

SOUTH AUSTRALIA

POLICE REGULATIONS 1998

SUMMARY OF PROVISIONS

PART 1 PRELIMINARY

Citation
reg. 1

Commencement
reg. 2

Division into Parts
reg. 3

Revocation
reg. 4

Expiry
reg. 5

Interpretation
reg. 6

PART 2 PURPOSE AND CONSTITUTION OF THE FORCE

Purpose of the Force
reg. 7

Control of commands, etc.
reg. 8

Publication of commands, etc.
regs. 9 — 10

Relative seniority
reg. 11

PART 3 APPOINTMENTS TO THE FORCE

Application
reg. 12

Age of applicants
reg. 13

Physical requirements for applicants
reg. 14

Service in other Departments
reg. 15

Entrance examination
reg. 16

Interview
reg. 17

**PART 4
DUTIES OF POLICE**

General duties of Commissioner
reg. 18

Annual report
reg. 19

*General duties of commissioned officers, non-commissioned
officers, and officers in charge of stations*
reg. 20

Responsibility when members are on duty together
reg. 21

Absence from duty
reg. 22

**PART 5
UNIFORM, BADGES AND INSIGNIA OF RANK**

Duty to provide uniforms etc.
reg. 23

Insignia of rank
reg. 24

**PART 6
EQUIPMENT**

Supply and security
reg. 25

Return of equipment
reg. 26

**PART 7
DISCIPLINE**

reg. 27

Penalty procedures
reg. 28

Reports and charges
reg. 30

Charges
reg. 31

Procedure where breach admitted
reg. 32

Procedure where breach not admitted
reg. 33

Suspension or dismissal of police aides
reg. 34

PART 8
EXAMINATIONS AND PROMOTIONS

General provisions
reg. 38

Qualification for senior constable
reg. 39

Qualification for sergeant
reg. 40

Qualification for senior sergeant
reg. 41

Appointment to sergeant ranks
reg. 43

Qualifying procedures for inspectors
reg. 44

Appointment to commissioned rank
reg. 45

Selection procedures
reg. 46

Appointment before qualifying
reg. 47

Appointment on probation
reg. 47A

PART 9
REVIEWS AND APPEALS

Applications to the Police Disciplinary Tribunal under section 24A
reg. 48

Appeals against termination of services
reg. 49

Promotion appeals
reg. 50

Appeal procedures
reg. 50A

**PART 10
TRANSFERS**

Power to transfer
reg. 51

Resignation of officers on transfer
reg. 52

Transport on voluntary or punitive transfers
reg. 53

Packing and loading
reg. 54

Claims for loss or damage
reg. 55

**PART 11
HISTORY OF EMPLOYEES**

Duty to keep history
reg. 56

Custody and security of employee's history
reg. 57

Report of marriage
reg. 58

Commendatory entries
reg. 59

Recording of transfer
reg. 60

Record of termination of service
reg. 61

Inspection of history
reg. 62

Certificate of service
reg. 63

**PART 12
LEAVE OF ABSENCE**

Definition
reg. 64

Commissioned officers rest days, recreation and sick leave
reg. 65

Special sick leave—ex-servicemen
reg. 66

Injury while on duty
reg. 67

Compassionate leave
reg. 68

Other special leave
reg. 69

Leave for Naval, Military, or Air Force purposes
reg. 70

Leave bank
reg. 71

Application for leave
reg. 72

PART 13
PROPERTY IN POSSESSION OF POLICE

Interpretation
reg. 73

Custody of property
reg. 74

Disposal of property
regs. 75 — 78

Sale of unclaimed property
regs. 79 — 81

PART 14
PRISONERS

Search of prisoners
reg. 82

Property taken from prisoners
reg. 83

Illness of prisoner
reg. 84

Legal and other assistance for prisoners
reg. 85

Child prisoners
reg. 86

Interviews
reg. 87

PART 15
MISCELLANEOUS

Police aides and references to members of the police force
reg. 88

REGULATIONS UNDER THE POLICE ACT 1952

Police Regulations 1998

being

No. 176 of 1998: *Gaz.* 27 August 1998, p. 653¹

¹ Came into operation 1 September 1998: reg. 2.

2.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Police Regulations 1998*.

Commencement

2. These regulations will come into operation on 1 September 1998.

Division into Parts

3. These regulations are divided into Parts as follows:

- Part 1—Preliminary (Regulations 1-6)
- Part 2—Purpose and constitution of the Force (Regulations 7-11)
- Part 3—Appointments to the Force (Regulations 12-17)
- Part 4—Duties of police (Regulations 18-22)
- Part 5—Uniform, badges and insignia of rank (Regulations 23-24)
- Part 6—Equipment (Regulations 25-26)
- Part 7—Discipline (Regulations 27-34)
- Part 8—Examinations and promotions (Regulations 38-47A)
- Part 9—Reviews and appeals (Regulations 48-50A)
- Part 10—Transfers (Regulations 51-55)
- Part 11—History of employees (Regulations 56-63)
- Part 12—Leave of absence (Regulations 64-72)
- Part 13—Property in possession of police (Regulations 73-81)
- Part 14—Prisoners (Regulations 82-87)
- Part 15—Miscellaneous (Regulation 88).

Revocation

4. (1) Subject to subregulation (2), all regulations made under the *Police Act 1952* are revoked.

(2) Subregulation (1) does not apply to regulation 27 of the regulations varying the *Police Regulations 1982* made under the Act on 27 July 1989 (see *Gazette* 27 July 1989 p. 251).

Expiry

5. These regulations will expire on 1 September 2000.

Interpretation

6. In these regulations, unless the context otherwise requires:

"**approved**" means approved by the Commissioner by general or special order under section 23 of the Act;

"**the Act**" means the *Police Act 1952*;

3.

"**the Commissioner**" means the Commissioner of Police or the person for the time being acting in the office of the Commissioner of Police;

"**commissioned officer**" means an assistant commissioner, commander, superintendent or inspector of police of any rank;

"**employee**" means a member or police cadet unless otherwise stated;

"**Force**" or "**police force**" means the police force of South Australia;

"**member**" means a member of the Force, duly appointed but does not include the Commissioner or Deputy Commissioner of Police unless otherwise stated;

"**non-commissioned officer**" means a sergeant of any category or a senior constable;

"**officer in charge of a station**" means any member of the Force, of any rank or grade, who is for the time being temporarily or permanently in charge of a police station;

"**police aide**" means a person appointed as a police aide under Part 2A of the Act;

"**police cadet**" or "**cadet**" means a person who has not been appointed as a member but is undergoing training in order to qualify for appointment as a member of the Force;

"**police station**" includes a "**police office**" and means the office of the officer in charge and the land or premises occupied there with;

"**recognised hospital**" means a recognised hospital within the meaning of the *South Australian Health Commission Act 1976*;

"**service**" or "**continuous service**" does not include leave without pay unless otherwise ordered by the Commissioner.

4.

PART 2
PURPOSE AND CONSTITUTION OF THE FORCE

Purpose of the Force

7. It shall be the purpose of the Force to provide a service in South Australia for the protection of life and property, the maintenance of law and order, the prevention and detection of crime and assistance to the public in circumstances of personal emergency.

Control of commands, etc.

