



POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT ACT 1998

No. 56 of 1998

SUMMARY OF PROVISIONS

1. **Short title**
2. **Commencement**
3. **Amendment of s. 32—Authority to make assessment and recommendations in relation to investigations by internal investigation branch**
4. **Amendment of s. 39—Charges in respect of breach of discipline**
5. **Amendment of s. 46—Appeal against decision of Tribunal or punishment for breach of discipline**
6. **Amendment of s. 48—Secrecy**



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ELIZABETHAE II REGINAE

A.D. 1998

No. 56 of 1998

An Act to amend the Police (Complaints and Disciplinary Proceedings) Act 1985.

[Assented to 3 September 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Police (Complaints and Disciplinary Proceedings) (Miscellaneous) Amendment Act 1998*.

(2) The *Police (Complaints and Disciplinary Proceedings) Act 1985* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 32—Authority to make assessment and recommendations in relation to investigations by internal investigation branch

3. Section 32 of the principal Act is amended by striking out subsubparagraph (E) of subparagraph (i) of paragraph (a) of subsection (1).

Amendment of s. 39—Charges in respect of breach of discipline

4. Section 39 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsection:

(2a) The Commissioner or person representing the Commissioner in proceedings before the Tribunal must, at the commencement of the proceedings, indicate to the Tribunal which of the following categories of punishment the Commissioner considers would, on the facts then known to the Commissioner, most likely be appropriate if the Tribunal finds the member guilty of the breach of discipline:

(a) category A—termination or suspension of the member's appointment or reduction of the member's rank for an indefinite period;

- (b) category B—transfer of the member (without reduction in rank for an indefinite period), reduction of the member's remuneration, reduction in the member's seniority or imposition of a fine;
- (c) category C—withdrawal of specified rights or privileges, a recorded or unrecorded reprimand, counselling, education or training or action of a kind prescribed by regulation.;

(b) by striking out from subsection (3) "beyond reasonable doubt" and substituting "on the balance of probabilities".

Amendment of s. 46—Appeal against decision of Tribunal or punishment for breach of discipline

5. Section 46 of the principal Act is amended—

- (a) by striking out from subsections (1), (2), (4), (5), (6) and (7) "Supreme Court" (wherever occurring) and substituting, in each case, "Court";
- (b) by inserting after subsection (7) the following subsections:

(8) No further appeal lies against a decision of the Court made on an appeal under this section.

(9) In this section—

"Court" means the Administrative and Disciplinary Division of the District Court.

Amendment of s. 48—Secrecy

6. Section 48 of the principal Act is amended by striking out paragraph (c) of subsection (4) and substituting the following paragraph:

- (c) as required by order of a court, the court being satisfied that there are special reasons requiring the making of such an order and that the interests of justice cannot adequately be served except by the making of such an order.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor