NAOERO POLICE FORCE

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Naoero Police Force Act 2025

TABLE OF AMENDMENTS

The Naoero Police Force Act 2025 No 38 was certified and commenced on 19 September 2025.

Amending Legislation	Certified	Date of Commencement
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026
Naoero Police Force (Amendment) Act 2026 No 34	20 August 2026	20 August 2026

[The next page is 90,601]

An Act to continue and make provision for the organisation, discipline, functions and powers of the Naoero Police Force and for related matters.

Enacted by the Parliament of Naoero as follows:
[cl am Act 21 of 2026 s 5, opn 12 May 2026]

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Naoero Police Force Act 2025*.
[s 1 am Act 21 of 2026 s 5, opn 12 May 2026]

2 Commencement

This Act commences on the date it is certified by the Speaker.

3 Interpretation

In this Act:

'administrative officer' means a person employed in the public service as an administrative officer assisting the Force;

'aircraft' has the meaning given under the *Civil Aviation Act 2011*;

'Board' means the Police Service Board established under Section 14;

'chain of command' means the hierarchical structure which dictates authority, responsibility and flow of orders within the Force where the Commissioner is the highest ranking police officer, followed by other police officers lower in rank, in hierarchical order;

'child' means a person who is under the age of 18;

'Commissioner' means the person appointed under Section 21;

'constable' means a person appointed under Section 32(f);

'conveyance' means a motor vehicle, vessel or aircraft;

'correctional centre' has the meaning given to it under the *Correctional Service Act 2009*;

'dwelling' means a building or other structure that is kept by an owner or occupier as a residence;

'eligible person' means a person who satisfies the eligibility requirements in Section 33;

'Force' means the Naoero Police Force continued under Section 4;
[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Fund' means the Police Force Welfare Fund continued under Section 191;

'guardian', in relation to a child or person with impaired mental capacity, includes:
(a) a legal guardian; and
(b) a customary guardian;

'health and medical service facility' has the meaning given to it under the *Health and Medical Services Act 2025*;

'identifying details', of a member of the Force, means:
(a) evidence that the member is a member of the Force; and
(b) the member's name and rank;

'Internal Investigation Unit' or ***'Unit'*** means the unit in the police force responsible for investigating complaints against police officers established under Section 51;

'issuing officer' means:
(a) a judge;
(b) a magistrate; or
(c) the Registrar of Courts;

'lawful order' means an order that is not inconsistent with this Act or any other written law;

'misconduct' a conduct under Section 49 or other breach as may be prescribed;

'motor vehicle' has the meaning given under the *Motor Traffic Act 2014*;

'ordinary search' means a search of a person by:
(a) quickly running the hands over the person's outer clothing;
(b) if necessary, requiring the person to remove his or her jacket or similar outer item of clothing, gloves, shoes, socks and hat;
(c) examining the removed items; and
(d) examining any other items in the possession of the person;

'person with impaired mental capacity' means an adult who, despite reasonable support, is incapable of:
(a) understanding the general nature and effect of giving consent; or
(b) indicating whether he or she consents or does not consent;

'police officer' means the following:
(a) the Commissioner;
(b) the Deputy Commissioner appointed under Section 32(1)(a);
(c) a Superintendent appointed under Section 32(1)(b);
(d) a senior inspector appointed under Section 32(1)(c);
(e) an inspector appointed under Section 32(1)(d);
(f) a non-commissioned officer appointed under Section 32(1)(e);
(g) a constable appointed under Section 32(1)(f);
(h) a probationary constable appointed under Section 32(1)(g); and
(i) a reservist appointed under Section 32(1)(h).

'premises' includes a motor vehicle, vessel, aircraft, hovercraft, installation whether offshore or on land, building, structure or place capable of containing a person or things;

'private place' means a place other than a public place and includes a conveyance at the place;

'probationary constable' means a person appointed under Section 32(1)(g);

'public place' means a place to which members of the public have a right of access, whether or not:
(a) payment of money or other consideration is required to access the place; or
(b) the place may be restricted at particular times or for particular purposes;

'recruit' means a person appointed under Section 32(1)(i);

'reservist' means a person appointed under Section 32(1)(h);

'responsible officer' means the most senior police officer present when establishing a crime scene;

'repealed Act' means the *Naoero Police Force Act 1972*;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'search', of a person, means an ordinary search or a strip search;