8. The components of the Force shall be commanded by such commissioned officers, non-commissioned officers or other members as the Commissioner may from time to time direct.

Publication of commands, etc.

9. The Commissioner shall no later than 31 January in each year publish the designations of such commands and other components of the Force as exist at the time of such publication.

10. (1) The ranks in the Force in order of seniority which may be held by commissioned officers are as follows:

- (i) Assistant Commissioner;
- (ii) Commander;
- (iii) Chief Superintendent;
- (iv) Superintendent;
- (v) Chief Inspector;
- (vi) Inspector.

(2) The other ranks in the Force in order of seniority which may be held by members (other than commissioned officers) are as follows:

- (i) Senior Sergeant;
- (ii) Sergeant;
- (iii) Senior Constable;
- (iv) Constable;
- (v) Probationary Constable.

5.

Relative seniority

11. (1) Except as otherwise provided in these regulations, the relative seniority of members of the Force will be determined as follows:

- (a) as between two members holding different ranks, the member who holds the higher rank is the senior;
- (b) as between two members holding the same rank, the member who has been holding that rank continuously for the longer period of time is the senior;
- (c) as between two members holding the same rank who have held that rank for the same period of time, the member whose previous rank was higher is the senior or, if the previous rank of both was the same, the member who held that previous rank for the longer period of time is the senior (and so on);
- (d) if it is not possible to determine seniority under a preceding paragraph, the member who has had the longest continuous service in the Force since permanent appointment as a constable is the senior.

(2) If it is not possible to determine which of two members of the police force is the senior under subregulation (1)—

- (a) the member who first qualified for appointment to the rank of senior constable is the senior; or
- (b) if that does not determine seniority, then the same rule must be applied to qualification for appointment to each subsequent rank until seniority is determined.

PART 3
APPOINTMENTS TO THE FORCE

Application

12. Every application for appointment as an employee of the Force, other than an application for appointment as a police aide, shall:

- (a) be made out on a form supplied by the Commissioner;
- (b) be lodged at the office of the Commissioner or at a place nominated by the Commissioner;
- (c) be accompanied by a birth certificate or extract from the Registrar of Births, Deaths and Marriages, or other satisfactory evidence showing the age of the applicant.

Age of applicants

13. (1) A person shall not be eligible for appointment as a member of the Force unless that person is an Australian citizen and has attained the age of nineteen years and (except in the case of appointment as a police aide) has not attained the age of thirty years, provided that the Governor or Commissioner (as the case may be) may, if of the opinion that special circumstances justify such action, appoint a person over the age of thirty years as a member of the Force.

(2) A British subject who applied for appointment as an employee of the Force before 1 August, 1989 (and who otherwise qualifies for appointment) is eligible for appointment as a member of the Force.

Physical requirements for applicants

14. A person shall not be eligible for appointment as a member of the Force unless that person conforms with the physical standards specified in writing by the Commissioner pursuant to general orders. Provided that where a person is to be recruited for a specific task the Commissioner may dispense with such standards.

Service in other Departments

15. An applicant for appointment as a member of the Force who has served in any other Department of the Government of South Australia shall produce a statement of his or her service and of his or her reason for leaving, certified by a responsible officer of that Department.

Entrance examination

16. (1) The Commissioner may require every applicant for appointment as an employee (other than an applicant for appointment as a police aide) to undergo entrance examinations which may include educational, medical and psychological tests including an eye sight test and an X-ray of the chest.

(2) The Commissioner may, where he or she thinks fit, require an applicant for appointment as a police aide to undergo an examination of a kind referred to in subregulation (1).

7.

Interview

17. (1) Every applicant for appointment as an employee shall, if required, attend for personal interview before a selection committee. The committee shall take account of the applicant's character, demeanour, initiative and general suitability in conjunction with any test results and the health report and personal history of the applicant.

(2) The committee shall recommend to the Commissioner whether in their opinion, the applicant is suitable for appointment as an employee, and as necessary, the most suitable applicants to fill vacancies.

**PART 4
DUTIES OF POLICE**

General duties of Commissioner

18. The Commissioner shall use all lawful means in his or her power:

- (a) to ensure that the Force is adequate for the maintenance of peace and good order throughout the State;
- (b) to ensure that all employees of the Force perform their duties efficiently and in a proper manner;
- (c) to preserve peace and good order throughout the State.

Annual report

19. The Commissioner shall in each financial year report to the Minister on:

- (a) the general state of the Force, its strength, distribution and efficiency;
- (b) the formation and removal of police stations;
- (c) the crimes and offences in the State;
- (d) any other matters relative to the Force and its work, on which the Commissioner deems it desirable to report, or on which the Minister requires a report.

General duties of commissioned officers, non-commissioned officers, and officers in charge of stations

20. Every commissioned officer, non-commissioned officer and officer in charge of a police station or other component of the Force shall use all lawful means in his or her power:

- (a) to ensure that all employees of the Force under his or her command perform their duties efficiently and in proper manner; and
- (b) to prevent crime and detect offenders in the area in which he or she is required to work; and
- (c) to preserve peace and good order in the area under his or her control; and
- (d) to protect life and property; and
- (e) to provide assistance to the public in circumstances of personal emergency.

Responsibility when members are on duty together

21. (1) When two or more members are engaged on duty together, the senior member shall be responsible for the performance of that duty and the junior member, regardless of the part of the Force in which the member is serving, shall comply with the directions given by the senior member.

Provided that the Commissioner, Deputy Commissioner, or a commissioned officer (with respect to members under his or her direction and superintendence) may, by a general or special direction, direct that any specified member of the Force shall be responsible for any duty, in which case the other members of the Force engaged on such duty, whether senior to the member so specified or not, shall comply with any directions given by the specified member.

(2) Where a police aide is engaged on duty with a member of a rank referred to in regulation 10, that other member will be taken to be the senior member and the police aide the junior member for the purposes of these regulations.

Absence from duty

22. (1) Subject to subregulation (2), when a member, other than a commissioned officer in charge of any component of the Force, is absent from his or her duties, the member next in seniority below the absent member employed thereat shall perform the absent member's duties unless a direction to the contrary is given.

(2) A police aide must not perform the duties of an absent senior member unless directed to do so.

PART 5
UNIFORM, BADGES AND INSIGNIA OF RANK

Duty to provide uniforms etc.

23. (1) Every employee required to perform duty in uniform shall possess and wear a uniform appropriate to his or her position, rank or office conforming with the specifications approved and instructions issued by the Commissioner.

(2) All employees authorised to wear plain clothes on duty shall wear plain clothes of a type and standard approved by the Commissioner.

(3) Each article of uniform or plain clothes required to be worn by employees on duty shall be provided by each employee from the allowance specified for that purpose in the Police Officers' Award, unless such article is issued as equipment.

(4) When a commissioned officer is of the opinion that the uniform or any article of uniform or dress of an employee is dirty, shabby, discoloured or otherwise out of repair, such officer may instruct the employee to clean, repair or replace the uniform or any part of it.

