall be the Chief Officer of Police and be subject to the direction of the Attorney-General.

Oath of office  
to be taken.

6.—(1.) No person appointed to be a member of the Police Force shall be capable of holding that office or of acting in any way therein until he has taken and subscribed an oath or made and subscribed an affirmation in the following form:—

*Oath.*

I, *A.B.*, do swear that I will well and truly serve Our Sovereign Lord the King in the office of member of the Police Force of the Territory for the Seat of Government of the Commonwealth without favour or affection, malice or ill-will, from this date until I am discharged from that office; that I will seek and cause His Majesty's Peace to be kept and preserved, and that I will prevent to the best of my power, all offences against the same, and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

Taken and subscribed at }  
this day of }  
19 Before me— }

*Affirmation.*

I, *A.B.*, do solemnly and sincerely affirm and declare that I will well and truly serve Our Sovereign Lord the King in the office of member of the Police Force of the Territory for the Seat of Government of the Commonwealth without favour or affection, malice or ill-will, from this date until I am discharged from that office; that I will seek and cause His Majesty's Peace to be kept and preserved, and that I will prevent to the best of my power, all offences against the same, and that while I continue to hold the said office I will, to the best of my skill and knowledge, faithfully discharge all the duties thereof according to law.

Made and subscribed at }  
this day of }  
19 Before me— }

(2.) The oath or affirmation shall be taken or made before a magistrate or justice of the peace and shall in all cases be subscribed by the person taking the oath or making the affirmation, and when so taken or made and subscribed shall be forwarded to the Secretary to the Attorney-General's Department by the person before whom the oath or affirmation was taken or made.

7.—(1.) Every person taking or making and subscribing any such oath or affirmation shall be deemed to have thereby entered into a written agreement and be thereby bound to serve His Majesty as a member of the Police Force from the date on which the oath or affirmation was taken or made and subscribed until he is discharged by the Attorney-General.

Oath or affirmation equivalent to agreement.

Provided that—

- (a) any such agreement shall not be set aside, cancelled or annulled for want of reciprocity; and
- (b) the agreement may be cancelled at any time by the discharge, dismissal or other removal from office of any such person or by the resignation of any such person duly accepted.

(2.) A member of the Police Force shall not be at liberty to resign his office or to withdraw from the duties thereof unless expressly authorized so to do by the Attorney-General or a person thereto authorized by the Attorney-General, or unless he gives to the Attorney-General or the authorized person three months' notice in writing of his intention so to resign or withdraw.

(3.) Any member of the Police Force who so resigns or withdraws without that previous permission or notice shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

8.—(1.) When any member of the Police Force is dismissed or ceases to hold his office, all powers and authorities vested in him shall immediately cease.

Powers and authorities to cease upon dismissal or resignation.

(2.) Any member of the Police Force so dismissed or ceasing to hold office who does not forthwith deliver over all accoutrements, clothing or other property supplied to him for the execution of his office, or in his custody by virtue thereof, to the prescribed person shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

(3.) Any magistrate may issue his warrant to search for and seize all such accoutrements, clothing or other property not delivered up as required under the last preceding sub-section, wherever the accoutrements, clothing and property may be found.

9. Any person who makes any false representation in applying for appointment as a member of the Police Force shall be guilty of an offence.

Misrepresentation by applicant an offence.

Penalty: Imprisonment for three months.

10. Any member of the Police Force who—

- (a) takes any bribe, either directly or indirectly; or
- (b) aids, abets, assists or connives at the escape, or attempt or preparation to escape of any prisoner in lawful custody; or

Taking bribe, &c., an offence

- (c) assists any person who has committed an offence to escape arrest or conviction for that offence; or
  - (d) deserts his post; or
  - (e) assaults his superior officer,
- shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for twelve months.

Penalty on  
police for  
neglect of duty.

11.—(1) Every member of the Police Force who is guilty of any neglect or violation of duty in his office as such member shall be guilty of an offence.

Penalty: Five pounds, or imprisonment for one month.

(2.) The amount of any penalty imposed upon a member of the Police Force for an offence against this section may be deducted from any salary then or thereafter due to the member.

