

AUSTRALIAN CAPITAL TERRITORY.

No. 8 of 1950.

AN ORDINANCE

To amend the Police Ordinance 1927-1947.

BE it ordained by the Governor-General in and over 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 1909-1938* and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1.—(1.) This Ordinance may be cited as the *Police Ordinance 1950*.* Short title and citation.

(2.) The *Police Ordinance 1927-1947* 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 1927-1950*.

2. The *Police Arbitral Tribunal Ordinance 1949* is repealed. Repeal.

3. All appointments made and other things done by or on behalf of the Attorney-General and having force or effect under the Principal Ordinance at the date of commencement of this Ordinance shall continue to have force or effect as if made or done by the Minister under the Principal Ordinance as amended by this Ordinance. Saving.

4. After section two of the Principal Ordinance the following section is inserted:—

“3.—(1.) The Minister may delegate any of his powers and functions under this Ordinance (except this power of delegation and his powers under section twenty-seven of this Ordinance) in relation to any matters or class of matters, so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation. Delegation by Minister.”

“ (2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister.”.

* Notified in the *Commonwealth Gazette* on 16th November, 1950.
4345.—PRICE 5D.

Definitions.

5. Section four of the Principal Ordinance is amended—

- (a) by omitting the definition of “Chairman of the Industrial Board”;
- (b) by inserting after the definition of “Chief Officer” the following definition:—
 - “‘industrial agreement’ means an agreement entered into in pursuance of section five B of this Ordinance;” ; and
- (c) by adding at the end thereof the following definitions:—
 - “‘the Association’ means the Police Association of the Australian Capital Territory;
 - “‘the Secretary’ means the Secretary to the Tribunal;
 - “‘the Tribunal’ means the Police Arbitral Tribunal constituted under this Ordinance.”.

Appointment of police and clerical officers.

6. Section five of the Principal Ordinance is amended—

- (a) by omitting from sub-sections (1.) and (2.) the word “Attorney-General” and inserting in its stead the word “Minister” ; and
- (b) by omitting from sub-section (2.) the words “section five A of this Ordinance” and inserting in their stead the words “the provisions of this Ordinance relating to the Police Arbitral Tribunal and to industrial agreements”.

Police Arbitral Tribunal.

7. Section five A of the Principal Ordinance is amended—

- (a) by omitting sub-section (2.) and inserting in its stead the following sub-sections:—
 - “(2.) The Tribunal shall be constituted by a Chairman, and two other members appointed by the Governor-General.
 - “(2A.) The Chairman shall be the Conciliation Commissioner who was the Chairman of the Tribunal on the eighteenth day of May, One thousand nine hundred and forty-nine, or, in the event of that Commissioner’s illness or absence from duty or ceasing to hold office as a Conciliation Commissioner, shall be such Conciliation Commissioner holding office under the *Commonwealth Conciliation and Arbitration Act 1904-1949* as is designated from time to time by the Governor-General.” ;
- (b) by omitting from sub-section (3.) the word “Attorney-General” and inserting in its stead the word “Minister” ;

(c) by omitting sub-section (5.) and inserting in its stead the following sub-sections:—

“ (5.) The Governor-General may remove from office a member of the Tribunal appointed under sub-section (2.) of this section—

- (a) for misbehaviour or incapacity; or
- (b) in the case of the member elected by members of the Association—where he no longer possesses the confidence of those members.

“ (5A.) The office of a member of the Tribunal appointed under sub-section (2.) of this section shall become vacant upon—

- (a) the death, lunacy or bankruptcy of the member, or the conviction of the member of an indictable offence;
- (b) the resignation of the member; or
- (c) the absence of the member, without leave of the Chairman, from two consecutive meetings of the Tribunal.” ;

(d) by omitting sub-sections (7.) and (7A.) and inserting in their stead the following sub-section:—

“ (7.) The Tribunal shall not hear any matter unless all its members are present, but a majority of the members may give a decision of the Tribunal.” ;

(e) by omitting from sub-section (8.) the word “ Attorney-General ” and inserting in its stead the word “ Minister ” ; and

(f) by omitting sub-sections (9.) and (10.).

8. After section five A of the Principal Ordinance the following sections are inserted:—

“ 5B.—(1.) The Association may make an agreement with the Minister relating to the remuneration or terms or conditions of service of members of the Association in the Territory. Industrial agreements.

“ (2.) An agreement made in pursuance of this section shall be in writing and shall be in force for a term to be specified in the agreement, not exceeding five years from the date of the making of the agreement.

“ (3.) The Chairman of the Tribunal shall certify the agreement, unless he is of opinion that it is not in the public interest that it should be certified.

