



Australian Capital Territory

Police Act 1927

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About this republication

The republished law

This is a republication of the *Police Act 1927* effective 1 July 1990 to 27 November 1992.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page



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POLICE ACT 1927

Reprinted as at 30 November 1990

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THE SCHEDULE WARRANT



Australian Capital Territory

POLICE ACT 1927

An Act to provide for the establishment of a Police Force in the Australian Capital Territory

Short title

1. This Act may be cited as the *Police Act 1927*.¹

Commencement

2. This Act shall commence on a date to be fixed by the Attorney-General by notice in the *Gazette*.¹

Interpretation

4. In this Act—

“Commissioner” or “Commissioner of Police” means the Commissioner of Police of the Australian Federal Police;

“Police Force” means the Australian Federal Police.

Personation etc.

13.

(1A) A person who, not being a member of the police force of a State or of a Territory of the Commonwealth other than the Australian Capital Territory—

- (a) personates or passes herself or himself off as a member of such a police force; or
- (b) wears or displays any uniform or badge of a member of such a police force, any colourable imitation of such a uniform or badge, or any

uniform or badge so closely resembling such a uniform or badge as to be likely to deceive,

shall be guilty of an offence.

(2) Any person, other than an officer of the Territory or the Commonwealth or of a State, who practises, acts, or describes herself or 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: One hundred dollars or imprisonment for three months.

Power to grant general search warrants

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

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

(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 Commissioner 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 she or he thinks necessary, enter into and search any house, building, premises, or place where she or he has reasonable cause to suspect that any stolen goods are, and may break open the house, building, premises or place; and she or he may break open and search any cupboards, drawers, chests, trunks, boxes, packages, or other things, whether fixtures or not, in which she or 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.

Power to grant warrant to search house used for prostitution

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 person for purposes of prostitution, and that another 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 that other person.

Power to search vehicles and suspected persons

16. Any member of the Police Force may stop, search, and detain—

- (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.

Empowering police to visit houses where games carried on etc.

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, bagatelle, bowls, fives, rackets, quoits, skittles, or ninepins, or any game of the like kind, when as 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 her or 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: Two dollars.

Certain persons may be apprehended without warrant

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

- (a) any person whom she or 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.

Police may apprehend any offender whose name and residence is unknown

20. Any member of the Police Force, and all persons whom she or he calls to her or his assistance, may take into custody, without a warrant, any person who, within view of the member, commits any offence against this Act or against the *Police Offences Act 1930*, if such person's name and residence is unknown to the member, and cannot be ascertained by her or him.

Apprehension of known offenders

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 Act or the *Police Offences Act 1930*.

(2) The member or person shall forthwith take and convey the offender before a magistrate to be dealt with in manner provided by this Act, or shall deliver her or him to any constable or other peace officer of the place where she or 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 her or him before a magistrate; or
- (b) does not use her or 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 Act.

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 her or his servant or any person authorized by her or him, and may be detained until she or 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 she or 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 her or 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, as soon as practicable, be 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 she or 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 Act, 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 she or he has given bail for her or his appearance before a magistrate.

(2) When any person apprehended under this Act, 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 she or 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.

(2A) Nothing in subsection (1) or (2) applies in relation to a person apprehended in respect of a domestic violence offence within the meaning of the *Domestic Violence Act 1986* or an offence under section 27 of that Act.

(3) Where a recognizance is entered into before a police officer, whether pursuant to the preceding provisions of this section or otherwise—

- (a) the same consequences of the law ensue; and
- (b) the provisions of the *Magistrates Court Act 1930* with respect to recognizances entered into before the Court apply,

as if the recognizance had been entered into before the Court.

(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 her or his surety or sureties (if any) entering into the recognizance, together with any conditions 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) Where—

- (a) the party fails to appear before the Court at the place required not later than one hour after the time required; or
- (b) the party appears before the Court after having been apprehended under section 248B of the *Magistrates Court Act 1930*,

the magistrate shall cause a record of the recognizance to be drawn up and signed by the member of the police force before whom the recognizance was entered into.

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

THE SCHEDULE

Section 14

THE AUSTRALIAN CAPITAL TERRITORY

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 .

Commissioner of Police.

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

NOTE

1. The *Police Act 1927* (a) as shown in this reprint comprises Act No. 19, 1927 amended as indicated in the Tables below.

The Australian Capital Territory received Self-Government on 11 May 1989.

For details regarding the application of the *Police Act 1927* from 11 May 1989 to 1 July 1990 see the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth (No. 106, 1988) and the *A.C.T. Self-Government (Consequential Provisions) Act 1988* of the Commonwealth (No. 109, 1988), in particular sections 3, 34 and Schedules 3 and 5 and section 12 respectively. The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) and the *Reserved Laws (Interpretation) Ordinance 1989* (No. 25, 1989) effect the citation change of Ordinance to Act and affect references to Commonwealth legislation.