Appointment of  
special  
constables.

12. The Attorney-General may, at any time and on such terms and conditions as he thinks fit, appoint, or authorize the appointment of, such special constables as are in his opinion necessary or expedient to be appointed, and all such special constables shall, during the continuance of their appointment, be members of the Police Force under this Act with such powers as are specified in the instrument by which they are appointed.

Personating  
member of  
Police Force an  
offence.

13.—(1.) Any person, not being a member of the Police Force, who—

- (a) personates or passes himself off as a member of the Police Force or wears or displays any uniform or badge of a member of the Police Force or any colourable imitation thereof or any uniform or badge, so closely resembling any uniform or badge of a member of the Police Force as to be likely to deceive;
- (b) has in his possession any arms or ammunition, or any article of clothing, accoutrements or appointments, supplied to any member of the Police Force, and is not able satisfactorily to account for his possession thereof; or
- (c) gives, or offers or promises to give, any bribe, recompense, or reward to, or makes any collusive agreement with, any member of the Police Force, to induce him to neglect his duty, or to conceal or connive at any act whereby any rule, order, or regulation relating to the appointment and duties of the members of the Police Force for the time being in force may be evaded,

shall be guilty of an offence.

(2.) Any person, other than officer of the Commonwealth or of a State, who practises, acts, or describes himself, as a detective or carries on, or assists in, any business or agency, under the description of a detective business or agency, shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

14.—(1.) Notwithstanding any law or custom to the contrary, it shall be lawful for the Chief Officer to issue general search warrants to such members of the Police Force as he thinks fit. Power to grant general search warrants.

(2.) Every such warrant shall be in accordance with the form in the Schedule to this Ordinance, and shall be signed by the Chief Officer.

(3.) Every such warrant shall remain in force for six months from the date thereof, or for such (if any) shorter period as is specified therein.

(4.) The Chief Officer may at any time revoke any such warrant.

(5.) The member of the Police Force named in any such warrant may, at any time in the day or night, with such assistants as he thinks necessary, enter into and search any house, building, premises, or place where he has reasonable cause to suspect that any stolen goods are, and may break open the house, building, premises or place; and he may break open and search any cupboards, drawers, chests, trunks, boxes, packages, or other things, whether fixtures or not, in which he has reasonable cause to suspect that any stolen goods may be found.

(6.) In this section "stolen goods" includes goods obtained by any offence.

15. If it is made to appear to a magistrate, by information on oath, that there is reason to suspect that any house, or part of a house, is used by a female person for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the magistrate may issue a warrant authorizing any constable to enter and search the house and to arrest the male person. Power to grant warrant to search house used for prostitution

16. Any member of the Police Force may stop, search, and detain— Power to search vehicles and suspected persons.

- (a) any cart, carriage, or vehicle in or upon which there is reason to suspect that anything stolen or unlawfully obtained may be found; and
- (b) any person who is reasonably suspected of having, or conveying in any manner, anything stolen or unlawfully obtained.

17.—(1.) Any member of the Police Force may—

- (a) enter into any house, room, premises, or place where any public table or board is kept for playing billiards, Empowering police to visit houses where games carried on, &c.

bagatelle, bowls, fives, rackets, quoits, skittles, or ninepins, or any game of the like kind, when and so often as that member thinks proper; and

- (b) enter into any house, room, or place kept or used for any theatrical or any public entertainment or meeting, or any concert or musical or other exhibition or any show of any kind whatsoever, or any recreation ground or race-course (whether admission thereto is obtained by payment of money or not) at any time when the house, room, place, ground or race-course is open for the reception of persons resorting thereto, and shall order any common prostitute or reputed thief or other loose, idle, or disorderly person who is found in the house, room, place, ground or race-course to leave it.

(2.) If any such person refuses to leave the house, room, place, ground or race-course on being ordered by the member of the Police Force so to do, the member may forcibly remove him therefrom.

(3.) Every such person remaining in the house, room, place, ground or race-course after having been so ordered to leave shall be guilty of an offence.

Penalty: One pound.

Power of police  
to apprehend  
offenders.