Insignia of rank

24. (1) The Commissioner, the Deputy Commissioner, and every commissioned officer shall, when performing duty in uniform, wear the insignia of rank on each epaulette as follows:

Commissioner—Crossed batons in laurel wreath and crown;

Deputy Commissioner—Crossed batons in laurel wreath and one star;

Assistant Commissioner—Crossed batons in laurel wreath;

Commander—Crown and three stars;

Chief Superintendent—Crown and two stars;

Superintendent—Crown and one star;

Chief Inspector—Crown;

Inspector—Three stars.

(2) Members of the following ranks shall, when performing duty in uniform, wear the distinguishing marks of their rank on the outside of each sleeve above the elbow as follows:

Senior Sergeant—Three chevrons with crown encircled by laurel wreath immediately above;

Sergeant—Three chevrons;

Senior Constable (qualified for the rank of sergeant)—Two chevrons with bar immediately above;

Senior Constable—Two chevrons;

Constable (qualified for the rank of senior constable)—One chevron.

**PART 6
EQUIPMENT**

Supply and security

25. (1) The Commissioner shall provide the necessary equipment required by employees so that they may effectively carry out any duty the Commissioner or a person nominated by the Commissioner requires them to perform.

(2) Particulars of equipment issued and the name of the employee to whom the equipment is issued shall be recorded, as directed by the Commissioner, by the person whose duty it is to issue the equipment.

(3) The employee to whom equipment is issued shall be responsible for the safety of the equipment issued and shall be liable to pay for any loss, damage or deficiency incurred through his or her negligence.

(4) The officer in charge of each component of the Force shall be responsible for the safekeeping of all equipment under his or her control and shall ensure that all such equipment under his or her control or on issue to employees under his or her control is kept in a serviceable condition.

Return of equipment

26. (1) When an employee is issued equipment to assist in the performance of:

- (a) a duty and subsequently completes that duty; or
- (b) a duty associated with a particular posting and subsequently transfers from that posting,

he or she shall forthwith deliver up such equipment to the Commissioner or a person nominated by the Commissioner.

(2) On the death of an employee, the commissioned officer to whom the employee was responsible shall cause the deceased employee's equipment to be collected and delivered up to the Commissioner or a person nominated by the Commissioner.

**PART 7
DISCIPLINE**

27. An employee of the Force shall be guilty of a breach of these regulations if the employee commits any of the offences set out below:

- (1) *Disobedience to orders*, which offence is committed where such employee—
 - (a) disobeys or without good and sufficient cause omits to carry out as soon as practicable, a general or special order made or given by the Commissioner, or any lawful order given to the employee orally or in writing by a member of the Force who is senior to the employee, or whose directions the employee is required to obey; or
 - (b) fails to carry out any specified duty imposed on the employee by the Act, these regulations or any other Act.
- (2) *Discreditable conduct*, which offence is committed where such employee—
 - (a) acts in any manner, whether by word, conduct or omission which is prejudicial to good order and discipline in the Force, or which reflects or is likely to reflect discredit on the Force; or
 - (b) while in uniform, smokes in a public place except when travelling in a public conveyance in which smoking is not prohibited; or
 - (c) idles or sleeps while on duty.
- (3) *Misconduct towards an employee of the Force*, which offence is committed where such employee—
 - (a) behaves towards another employee in an oppressive, offensive, abusive or insulting manner; or
 - (b) assaults another employee; or
 - (c) makes a false or frivolous complaint against another employee; or
 - (d) is insubordinate or disrespectful either by word, act or demeanour to any member senior in rank.

Within this subregulation the terms "**employee**" and "**member**" shall include the Commissioner and Deputy Commissioner.

(4) *Neglect of duty*, which offence is committed where such employee, without good and sufficient cause—

- (a) fails to promptly and diligently attend to and carry out anything which it is the employee's duty to attend to or carry out; or
- (b) leaves his or her place of duty, or having left the place of duty for a legitimate purpose fails to return thereto without undue delay; or

- (c) is absent without permission from or is late for any duty; or
- (d) negligently makes a false, misleading or inaccurate written statement, or entry in any official document or record; or
- (e) negligently omits to record or report a fact or incident which is required of the employee through general or special orders, the Act, these regulations or any other Act.

(5) *Falsehood or prevarication*, which offence is committed where such employee—

- (a) knowingly makes a false, misleading or inaccurate written statement or entry in any official document or record; or
- (b) knowingly makes a false, misleading or inaccurate oral statement relating to his or her duties; or
- (c) knowingly omits to record or report a fact or incident which is required of the employee through general or special orders, the Act, these regulations, or any other Act; or
- (d) without good and sufficient cause, destroys or mutilates any official book, document or record, or alters or erases or adds to an entry therein.

(6) *Improper disclosure of information*, which offence is committed where such employee, without the consent of the Commissioner or a person authorised by the Commissioner, communicates to any person, information which has come to his or her knowledge as an employee of the Force, or shows or gives to any person any book or document prepared, used or kept in connection with the work of the Force. Provided that this offence shall not apply to information given in good faith by an employee in accord with general or special orders.

(7) *Corrupt or improper practice*, which offence is committed where such employee—

- (a) obtains or attempts to obtain any political influence for the purpose of advancement or promotion in the Force; or
- (b) in the capacity as an employee and without the consent of the Commissioner, directly or indirectly solicits or receives any gratuity, present, benefit, subscription or testimonial; or
- (c) through an intentional act or omission places himself or herself under an obligation to any person as is likely to affect the proper carrying out of his or her duties as an employee of the Force; or
- (d) improperly uses, or attempts to improperly use his or her appointment as an employee of the Force for his or her advantage, or the advantage of any other person; or
- (e) without the consent of a commissioned officer writes or issues a testimonial of character of any person; or

14.

(f) without the consent of the Commissioner carries on any trade, business or profession for remuneration, or accepts any remunerative employment outside the Force.

(8) *Abuse of authority*, which offence is committed where such employee—

(a) unreasonably exercises his or her powers of arrest or search; or

(b) uses unnecessary force in the execution of duty; or

(c) while on duty is uncivil to any member of the public; or

(d) without good and sufficient cause discharges a firearm while on duty.

(9) *Neglect of health*, which offence is committed where such employee—

(a) neglects, without good and sufficient cause to carry out a reasonable direction which has a bearing on his or her service in the Force, given to the employee by the Police Medical Officer or other legally qualified medical practitioner, or, while absent from duty on account of sickness or injury commits any act or adopts any conduct calculated to retard his or her return to duty; or

(b) feigns or exaggerates sickness or injury for the purpose of evading duty.

(10) *Improper dress or untidiness*, which offence is committed where such employee while on duty, or while off duty but wearing uniform in a public place, is dirty or untidy in his or her person, clothing or accoutrements.

(11) *Damage to property*, which offence is committed where such employee—

(a) wilfully or negligently destroys, or causes waste, loss of or damage to government property, or other property for which the Force has a responsibility to safe-keep; or

(b) fails to report promptly to his or her superior officer loss of or damage to government property issued to, or used by the employee or entrusted to his or her care; or

(c) without lawful authority uses government property for a purpose other than the execution of his or her duty.

(12) *Excessive use of intoxicating liquor or a drug*, which offence is committed where such employee—

(a) through the use of intoxicating liquor or a drug is rendered unfit for any duty which the employee is performing or, will be required to perform or which the employee may reasonably foresee having to perform; or

(b) while on duty, consumes, or receives from any person, any intoxicating liquor without the consent of a commissioned officer.