Table of Laws

Law	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Police Ordinance 1927</i>	19, 1927	27 Sept 1927	28 Sept 1927 (see <i>Gazette</i> 1927, p. 1993)	—
<i>Police Ordinance 1930</i>	14, 1930	7 Aug 1930	7 Aug 1930	—
<i>Police Ordinance 1932</i>	18, 1932	18 Aug 1932	S. 2: 1 Aug 1931 Remainder: 18 Aug 1932	—
<i>Police Ordinance 1934</i>	23, 1934	1 Nov 1934	17 Aug 1934	—
<i>Police Ordinance 1943</i>	14, 1943	11 Dec 1943	11 Dec 1943	—
<i>Police Arbitral Tribunal Ordinance 1947</i>	5, 1947	3 July 1947	3 July 1947	—
<i>Police Ordinance 1947</i>	9, 1947	8 Oct 1947	8 Oct 1947	—
<i>Police Ordinance 1950</i>	8, 1950	16 Nov 1950	16 Nov 1950	Ss. 3 and 13 (2)
<i>Police Ordinance 1954</i>	5, 1954	4 Feb 1954	4 Feb 1954	Ss. 3 (2), (3) and 4 (2)
<i>Police Ordinance 1955</i>	5, 1955	10 June 1955	10 June 1955	—
<i>Police Ordinance 1956</i>	19, 1956	24 Dec 1956	24 Dec 1956	S. 5
<i>Police Ordinance 1958</i>	2, 1958	30 Jan 1958	30 Jan 1958	S. 4 (2)
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>Police Ordinance 1960</i>	3, 1960	30 June 1960	30 June 1960	S. 3
<i>Police Ordinance 1964</i>	2, 1964	27 Feb 1964	27 Feb 1964	—
<i>Police Ordinance 1966</i>	6, 1966	21 Apr 1966	21 Apr 1966	—
<i>Police Ordinance 1967</i>	4, 1967	20 Apr 1967	20 Apr 1967	—
<i>Police Ordinance 1970</i>	17, 1970	1 June 1970	1 June 1970	S. 3
<i>Police Ordinance 1972</i>	22, 1972	3 Aug 1972	3 Aug 1972	—
<i>Police Ordinance (No. 2) 1972</i>	40, 1972	23 Nov 1972	23 Nov 1972	S. 2 (2)
<i>Police Ordinance 1974</i>	16, 1974	17 Apr 1974	17 Apr 1974	S. 6
<i>Police (Administration) Ordinance 1975</i>	6, 1975	27 Mar 1975	27 Mar 1975	—
<i>Police Ordinance 1975</i>	7, 1975	27 Mar 1975	27 Mar 1975	—
<i>Police (Administration) Ordinance (No. 2) 1975</i>	46, 1975	23 Dec 1975	23 Dec 1975	—

NOTE—continued**Table of Laws**—continued

Law	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Police (Amendment) Ordinance 1979</i>	19, 1979	5 July 1979	5 July 1979	S. 9
<i>Police (Amendment) Ordinance 1981</i>	2, 1981	19 Feb 1981	19 Feb 1981	—
<i>Sex Discrimination (Miscellaneous Amendments) Ordinance 1986</i>	31, 1986	31 July 1986	1 Aug 1986	—
<i>Domestic Violence (Miscellaneous Amendments) Ordinance 1986</i>	53, 1986	4 Sept 1986	1 Oct 1986 (see <i>Gazette</i> 1986, No. S484)	—
<i>Police (Amendment) Ordinance 1986</i>	64, 1986	21 Oct 1986	1 Dec 1986	—
<i>Self-Government (Consequential Amendments) Ordinance 1990</i>	5, 1990	27 June 1990	Ss. 1 and 2: 27 June 1990 Remainder: 1 July 1990	S. 6 (2)

- (a) The *Police Act 1927* was also amended by the *Seat of Government (Designation) Ordinance 1938* (No. 25, 1938) as amended by the *Ordinances Revision Ordinances 1938* and *1959* (No. 35, 1938 and No. 21, 1959).

Section 2 of the *Seat of Government (Designation) Ordinance 1938*, as amended, provides as follows:

“2. Where, in any Ordinance, not being an Ordinance specified in the Schedule to this Ordinance, or in any regulation or rule made under an Ordinance, the words ‘Territory for the Seat of Government’ or ‘Territory for the Seat of Government of the Commonwealth’ or ‘Territory for the Seat of Government of the Commonwealth of Australia’ or ‘Federal Capital Territory’ appear, the Ordinance, regulation or rule (as the case may be) is amended by omitting those words and inserting in their stead the words ‘Australian Capital Territory’.”