18. Any member of the Police Force, without any warrant other than this Ordinance, at any hour of the day or night, may apprehend—

- (a) any person, whom he finds drunk, or fighting, or using profane, indecent, or obscene language, or who uses any threatening, abusive, or insulting words, or behaves in a threatening, abusive, or insulting manner, with intent to provoke a breach of the peace or whereby a breach of the peace might be occasioned, in any road, street, thoroughfare, or public place; and
- (b) any person who rides or drives through any road, street, thoroughfare, or public place so negligently, carelessly, or furiously that the safety of any other person might thereby be endangered; and
- (c) any person who cruelly beats, illtreats, overdrives, overloads, abuses, or tortures any animal, or causes the same to be done, or who conveys or carries any animal in any road, street, thoroughfare, or public place in such a manner or position as to cause unnecessary pain or suffering to the animal; and
- (d) any loose, drunken, or riotous person whom he finds disturbing the public peace; and

- (e) any person whom he has reasonable cause to suspect of having committed, or being about to commit, any offence; and
- (f) any person whom he finds loitering in any street, highway, yard, or other place, who does not give a satisfactory account of himself; and
- (g) any idle and disorderly person, rogue and vagabond, or incorrigible rogue.

19. Any member of the Police Force may, without a warrant, take into custody—

Certain persons may be apprehended without warrant.

- (a) any person whom he has reasonable or probable cause for believing or suspecting to be a person for whose apprehension a warrant has been issued by any magistrate; and
- (b) any person who is charged by any other person with committing any felonious assault, in every case in which the member has good reason to believe that the assault has been committed, although not within view of the member, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender.

20. Any member of the Police Force, and all persons whom he calls to his assistance, may take into custody, without a warrant, any person who, within view of the member, commits any offence against this Ordinance or against the *Police Offences Ordinance* 1927, if such person's name and residence is unknown to the member, and cannot be ascertained by him.

Police may apprehend any offender whose name and residence is not known.

21.—(1.) Any member of the Police Force, or any other person, with or without a warrant, may apprehend any reputed common prostitute or thief, or any loose, idle, or disorderly person, or any reputed rogue and vagabond or incorrigible rogue who, within view of the member or person, commits any offence against this Ordinance or the *Police Offences Ordinance* 1927.

Apprehension of known offenders.

(2.) The member or person shall forthwith take and convey the offender before a magistrate to be dealt with in manner provided by this Ordinance, or shall deliver him to any constable or other peace officer of the place where he has been apprehended, to be so taken and conveyed as aforesaid.

(3.) Any constable who—

- (a) refuses or wilfully neglects to take the offender into custody, or to take and convey him before a magistrate; or
- (b) does not use his best endeavours to apprehend and convey the offender before a magistrate,

shall be deemed guilty of a neglect of duty, and shall be punishable in manner provided by this Ordinance.

Power to police  
and persons  
aggrieved to  
apprehend  
certain  
offenders.

22. Any person found committing any offence punishable upon summary conviction—

- (a) may be taken into custody without a warrant by any member of the Police Force; or
- (b) may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a constable, to be dealt with according to law.

Where stolen  
property  
attempted to be  
sold or pawned.

23. Any person to whom any property is offered to be sold, pawned, or delivered, if he has reasonable cause to suspect—

- (a) that any offence punishable upon summary conviction has been committed with respect to the property; or
- (b) that the property, or any part thereof, has been stolen or otherwise unlawfully obtained,

may apprehend and detain the person so offering the property, and as soon as may be deliver him into the custody of a member of the Police Force, together with the property, to be dealt with according to law.

Persons  
arrested  
without a  
warrant, how  
dealt with.

24.—(1.) Any person apprehended without a warrant shall be forthwith delivered into the custody of the member of the Police Force who is in charge of the nearest police station, in order that the person may be secured until he can be brought before a magistrate to be dealt with according to law, or, if the person has been apprehended for any offence against this Ordinance, or any offence punishable upon summary conviction, or if in any other case the member of the Police Force deems it prudent to take bail, until he has given bail for his appearance before a magistrate.