(13) *Aid and abet an offence against Regulations*, which offence is committed where such member connives at or knowingly aids, abets, counsels or procures the commission of an offence against these regulations.

Penalty procedures

28. (1) If a member is guilty of an offence against the Act or any other Act or a breach of these regulations the Commissioner may punish that member by:

- (a) dismissal, provided that in the case of a commissioned officer the Commissioner has the approval of the Governor or, in the case of any other member of the police force, the approval of the Minister; or
- (b) suspension without pay for a specified period; or
- (c) (except in the case of a member who is a police aide), transfer to a position that attracts a lower rank, or reduction in seniority (or both); or
- (d) temporary reduction in pay, but so that the total amount forfeited in the case of a member does not exceed one hundred and fifty dollars; or
- (e) by reprimand.

(2) The Commissioner may punish any police cadet for misconduct:

- (a) by suspension without pay; or
- (b) by temporary reduction in pay, but so that the total amount forfeited does not exceed fifty dollars; or
- (c) by temporary withdrawal of any rights or privileges.

Provided that a commissioned officer authorised by the Commissioner may punish any police cadet for misconduct by temporary withdrawal of any rights or privileges.

(2a) Where the Commissioner decides to transfer a member, or to reduce his or her seniority, under subregulation (1)(c)—

- (a) the transfer or reduction cannot be on a temporary basis; and
- (b) the Commissioner must nominate where the member is to be placed in the seniority list as a result of the transfer or reduction in seniority.

(3) The Commissioner may grant time for payment of any temporary reduction in pay, or may permit it to be paid by instalments and may arrange with the employee for the amount to be paid by means of deductions from the employee's pay.

(4) On failure to pay any temporary reduction in pay imposed in accordance with this regulation the Commissioner may deduct the amount involved from any moneys due to the employee.

Reports and charges

30. (1) An employee of the Force who is aware of circumstances where it is reasonable to suspect the commission of a breach of these regulations shall promptly report those circumstances to a commissioned officer.

(2) The Commissioner shall cause every report indicating that any such breach has been or may have been committed to be investigated by a commissioned officer.

(3) The investigating officer shall obtain or cause to be obtained information from persons knowing the relevant facts and forward such information with any comments to the Commissioner, who, if he or she deems proper, may cause a charge to be laid against an employee of the Force.

(4) When any employee is charged with an offence against the Act or any other Act or breach of these regulations, the Commissioner may, by notice in writing, suspend the employee from his or her appointment as an employee of the Force either with or without pay. Any such employee who is convicted of the offence or breach in respect of which such employee is suspended or any other offence or breach that may be preferred against the employee subsequent to his or her suspension or who resigns during any such period of suspension shall not, unless otherwise ordered by the Minister, be entitled to any salary, or other entitlements including service in respect of the period of suspension.

(5) In the event of any such offence or breach against the suspended employee not being proved, or in the case of a breach being withdrawn at the direction of the Commissioner, the suspension shall be removed and the employee shall be reinstated without loss of salary, wages or allowances in respect of the period of suspension. Provided that in determining the amount of salary, wages and allowances due to any such employee, any income received by the employee during the period of suspension may be taken into account.

Charges

31. (1) Every charge against an employee for a breach of these regulations shall be:

- (a) reduced to writing and signed by a person directed by the Commissioner;
- (b) forwarded to the registrar of the Police Disciplinary Tribunal.

(2) The registrar of the Police Disciplinary Tribunal shall cause a copy of the charge to be served on the alleged offender together with a notice as prescribed in this regulation.

(3) The notice shall be in the following form:

Police Regulations

To

You have been charged with an offence/s against the *Police Regulations 1998* as indicated in the charge/s attached hereto dated 19....

If you admit the charge/s you may state any mitigating circumstances relating to it/them either in writing, or at a personal interview with the Commissioner.

If you deny the charge/s the matter will be heard and determined by the Police Disciplinary Tribunal.

You may detach the bottom portion of this form and, after striking out the paragraphs that do not apply, deliver it within 21 days after receipt of this notice to the registrar of the Police Disciplinary Tribunal.

If you do not admit the truth of the charge/s in writing, (either on the bottom portion of this form or otherwise) to be received by the registrar of the Police Disciplinary Tribunal within 21 days after you receive this notice, you will be taken to have denied the truth of the charge.

Dated the day of.....19....

.....
Registrar, Police Disciplinary Tribunal

To the Registrar
Police Disciplinary Tribunal
Adelaide.

- 1. I admit the truth of the charge/s against me dated the day of for a breach of the Police Regulations.
- 2. I attach a statement of mitigating circumstances.
- 3. I desire to appear before the Commissioner to make a personal representation.
- 4. I do not admit the truth of the said charge/s.
(Strike out paragraphs which do not apply.)

Dated the day of.....19....

.....Signature

Procedure where breach admitted

32. (1) If the employee charged admits the charge in writing and forwards the admission so as to reach the registrar of the Police Disciplinary Tribunal within twenty-one days after service of the written charge, the registrar shall forward the admission and any written statement or request made by the employee and the other relevant papers to the Commissioner.

(2) Thereupon the Commissioner shall, after considering any matters submitted by the employee by way of mitigation, impose such punishment authorised by these regulations as he or she deems just.

Procedure where breach not admitted

33. (1) If the employee charged denies the charge or does not admit it within 21 days after service on the employee of the written charge the Police Disciplinary Tribunal shall fix a time and place for hearing the charge.

(2) The registrar of the Tribunal shall thereupon give to the officer who signed the charge, and to the employee charged not less than twenty-one days written notice of the time and place fixed for the hearing of the charge.

Suspension or dismissal of police aides

34. (1) Nothing in these regulations derogates from the authority of the Commissioner to suspend or dismiss a police aide pursuant to section 20D of the Act.

(2) For the purposes of these regulations, a police aide who is suspended or dismissed by the Commissioner will be taken to have been suspended or dismissed pursuant to section 20D of the Act unless the Commissioner specifies in writing at the time of the suspension or dismissal that the action is being taken pursuant to these regulations.

* * * * *

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PART 8
EXAMINATIONS AND PROMOTIONS

General provisions

38. (1) Subject to these regulations, promotion within the Force shall be afforded only to members who have passed qualifying examinations and/or satisfactorily completed approved courses of study.

(2) In addition to the requirements of subregulation (1), selection processes for promotion within the Force must be directed towards and based on a proper assessment of merit.

Qualification for senior constable

39. (1) A member is not eligible for selection for appointment to a position that attracts a minimum rank of senior constable unless the member holds a position attracting that rank or has satisfactorily completed the course or courses of study or training for the time being approved by the Commissioner by general or special order as qualification for appointment to that rank.

(2) The Commissioner must, in November of each year, give notice in the *Police Gazette* of the approved course or courses of study or training that may be undertaken in the following year.

(3) An approved course of study or training may only be undertaken subject to and in accordance with any conditions specified by the Commissioner by general or special order.

(4) A member must not for the purposes of this regulation be required to undertake in a course of study or training a subject that he or she has already passed as part of that course.

(5) As soon as is practicable after a member satisfactorily completes the approved course or courses required to qualify for promotion under subregulation (1), the Commissioner must give notice of the member's completion of the course or courses in the *Police Gazette*.

