

AUSTRALIAN CAPITAL TERRITORY

257

No. 7 of 1975

AN ORDINANCE

To amend the *Police Ordinance 1927-1974*, as amended by the *Police (Administration) Ordinance 1975*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-seventh day of March 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

KEP ENDERBY
Attorney-General.

POLICE ORDINANCE 1975

1. (1) This Ordinance may be cited as the *Police Ordinance 1975*.^{*} Short title and citation.

(2) The *Police Ordinance 1927-1974*,[†] as amended by the *Police (Administration) Ordinance 1975*,[‡] is in this Ordinance referred to as the Principal Ordinance.

(3) Section 6 of the *Police (Administration) Ordinance 1975* is amended by omitting sub-section (1).

(4) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Police Ordinance 1927-1975*.

2. Section 4 of the Principal Ordinance is amended by inserting after the definition of "Commissioner" the following definition:— Definitions.

"'Deputy Commissioner' means the Deputy Commissioner of Police;".

3. Section 5 of the Principal Ordinance is amended—

(a) by omitting from paragraph (1) (a) the word "and";

(b) by inserting after paragraph (a) the following paragraph:—

"(ab) appoint a person to be the Deputy Commissioner of Police; and";

Establishment of Police Force.

^{*} Notified in the *Australian Government Gazette* on 27 March 1975.

[†] 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; No. 19, 1956; No. 2, 1958; No. 21, 1959; No. 3, 1960; No. 2, 1964; No. 6, 1966; No. 4, 1967; No. 17, 1970; Nos. 22 and 40, 1972; and No. 16, 1974.

[‡] Ordinance No. 6, 1975.

- (c) by omitting from sub-section (2) the words "agreements, shall be on, on" and substituting the words "agreements, shall be on";
- (d) by omitting from that sub-section all the words from and including the words " , and every person " to the end of the sub-section; and
- (e) by omitting sub-section (2A).

4. After section 5 of the Principal Ordinance the following sections are inserted:—

Functions of
Commissioner.

"5AAA. Subject to this Ordinance, the Commissioner shall, under the direction of the Minister, be charged with the general control and management of the Police Force.

Functions of
Deputy
Commissioner.

"5AAB. (1) Subject to this Ordinance, the Deputy Commissioner has and may exercise and perform such of the powers and functions of the Commissioner, whether conferred by this Ordinance or otherwise, as the Commissioner from time to time directs, either generally or in a particular case.

"(2) The exercise of a power or the performance of a function by the Deputy Commissioner—

- (a) does not prevent the exercise of the power or the performance of the function by the Commissioner; and
- (b) is as valid and effectual as if exercised or performed by the Commissioner.

"(3) A reference in sub-section (1) to the powers and functions of the Commissioner does not include a reference to a power or function delegated to the Commissioner under section 26A.

Additional
powers of
Commissioner and
Deputy
Commissioner.

"5AAC. The Commissioner and the Deputy Commissioner may exercise any powers conferred by a law of the Territory on a member of the Police Force.

Absence of
Commissioner.

"5AAD. Where—

- (a) the Commissioner is absent from duty or cannot be contacted; or
- (b) there is a vacancy in the office of Commissioner,

the Deputy Commissioner shall act in the office of Commissioner.

Validity of
acts of
Deputy
Commissioner.

"5AAE. (1) Where the Deputy Commissioner acts in place of the Commissioner, all acts and things done or omitted to be done by the Deputy Commissioner are as valid, and have the same effect, as if they were done by the Commissioner.

"(2) The validity of an action of the Deputy Commissioner shall not be questioned in any proceedings on a ground arising from the fact that a direction under sub-section 5AAB (1) had not been given or had ceased to have effect or the occasion for the Deputy Commissioner to act in the office of the Commissioner under section 5AAD had not arisen."

5. Section 5A of the Principal Ordinance is amended by adding at the end of sub-section (1) the words “, other than the Commissioner and Deputy Commissioner ”. Police
Arbitral
Tribunal.

6. Section 7B of the Principal Ordinance is amended by inserting after the word “ Commissioner ” (wherever occurring) the words “ or Deputy Commissioner ”. Tenure of
office.