(2.) When any person apprehended under this Ordinance, or charged with any offence punishable upon summary conviction, is brought without the warrant of a magistrate into the custody of any member of the Police Force in charge of any police station, the member may, if he deems it prudent, take bail by recognizance, with or without sureties, as the member thinks fit, from the person, the condition of the recognizance being that the person shall appear for examination before a magistrate at the place specified therein, at the hour of ten o'clock in the forenoon on a day to be specified not more than fourteen days after the recognizance is taken, unless that day falls on a Sunday or Christmas Day or Good Friday, or any public holiday, and in that case at the like hour on the day next following which is not one of those days.

(3.) Every recognizance so taken shall be of equal obligation on the parties entering into it, and liable to the same proceedings for the estreating thereof, as if it had been taken before a magistrate.



(4.) The member of the Police Force shall enter in a book, to be kept for that purpose in every police station, the name, residence, and occupation of the party and his surety or sureties (if any) entering into the recognizance, together with the condition thereof and the sums respectively acknowledged, and shall lay the book before the magistrate who is present at the time and place when and where the party is required to appear.

(5.) If the party fails to appear at the time and place required, or within one hour thereafter, the magistrate shall cause a record of the recognizance to be drawn up and signed by the member of the Police Force.

(6.) If the party fails to appear, but applies by any person on his behalf to postpone the hearing of the charge against him, and the magistrate consents thereto, the magistrate shall be at liberty to enlarge the recognizance to such further time as he appoints.

(7.) When the matter has been heard and determined, either by the dismissal of the case or by binding the party over to answer the matter thereof or otherwise, the recognizance for the appearance of the party before a magistrate shall be discharged without fee or reward.

25.—(1.) Any person who assaults or resists any member of the Police Force in the execution of his duty, or aids or incites any other person so to assault or resist any such member—

Assaulting or obstructing police.

(a) shall be liable to a penalty not exceeding Ten pounds, or to imprisonment, with or without hard labour, for any period not exceeding three months; and in either case shall also forfeit and pay such sum or such further sum of money as appears to the convicting Court to be a reasonable compensation for any damage or injury caused by the offender to the uniform, clothing, accoutrements, or horse of the member, or for any medical or other expenses incurred in consequence of personal injury sustained by him in the assault or resistance; or

(b) may be committed for trial before any Court of competent jurisdiction.

(2.) Any person who disturbs or hinders any member of the Police Force in the execution of his duty, or aids or abets or assists any other person in so doing, shall be guilty of an offence.

Penalty: Five pounds, or imprisonment for two months.

26.—(1.) Any goods and chattels which have lawfully come to the possession of any member of the Police Force and which are unclaimed may be sold and disposed of by direction of the Chief Officer by public auction.

Sale of unclaimed goods.

(2.) Notice of any such sale shall be given by publication in the *Gazette* at least seven days before the date of the sale.

(3.) The net proceeds of any such sale shall be paid to the Consolidated Revenue Fund.

(4.) Every such sale shall be valid against all persons.

(5.) No person selling any such goods or chattels in pursuance of the provisions of this section shall be liable to pay any auction or other duty in consequence of such sale.

**Regulations.**

27. The Attorney-General may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed and in particular for the general government, management and discipline of the Police Force.

## THE SCHEDULE.

### THE TERRITORY FOR THE SEAT OF GOVERNMENT.

To—

You are hereby authorized, at any time of the day or night and with or without assistants or others, to enter and search any house, building, premises or place where you have reasonable cause to suspect that any stolen goods are, and to break open such house, building, premises or place and to break open and search any cupboards, drawers, chests, trunks, boxes, packages or other things, whether fixtures or not, in which you have reasonable cause to suspect that any goods obtained by any felony or misdemeanour may be found.

This warrant shall remain in force for\* months from the date hereof.

Dated this day of 19 .

Chief Officer of Police.

\* Insert period, which must not be more than six months.

Dated this twenty-seventh day of September, One thousand nine hundred and twenty-seven.

STONEHAVEN,

Governor-General.

By His Excellency's Command,

J. G. LATHAM,

for Minister of State for Home and Territories.

By Authority: H. J. GREEN, Government Printer, Canberra.