(6) Despite this regulation, the date of qualification for promotion under this regulation will be taken to be 1 July or 1 January (whichever is earlier) next following the obtaining of that qualification.

(7) For the purposes of section 41(1) of the Act, where the Commissioner selects a member for appointment to a position that attracts the rank of senior constable, notice of the proposed appointment must be given in the *Police Gazette* at least 14 days before the appointment is to take effect.

(8) In this regulation—

"**course**" includes an examination.

Qualification for sergeant

40. (1) A member is not eligible for selection for appointment to a position that attracts a minimum rank of sergeant unless the member holds a position attracting that rank or has satisfactorily completed the course or courses of study or training for the time being approved by the Commissioner by general or special order as qualification for appointment to that rank.

(2) The course or courses of study or training for the ensuing year shall be approved by the Commissioner and published in the *Police Gazette*, in November of each year.

(3) An approved course of study or training may only be undertaken subject to and in accordance with any conditions specified by the Commissioner by general or special order.

* * * * *

(5) A member having once passed a subject in an approved course of study or training shall not be required to repeat that subject.

(6) As soon as is practicable after a member satisfactorily completes the approved course or courses required to qualify for promotion under subregulation (1), the Commissioner must give notice of the member's completion of the course or courses in the *Police Gazette*.

(7) The date of qualification for promotion under this regulation and notwithstanding subregulation (6), will be 1 July or 1 January whichever is earlier, next following the obtaining of that qualification.

(8) In this regulation—

"course" includes an examination.

Qualification for senior sergeant

41. (1) A member is not eligible for selection for appointment to a position that attracts a minimum rank of senior sergeant unless the member holds a position attracting that rank or—

- (a) holds, or has at any time qualified for selection for appointment to, a position that attracts the rank of sergeant; and
- (b) has satisfactorily completed the course or courses of study or training for the time being approved by the Commissioner by general or special order as qualification for appointment to the rank of senior sergeant.

(2) The course or courses of study or training for the ensuing year shall be approved by the Commissioner and published in the *Police Gazette*, in November of each year.

(3) An approved course of study or training may only be undertaken subject to and in accordance with any conditions specified by the Commissioner by general or special order.

* * * * *

(5) A member having once passed a subject in an approved course of study or training shall not be required to repeat that subject.

(6) As soon as is practicable after a member satisfactorily completes the approved course or courses required to qualify for promotion under subregulation (1), the Commissioner must give notice of the member's completion of the course or courses in the *Police Gazette*.

(7) The date of qualification for promotion under this regulation and notwithstanding subregulation (6), will be 1 July or 1 January whichever is earlier, next following the obtaining of that qualification.

(8) In this regulation—

"course" includes an examination.

* * * * *

Appointment to sergeant ranks

43. (1) When a vacancy exists that attracts the rank of sergeant or senior sergeant, the vacancy will be filled by the applicant for the position who has completed the relevant courses under this Part and who, in the opinion of the Commissioner, taking into account the matters referred to in regulation 46(2), is most suitable on merit for appointment to that position.

(2) For the purposes of section 41(1) of the Act, where the Commissioner selects a member for appointment to a position that attracts the rank of sergeant or senior sergeant, notice of the proposed appointment must be given in the *Police Gazette* at least 14 days before the appointment is to take effect.

Qualifying procedures for inspectors

44. (1) The Commissioner may determine the suitability of members for future appointment to the rank of inspector by conducting qualifying examinations, courses and other assessment procedures.

(2) Notification of intention to conduct a qualifying examination or other selection process will be published in the *Police Gazette* not less than three months before the date of such examination or process.

(3) Members shall be required to give notice as required by the Commissioner of their intention to participate in any qualifying procedure.

(4) Members will not be eligible for selection to participate in such qualifying procedures unless they:

- (a) have qualified for promotion to the rank of senior sergeant; and
- (b) hold non-commissioned rank; and
- (c) have not less than 13 years continuous service commencing from the date of permanent appointment as a member of the Force.

Appointment to commissioned rank

45. (1) Unless the Minister in any case otherwise directs, a member is not eligible for appointment to the rank of inspector or above unless the member has—

- (a) participated in any assessment procedure for the particular rank established under regulation 44; and
- (b) served a period in a position that attracts the rank of sergeant to demonstrate his or her suitability for commissioned rank.

(2) Notwithstanding the other provisions of this Part, the Commissioner may appoint a senior constable who has qualified for the rank of sergeant and who has also completed an assessment procedure under regulation 44 for inspector to the rank of sergeant for the purpose of assessing the member's suitability for commissioned rank in accordance with subregulation (1)(b).

(3) Where a vacancy exists that attracts a commissioned rank (or such a vacancy is expected to occur), the Commissioner will select for nomination for appointment to the position a member who has qualified under this Part to fill the vacancy and who, in the opinion of the Commissioner, taking into account the matters referred to in regulation 46(2), is most suitable on merit for appointment to that position.

(4) For the purposes of section 42(1) of the Act, where the Commissioner selects a member for nomination for appointment to the rank of inspector, notice of the proposed nomination must be given in the *Police Gazette* within 14 days of the selection.

Selection procedures

46. (1) The Commissioner may, in order to assist him or her to determine the suitability of members to be selected to fill a vacancy or vacancies that exist in the Force, appoint an advisory committee, or advisory committees, of not less than three members.

(2) Whenever such a committee is assigned a responsibility to advise on the filling of any vacancy it shall examine the claims of all eligible applicants and shall recommend the applicant it considers most suitable on merit having regard to the following matters:

- (a) efficiency in the performance of police duties;
- (b) experience, both in the Force generally and of any special conditions applicable to the position;
- (c) knowledge, skills, and aptitudes relevant to the position in respect of which the vacancy exists;
- (d) nature of any studies or training undertaken, examinations passed and results obtained;
- (e) good conduct;
- (f) ability to command the respect of and to work harmoniously with others;

(g) results of any oral, written, medical or psychological tests or interviews or other assessment procedures conducted by or at the request of the committee.

(3) If, having regard to the matters mentioned in subregulation (2), a committee considers that two or more members are equally suitable for the position under consideration seniority shall be the deciding factor.

(4) A committee appointed under this regulation may, if it thinks proper, examine candidates for a vacancy by requiring them to participate in a prescribed course of training or to submit to oral or written tests, interviews or other assessment procedures or medical or psychological assessment or any combination of these.

(5) Any member of the Force shall, upon the request of a committee appointed under this regulation, appear before or produce to the committee any records, documents or other information to which they have access and which the committee requires in connection with its inquiries.

(6) The Commissioner may, with respect to any vacancy, stipulate a minimum period that a selected member will be required to serve in that position. Such a period may be absolute or varied at the Commissioner's discretion.

Appointment before qualifying

47. (1) Notwithstanding the other provisions of this Part, the Commissioner may, in special cases, appoint a member to a position that attracts a rank (other than a commissioned rank) that the member is not qualified to hold.

(2) Where the Commissioner makes an appointment under subregulation (1), the Commissioner must specify a period within which the member must qualify for the rank by examination or some other method determined by the Commissioner.

Appointment on probation

47A. (1) When a member is appointed to a position that attracts a higher rank, the member will, for six months after the appointment, hold the position (and any other position at that rank to which he or she may be transferred during those six months) on probation.