The amendments have been incorporated in this reprint but do not appear in the Table of Amendments.

NOTE—continued**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 2	am. No. 6, 1975
S. 3	rep. No. 35, 1938
	ad. No. 8, 1950
	rep. No. 21, 1959
	ad. No. 6, 1975
	rep. No. 46, 1975
S. 4	am. Nos. 5 and 9, 1947; No. 8, 1950; No. 5, 1954; No. 5, 1955; No. 19, 1956; No. 21, 1959; No. 16, 1974; No. 7, 1975
	rs. No. 2, 1981
S. 5	am. No. 14, 1930; No. 23, 1934; No. 14, 1943; No. 5, 1947; No. 8, 1950; No. 5, 1954; No. 5, 1955; No. 19, 1956; No. 2, 1958; No. 17, 1970; No. 7, 1975
	rep. No. 2, 1981
Ss. 5AAA-5AAE	ad. No. 7, 1975
	rep. No. 2, 1981
S. 5AA.....	ad. No. 2, 1958
	rs. No. 3, 1960
	rep. No. 2, 1981
S. 5AB.....	ad. No. 2, 1958
	rep. No. 2, 1981
S. 5AC	ad. No. 16, 1974
	rep. No. 2, 1981
S. 5AD	ad. No. 16, 1974
	am. No. 6, 1975
	rep. No. 2, 1981
S. 5AE.....	ad. No. 16, 1974
	am. No. 19, 1979
	rep. No. 2, 1981
S. 5AF.....	ad. No. 16, 1974
	rep. No. 2, 1981
S. 5AFA	ad. No. 19, 1979
	rep. No. 2, 1981
S. 5AG	ad. No. 16, 1974
	am. No. 19, 1979
	rep. No. 2, 1981
S. 5A	ad. No. 5, 1947
	am. No. 9, 1947; No. 8, 1950; No. 22, 1972; No. 7, 1975
	rep. No. 2, 1981
Ss. 5B-5D	ad. No. 8, 1950
	rep. No. 2, 1981
S. 5E	ad. No. 8, 1950
	am. No. 21, 1959; No. 40, 1972; No. 19, 1979
	rep. No. 2, 1981
S. 5EA.....	ad. No. 19, 1979
	rep. No. 2, 1981

NOTE—continued**Table of Amendments**—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
Ss. 5F, 5G.....	ad. No. 8, 1950 rep. No. 2, 1981
S. 5H.....	ad. No. 8, 1950 am. No. 4, 1967 rep. No. 2, 1981
Ss. 5J, 5K	ad. No. 8, 1950 rep. No. 2, 1981
S. 6	am. No. 8, 1950; No. 5, 1954; No. 16, 1974; Nos. 6 and 46, 1975 rep. No. 2, 1981
S. 7	am. No. 8, 1950; No. 2, 1958; No. 21, 1959; No. 6, 1966 rep. No. 2, 1981
S. 7AA.....	ad. No. 6, 1966 am. No. 4, 1967 rep. No. 2, 1981
S. 7AB.....	ad. No. 6, 1966 rep. No. 2, 1981
S. 7A	ad. No. 18, 1932 am. No. 8, 1950; No. 5, 1954 rep. No. 2, 1981
S. 7B	ad. No. 2, 1958 am. No. 7, 1975 rep. No. 2, 1981
Ss. 7C, 7D	ad. No. 2, 1958 rep. No. 2, 1981
S. 8	am. No. 4, 1967; No. 19, 1979 rep. No. 2, 1981
S. 9	rep. No. 2, 1981
S. 10	am. No. 4, 1967; No. 40, 1972 rep. No. 2, 1981
S. 11	am. No. 4, 1967 rep. No. 40, 1972
S. 12	am. No. 8, 1950 rep. No. 2, 1981
S. 13	am. No. 2, 1964; No. 4, 1967; No. 2, 1981; No. 5, 1990
S. 14	am. No. 5, 1954; No. 5, 1990
S. 15	am. No. 31, 1986
S. 17	am. No. 4, 1967; No. 5, 1990
S. 18	rep. No. 53, 1986
S. 19	am. No. 5, 1990
Ss. 20, 21.....	am. No. 14, 1930; No. 5, 1990
Ss. 22, 23.....	am. No. 5, 1990
S. 24	am. No. 53, 1986; No. 5, 1990
S. 25	am. No. 4, 1967 rep. No. 2, 1981

NOTE—continued**Table of Amendments**—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 26	am. No. 5, 1954 rep. No. 64, 1986
S. 26A	ad. No. 16, 1974 am. Nos. 6 and 46, 1975 rep. No. 2, 1981
S. 27	am. No. 8, 1950 rep. No. 2, 1981
The Schedule.....	am. No. 5, 1954; No. 5, 1955; No. 19, 1956; No. 2, 1981