“(4.) The agreement shall, when so certified, be filed with the Secretary and shall thereupon be of full force and effect according to its terms.

“(5.) An industrial agreement shall, during its continuance, be binding on—

- (a) the parties thereto; and
- (b) all persons who, at any time while the agreement is in force, are members of the Association.

“(6.) Except where otherwise provided in the agreement, an industrial agreement shall, unless sooner rescinded and subject to any variation, continue in force after the expiration of the term specified in the agreement until the expiration of one month after a party to the agreement has given written notice to the Secretary and to the other party of his or its desire to determine the agreement.

Submission of matters to the Tribunal.

“5C. The Minister or the Association shall be entitled—

- (a) to submit to the Tribunal any matter relating to the remuneration or terms or conditions of service of members of the Association; and
- (b) to be represented before the Tribunal on the hearing of any matter.

Interpretation of determinations.

“5D.—(1.) The Tribunal may, of its own motion or on the submission of the Minister or the Association, give an interpretation of any term of a determination, and the provisions of this Ordinance shall apply to the interpretation in like manner as they apply to a determination.

“(2.) Before giving an interpretation of its own motion, the Tribunal shall give to the Minister and to the Association an opportunity of presenting argument in relation to the matter.

Notification of determinations in *Gazette*.

“5E.—(1.) A determination made by the Tribunal shall be notified in the *Gazette*, and the fact of a determination having been so notified shall be advertised in a newspaper circulating in the Territory.

“(2.) A notice in the *Gazette* of a determination having been made, and of the place where copies of the determination can be purchased, shall be sufficient compliance with the requirement that the determination shall be notified in the *Gazette*.

“(3.) A determination shall come into operation on the date of its notification in the *Gazette* or on such later date as is specified in the determination.

On whom determinations binding.

“5F.—(1.) A determination made by the Tribunal shall be binding on the Association and on the members of the Association to whom it is expressed to relate.

“(2.) The Minister shall comply with the provisions of a determination made by the Tribunal.

“5g.—(1.) For the purposes of this Ordinance, the Tribunal Witnesses. may, of its own motion or on the application of a party to any proceedings, by writing under the hand of the Chairman, summon a person to attend the Tribunal at a time and place specified in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or under his control specified or indicated in the summons.

“ (2.) A member of the Tribunal may administer an oath to a person appearing as a witness before the Tribunal, whether summoned to appear or not, and may examine the witness upon oath.

“ (3.) Where a witness conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth and nothing but the truth to all questions that may be asked him.

“ (4.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

“5h.—(1.) A person summoned to attend the Tribunal shall Offences by witnesses. 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 Tribunal put to him by a member.

Penalty: Fifty pounds.

“ (2.) A witness before the Tribunal shall not knowingly give false testimony.

Penalty: Imprisonment for one year.

“5j. A member of the Tribunal shall not be personally liable Protection of members of the Tribunal. for any act or default done or omitted to be done in good faith in the performance of his functions.

“5k. A printed paper purporting to be a copy of a determination of the Tribunal and to be printed by the Government Printer shall, in all courts having jurisdiction in the Territory, be evidence Evidence of determinations. that a determination in the terms of the printed paper has been made by the Tribunal and is in force.”

9. Section six of the Principal Ordinance is amended by omitting from sub-section (2.) the words “Attorney-General’s Department” and inserting in their stead the words “Department of the Interior” Oath of office to be taken.

10. Section seven of the Principal Ordinance is amended by omitting from sub-sections (1.) and (2.) the word “Attorney-General” (wherever occurring) and inserting in its stead the word Oath or affirmation equivalent to agreement. “Minister”.

Temporary transfers to Police Force of other Territory.

11. Section seven A of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the word “Attorney-General” and inserting in its stead the word “Minister”; and

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Any such transfer shall be regarded as temporary and shall be made—

(a) where the laws of the Territory to the Police Force of which the transfer is made are administered by a Minister other than the Minister—upon such terms and conditions as are agreed on between the Minister and that other Minister; and

(b) in any other case—upon such terms and conditions as the Minister determines.”.

Appointment of special constables.

12. Section twelve of the Principal Ordinance is amended by omitting the word “Attorney-General” and inserting in its stead the word “Minister”.

Regulations.

13.—(1.) Section twenty-seven of the Principal Ordinance is amended by omitting the word “Attorney-General” and inserting in its stead the word “Minister”.

(2.) All regulations in force under section twenty-seven of the Principal Ordinance at the date of commencement of this Ordinance shall remain in force, but may be amended or repealed by regulations made under that section as amended by this section.

Dated this first day of November, 1950.

W. J. MCKELL
Governor-General.

By His Excellency's Command,

P. A. McBRIDE
for and on behalf of Minister of State
for the Interior.