(2) Unless the member is sooner transferred to another position that attracts a lower rank, the Commissioner will, at the end of the period of probation, by notice in writing to the member, confirm the appointment of the member to a position at the higher rank.

PART 9
REVIEWS AND APPEALS

*Applications to the Police Disciplinary Tribunal
under section 24A*

48. (1) An application to the Police Disciplinary Tribunal under section 24A of the Act for a review of a transfer must be made within 28 days after the member receives notice of the proposed transfer (unless the Tribunal extends the period for an application under that section).

(2) The application must be lodged with the registrar to the Police Disciplinary Tribunal and must be in a form approved by the registrar.

Appeals against termination of services

49. An appeal to the Police Appeal Board under section 37 of the Act must be instituted within 28 days after the member (or former member) receives notice of the relevant decision (unless the Board extends the period for the institution of an appeal under that section).

Promotion appeals

50. An appeal to the Promotion Appeal Board under section 41 or 42 of the Act must be instituted within 14 days after publication of the relevant notice in the *Police Gazette* (unless the Board extends the period for the institution of an appeal under the particular section).

Appeal procedures

50A. (1) A notice of appeal to the Police Appeal Board or the Promotion Appeal Board—

(a) must be—

(i) in a form approved by the Secretary to the Boards; and

(ii) typewritten; and

(iii) in triplicate; and

(b) must identify the decision appealed against; and

(c) must set out the grounds of appeal; and

(d) must specify the relief sought on the appeal.

(2) The appellant must state in the notice of appeal whether he or she requires any person to be summoned to appear before the Board, or to produce any document, object or material.

(3) The appellant, and any member summoned to appear before the Board, must be granted the necessary leave of absence to enable them to appear before the Board.

**PART 10
TRANSFERS**

Power to transfer

51. (1) Subject to these regulations, the Commissioner may, in order to maintain the efficiency of the Force, transfer a member to any component of the Force in any part of the State (and the member must accept the transfer).

(2) Notwithstanding subregulation (1), the Commissioner may not—

- (a) transfer a member to a position that attracts a lower rank; or
- (b) where the member has been holding a position of limited tenure and the period of tenure has expired—transfer a member to a position that attracts a rank lower than the rank that he or she held immediately before his or her tenure expired,

unless—

- (c) the transfer is pursuant to an order punishing the member under regulation 28; or
- (d) the transfer is to a position requested by the member; or
- (e) the transfer is from a position being held on probation under regulation 47A.

Resignation of officers on transfer

52. Unless otherwise instructed a member holding an appointment in connection with any other government department or public authority shall, upon being advised of the date of his or her transfer, resign such appointment as from that date, and inform the department or authority of the name of his or her successor if known.

Transport on voluntary or punitive transfers

53. (1) Subject to subregulation (2) and any special orders on the subject which the Commissioner might promulgate, when a transfer is effected, all reasonable expenses of transport when carried out as approved by the Commissioner, will be borne by the South Australian Police Department.

(2) When a transfer is effected at a member's request or in consequence of fault or demerit by the member, the South Australian Police Department will not be responsible for the cost of transporting any of the member's furniture or household effects.

Provided that:

- (a) the Commissioner may direct that part or all of such cost be borne by the South Australian Police Department; and
- (b) this subregulation does not apply to the transfer of a member's furniture and household effects upon retirement on pension.

Packing and loading

54. A member, whose furniture and household effects are to be transported by means of a Departmental vehicle, who fails to comply with the Commissioner's orders, thereby causing delay in such removal, shall be held responsible and may be required to pay for any additional expenditure occasioned by such delay.

Claims for loss or damage

55. Claims for compensation in respect of loss of or damage to a member's furniture and household effects, being conveyed within the State at the expense of the South Australian Police Department, may be submitted for consideration by the Commissioner.

PART 11
HISTORY OF EMPLOYEES

Duty to keep history

56. (1) The Commissioner shall cause to be kept a history of the conduct and service of every employee.

(2) The history of each employee shall include the following particulars:

- (a) full name, identification number, dates of appointments, promotions and transfers, examinations or courses (if required under these regulations as qualification for promotion) satisfactorily completed, trade or special ability acquired before or after joining the Force, personal description, next of kin, marital status, recreation, sick or other leave taken or granted;
- (b) war service, military distinctions, other distinctions;
- (c) entries, as directed by the Commissioner in each case, of meritorious conduct and other matters favourable to the employee;
- (d) punishments by the Commissioner for each breach of duty or misconduct;
- (e) such particulars of any penalty imposed upon the employee in a court of law, as the Commissioner directs;
- (f) any other particulars required by these regulations or directed from time to time by the Commissioner.

(3) Any employee whose history contains an entry made pursuant to paragraphs (d) and (e) of subregulation (2) and who has not subsequently been found guilty of any further breach of regulations within a period of five years from the date of the imposing of the penalty for such breach of regulations, may request the Commissioner in writing that the whole or any part of such history referred to in this subregulation be expunged. The Commissioner may upon receipt of such request, if he or she thinks fit, comply with the whole or any part of the request, and advise the employee accordingly.

Custody and security of employee's history

57. (1) The history of an employee shall be maintained and retained in such a manner and such a place or places as the Commissioner directs. The officer in charge of any such place shall be responsible for ensuring such records are complete, accurate and kept confidential in accord with general orders.

(2) Any employee shall be granted access to his or her own history records in accord with procedures as defined by the Commissioner.

Report of marriage

58. A person who is married shall at the time of commencing employment in the Force report that fact. If an employee marries after commencing employment in the Force, such employee shall forthwith report the date of marriage. An employee shall forthwith report any alteration in such status occasioned by separation, divorce or death.

Commendatory entries

59. (1) Where an employee displays unusual moral or physical courage or shows exceptional tact, skill, or ability, the officer in charge of such employee shall, if it is considered that the conduct of such employee justifies a commendation being recorded, cause a report giving full particulars to be furnished to the Commissioner.

(2) The Commissioner shall cause an inquiry to be made into the merits of each case, and, if satisfied that the conduct of the employee deserves commendation, cause a record to be made in the employee's history.

Recording of transfer

60. Where a member is transferred to a posting within the Force, the officer in charge of such member shall cause an entry thereof to be made in the member's history maintained in accordance with regulations 56 and 57.

Record of termination of service

61. When an employee dies, resigns, retires, is dismissed, or otherwise ceases to be employed in the Force, particulars of that fact, with the date, are to be recorded in the employee's history and retained for reference as directed by the Commissioner.

Inspection of history

62. An employee shall upon application, be supplied with an extract of the whole or any part or parts of the history recorded in respect to that employee.

Certificate of service

63. (1) On leaving the Force an employee shall, upon application to the Commissioner, be granted a certificate of service showing rank (or position), period of service and reasons for leaving, together with a personal description. A certificate showing the rank (or position) and period of service of a deceased employee shall be supplied to the next of kin upon request.

(2) The Commissioner may insert in a certificate of service any entry as to conduct or service which the Commissioner feels justified in recording, but certificates issued in cases other than dismissal will normally be endorsed with one of the following entries:

Exemplary
Very good
Good
Satisfactory.

29.

(3) If a certificate of service is lost or mislaid a duplicate shall only be issued by authority of the Commissioner upon proof of the loss.

**PART 12
LEAVE OF ABSENCE**

Definition

64. In this Part "financial year" means period of twelve months commencing on 1 July and terminating on 30 June, following.

Commissioned officers rest days, recreation and sick leave

65. The Commissioner shall grant to each commissioned officer such rest days, recreation leave and sick leave as provided to other employees by virtue of the Police Officers' Award.

Special sick leave—ex-servicemen

66. (1) As from 1 July 1955, or the date of joining the Force, whichever is the later, each member who is an ex-serviceman will be granted a special sick leave credit of forty-five working days, which may be drawn upon as required for war-caused sickness. It shall not accumulate and when exhausted no further special leave on account of war-caused disability will be granted and any further sick leave required, will, irrespective of the cause, be debited against ordinary sick leave credits.

Provided that any application for sick leave must be supported by evidence that the disability has been accepted by the Commonwealth Department of Veterans' Affairs as due to war service.

(2) As from 1 July 1964, or the date of joining the Force, whichever is the later, each member who is an ex-serviceman shall be granted a special sick leave credit of fifteen working days in each year, which may be drawn upon when the ex-serviceman is absent from duty owing to a war-caused disability. Such special sick leave shall:

- (a) accumulate to a maximum of forty-five working days;
- (b) be used only when the sick leave granted under subregulation (1) has been exhausted.

Provided that an application for special sick leave must be supported by evidence that the disability has been accepted by the Commonwealth Department of Veterans' Affairs as due to war service.

Injury while on duty

67. (1) An employee injured while on duty shall:

- (a) if treatment is necessary, obtain medical treatment as soon as practicable from a legally qualified medical practitioner, a registered nurse or a recognised hospital or from a medical expert within the meaning of the *Workers Rehabilitation and Compensation Act 1986*;
- (b) immediately submit a report of all the circumstances to the employee's commissioned officer in charge;
- (c) if the injury necessitates absence from duty submit an application for leave;

- (d) if the employee intends lodging a claim for compensation and/or expenses incurred, submit particulars of that claim;
- (e) otherwise comply with general orders or instructions in respect of injury sustained whilst on duty.

(2) A commissioned officer shall, upon receiving a report that an employee has been injured while on duty, cause the circumstances of the injury to be forwarded to the Commissioner.

Compassionate leave

68. (1) The Commissioner may grant leave of absence to an employee on the death within Australia of a wife, husband, father, mother, father-in-law, mother-in-law, brother, sister, child, step-father, step-mother, step-child, defacto spouse, guardian, foster parents, step-parent, step-brother/sister, or half brother/sister of that employee.

(2) Such leave shall be for a period from notification of the death by the employee up to and including the day of the funeral of such relation.

(3) Such leave shall be without deduction of pay when it does not exceed the number of hours worked by an employee in two ordinary days' work.

(4) Such employee shall furnish proof of death of such relation to the satisfaction of the Commissioner.

(5) For the purpose of this regulation, the words "wife" and "husband" shall not include a wife or husband from whom the employee is separated.

(6) This regulation shall not create any entitlement to leave for an employee during any period when such employee is entitled to leave under any other leave provision.

Other special leave

69. (1) Subject to this regulation the Commissioner, may, if of the opinion that special circumstances justify and with the approval of the Minister grant to any employee special leave of absence.

(2) The leave may be granted without pay or on reduced pay or on full pay and with such other conditions as the Commissioner thinks fit. Where the leave is granted on full pay it shall not exceed the period prescribed in any financial year by the Minister for such leave. The Commissioner may allow such leave to be for a proportionately longer period on reduced pay. The Commissioner may with the approval of the Minister grant special leave of absence on full or reduced pay to any approved employee for an extended period to enable such employee to attend a course of training with, or attachment to, any other police force or an educational institution.

(3) Where any special leave is granted without pay the Commissioner may order that the period of such leave or any portion thereof shall be counted as service.

Leave for Naval, Military, or Air Force purposes

70. (1) The Commissioner may grant leave of absence to any employee who is a member of any naval, military or air force of the Commonwealth, to enable such employee to attend at any school or camp for naval, military, or air force service, training, or instruction.

(2) Such leave shall be granted for such periods and on such terms and conditions as to pay and otherwise as are fixed by the Minister.

Leave bank

71. With the approval of the Minister the Commissioner may make and carry out an arrangement with employees under which:

- (a) employees forego portion of their annual recreation leave; and
- (b) in lieu thereof sick leave, additional to that otherwise provided for in these regulations, may be granted to employees who are parties to the arrangement.

Application for leave

72. (1) Application for all leave of absence shall be made in writing and in the manner prescribed by the Commissioner and, where practicable, is to reach the Payroll Section through official channels at least 21 days before the date on which the employee desires to commence leave.

(2) An employee applying for leave of absence shall in the application state the address to which letters and communications may be sent and received by the employee during the period of leave and shall immediately notify the Commissioner of any changes of address.

PART 13
PROPERTY IN POSSESSION OF POLICE

Interpretation

73. In this Part, unless the context otherwise requires:

"property" means found property, personal effects of deceased persons, property which is likely to be required for any coronial inquiry or as an exhibit in legal proceedings and property which is seized or otherwise taken into the possession or custody of an employee in furtherance of an official inquiry;

"found property" includes every description of personal property which has been lost and at the time of finding the owner is unknown;

"unclaimed property" means property which has been in the possession or control of the police for at least two months, and

- (a) the owner of which property has not exercised his or her right of recovery over the property; or
- (b) the owner of which property is known to the police and cannot be traced after reasonable enquiry by police; or
- (c) the owner of which property is not known to the police.

Provided that found property shall not be deemed to be unclaimed property unless—

- (a) the finder has relinquished claim to the property;
- (b) the finder has not exercised his or her right to claim the property within 42 days from the time of handing it to the police.

Custody of property

74. (1) The Commissioner shall take such steps as are necessary to ensure the safe custody of property in the possession or custody of the police.

(2) When an employee receives, seizes or otherwise takes into possession or takes custody of property, the employee, or where two or more employees are performing duty together, the senior employee:

- (a) shall cause such property to be recorded in such a manner and kept in such a place as ordered by the Commissioner; and
- (b) shall cause the person from whom the property was received, seized or otherwise taken to be issued with a receipt from the appropriate police property book as soon as reasonably practicable.

(3) The property is not to be used for other than official purposes by any employee.

Disposal of property

75. The Commissioner shall cause reasonable inquiry to be made to trace the rightful owner of any property which is in the possession or custody of the police.

76. (1) Except as otherwise provided in these regulations all property other than exhibit property mentioned in regulation 78(2) in the possession or custody of the police shall be disposed of in accordance with the instructions contained in this regulation:

- (a) to the rightful owner, if known; or
- (b) to the finder; or
- (c) in accordance with an order made by a court; or
- (d) if unclaimed, by sale or disposal according to these regulations.

Provided that where an employee comes into possession of any property during the normal course of his or her duties, the employee shall be divested of all rights normally pertaining to the finder of such property and not entitled to its return. Such property shall be otherwise disposed of pursuant to these regulations.

(2) Found property shall not be returned to the finder unless such person indemnifies the Commissioner in writing as follows:

- (a) to return the property or equivalent value to the loser or lawful owner in the event of the loser or lawful owner claiming and proving his or her right to the property at any time within five years; and
- (b) to indemnify and keep indemnified the Commissioner of Police and all members of the Force against any actions, claims, demands, costs, losses, damages and expenses which the Commissioner and members of the Force may be put to or sustain by reason of the delivery of the found property to the finder.

77. (1) Without derogation from the powers contained in section 23 of the Act the Commissioner may make or give orders directing the disposal of the following property in the custody or possession of the police:

- (a) perishable property;
- (b) bicycles;
- (c) unclaimed property which is unsaleable or of no apparent monetary value.

(2) Where, in the opinion of the Commissioner, any article of unclaimed property would be of value to the South Australian Police Department, the Commissioner may authorise the retention of such article for use within the Department.

78. (1) Where property has come into the possession or control of the police by virtue of an order of a court requiring that the property shall be held by the police until further order, and no application is made to a court by any person seeking to claim and prove his or her right to the property within a period of three years from the making of such order, or within three years of the lost application, the Commissioner may dispose of such property as unclaimed property.

Provided that where, in the opinion of the Commissioner, such property is unsafe, unsaleable, or of no monetary value or the sale of which property would contravene the legal requirements of the Commonwealth of Australia or the State of South Australia, such property may be destroyed.

(2) Property which has been used as an exhibit in legal proceedings or is held for that purpose, shall not be released from police custody except:

- (a) for scientific analysis; or
- (b) for use as an exhibit in court; or
- (c) in accordance with an order made by a court; or
- (d) on delivery to the owner at the expiration of one month after the termination of legal proceedings; or
- (e) if unclaimed by sale or disposal according to these regulations.

Sale of unclaimed property

79. (1) The Commissioner may cause any unclaimed property to be sold and shall give at least 14 days prior notice of the time and place of each sale by public advertisement in a daily newspaper.

(2) The person buying any such property shall obtain a valid title thereto.

80. Notwithstanding anything contained in these regulations, where property, the owner of which is not known to the police, has come into possession or custody of the police, the Commissioner may authorise and direct the sale or disposal of such property, or any part, or parts thereof, at any time, where it appears:

- (a) that the value of such property may, in the circumstances, depreciate rapidly; or
- (b) that the property is perishable; or
- (c) that the property, generally, is of such a character, or in such order and condition that—
 - (i) in the circumstances it is not reasonably practicable to retain the same in the possession and control of the police; or
 - (ii) retention of the same would, in the circumstances necessarily involve the incurring of costs and expenses which are other than trivial.

81. (1) The sale of any property, authorised in pursuance of regulation 79 may be of the property altogether, or in lots, by public auction, or private contract, or by such modes of sale, and conditions as the Commissioner may think fit, and the Commissioner may make and execute, or authorise to be made and executed, all such instruments as shall be necessary for carrying the sale thereof into effect.

(2) Pending any such sale or sales and the delivery of any property sold, the Commissioner may make or authorise the making of, reasonable arrangements for the storage or care of the property.

(3) The proceeds of the sale of any property conducted in pursuance of regulation 79 shall be applied:

- (a) in payment of the expenses occasioned by such sale;
- (b) in payment of any expenses arising out of the arrangements referred to in subregulation (2);
- (c) by paying the balance into a separate trust account maintained for such purpose, where it shall be retained for a period of six months, after the expiration of which period the said balance shall be paid into general revenue.

**PART 14
PRISONERS**

Search of prisoners

82. (1) Immediately after a prisoner has been accepted into custody at a police station upon a charge of committing any offence, the officer in charge of the station shall cause the prisoner to be searched in the manner prescribed by these regulations and by general orders.

(2) The searching of a prisoner shall, where practicable, be carried out by a person of the same sex as the prisoner and in the presence of the officer in charge.

(3) The person searching a prisoner shall remove everything which might assist the prisoner to escape, or which might be used to cause injury or harm to the prisoner or others or damage to any property.

(4) If a prisoner objects to the retention by the police of any article taken from the prisoner and there is no valid reason for its retention, it may be returned to the prisoner.

Property taken from prisoners

83. (1) The officer in charge of the station shall cause a record of all property or money removed from a prisoner to be recorded. The property so removed shall be kept and stored in such a manner as directed by the Commissioner.

(2) A receipt shall be issued for all money and other property taken and the officer in charge of the station shall request the prisoner to check the property removed and recorded in accordance with subregulation (1) and sign such record. Provided that if a prisoner is mentally ill or is incapable or refuses to sign such record, a notation to that effect shall be made by the officer in charge of the station.

Illness of prisoner

84. (1) If a prisoner is ill and it is necessary to obtain medical assistance, the officer in charge of a station shall, where practicable, cause the prisoner to be conveyed to a recognised hospital. When this is not practicable, the services of a private medical practitioner must be obtained. In the metropolitan area the medical practitioner to be summoned shall be the police medical officer.

(2) Where the officer in charge of a station is unable to comply with subregulation (1), and a private medical practitioner attends the prisoner, that portion the practitioner's fee not covered by a medical benefit entitlement will be paid by the South Australian Police Department if the prisoner does not agree to pay the amount.

(3) A prisoner sent to hospital in accordance with this regulation shall be escorted by a member.

(4) When it is necessary that a prisoner charged with an offence be detained in hospital a member shall remain in charge of the prisoner unless the prisoner is released on bail, or a commissioned officer directs that a member need not be in charge of the prisoner.

Legal and other assistance for prisoners

- 85.** (1) The officer in charge of a station must afford a prisoner every reasonable facility—
- (a) to obtain private legal or medical advice; or
 - (b) to communicate with friends with a view to obtaining bail; or
 - (c) in the case of a prisoner who is a national or citizen of a foreign country—to meet with a consular officer or other person acting as a representative of that other country.

If a prisoner in custody exercises his or her right for an examination to be made by a legally qualified medical practitioner nominated by the prisoner, the officer in charge of a station shall take reasonable steps to secure the attendance of the medical practitioner nominated by the prisoner provided the prisoner is willing to pay for such examination. This examination shall take place at a police station, and, if in the metropolitan area, the police medical officer shall be called to be present at the examination. Wherever practicable, outside the metropolitan area, a member, as appropriate to sex, shall be present during the examination.

Child prisoners

86. Unless unavoidable, a child shall not be locked in a cell pending the initial court appearance. If practicable the child's parent or guardian shall be communicated with and the child released on bail.

In the metropolitan area a child shall, if detained, be so detained at a place nominated by an officer of the Department of Human Services.

Interviews

87. A person, other than a member, shall not interview a prisoner in custody except with the consent of the officer in charge of the station wherein the prisoner is in custody.

PART 15
MISCELLANEOUS

Police aides and references to members of the police force

88. Pursuant to section 20F of the Act—

* * * * *

- (b) a reference in an Act or an instrument (whether of a legislative character or not) to a member of the police force of a rank above a specified rank does not extend to a police aide where the specified rank is that of probationary constable or higher;
- (c) a reference in an Act or an instrument (whether of a legislative character or not) to a member of the police force of a rank below a specified rank extends to a police aide where the specified rank is that of a probationary constable or higher.