'search powers', in relation to a place, means the power to do any of the following:

(a) remove wall or ceiling linings or floors of a building or panels of a vehicle;
(b) dig up land at the place;
(c) record, photograph or sketch anything including prints found at the place;
(d) take samples of items found at the place;
(e) seize or similarly secure anything at the place;
(f) use electricity or any other necessary utility at the place to the extent that it is reasonably necessary to conduct the search;
(g) operate electronic equipment in order to:
    (i) determine whether it contains data that could be seized or similarly secured; and
    (ii) search or access data including data stored on a separate storage device or data not held at the place;
(h) copy any computer system or data to a storage device and take the device from the place;
(i) produce any data from a computer system or storage device in documentary form and take the produced documents;
(j) move any electronic equipment or storage device to another place for examination where:
    (i) there are reasonable grounds to suspect that the electronic equipment or storage device contains data that could be seized or similarly secured; and
    (ii) it is significantly more practicable to do so having regard to the time it will take to copy the data and the availability of the technical expertise that will be required to do so;
(k) do anything reasonably necessary to prevent the loss, destruction or damage to anything at the place connected with the offence to which the search relates;
(l) use the assistance of any other person as reasonably necessary for the effective conduct of the search.

'senior inspector' means a person appointed as a senior inspector under Section 32(1)(c);

'senior police officer' means a police officer of the rank of sergeant or above;

'serious offence' means an offence punishable by imprisonment for 5 years or more;

'standing order' means a standing order made under Section 12;

'strip search' means a search conducted under section 129;

'Superintendent' means a person appointed under Section 32(1)(b);

'Supervisor' means a police officer of senior rank who has been given the responsibility to supervise a police officer of lower rank;

'support person', for a person, means:
(a) a parent or guardian of the person; or
(b) an adult chosen by or acceptable to the person;

'suspect' means a person a police officer reasonably suspects to have committed an offence;

'the Reserve' means the Naoero Police Reserve established under Section 7;
[def am Act 21 of 2026 s 5, opn 12 May 2026]

'time out' includes any time reasonably required to do any of the following:
(a) take a person from the place where the person is arrested to the police station;
(b) allow the person to communicate with a friend, relative, legal practitioner, interpreter or other person;
(c) allow a friend, relative, legal practitioner, interpreter or other person to arrive at the place where the person is to be questioned;
(d) allow the person to receive medical attention;
(e) allow the person to recover from the effects of intoxication;
(f) allow the person to rest;
(g) allow for the questioning of other suspects;
(h) allow for an identification parade to be arranged and held;
(i) allow for witnesses to be interviewed;
(j) allow for investigating police to arrive;
(k) allow for the person to be taken to another place for the investigation or as part of the investigation;
(l) allow for the search of any place, including a crime scene; or
(m) decide the appropriate nature and content of a charge against the person and to charge the person and decide whether to release the person on bail or serve on the person a notice to attend Court or a summons; and

'vessel' has the meaning given to it under the *Vessel Registration Act 2024*.

[The next page is 90,801]

PART 2 — NAOERO POLICE FORCE

[Pt 2 am Act 21 of 2026 s 5, opn 12 May 2026]

4 Naoero Police Force

The Force established under Section 3 of the *Naoero Police Force Act 1972* shall continue as the Naoero Police Force comprising of:

(a) the Commissioner; and
(b) police officers.

[s 4 am Act 21 of 2026 s 5, opn 12 May 2026]

5 Functions of the Force

The Force shall have the following functions:

(a) preserve the peace;
(b) investigate and prevent crime;
(c) protect life and property;
(d) apprehend persons related to an alleged crime or offending;
(e) maintain community safety, confidence and support;
(f) maintain law and order;
(g) uphold Naoero law;
(h) execute warrants and other Court processes;
(i) conduct prosecutions in the District Court;
(j) escort prisoners;
(k) attend to courts and keeping order in the courts;
(l) keep order on public roads and in public places;
(m) provide essential services in an emergency or disaster;
(n) coordinate with police forces or foreign law enforcement agencies for the prevention and investigation of crime;
(o) enter into agreements, arrangements or understanding with foreign law enforcement agencies for the purpose of meeting the Republic's international law enforcement obligations;
(p) be familiar with this Act and regulations, standing orders or code of conduct made under this Act; and
(q) perform any other function given under this Act or any other written law.

[s 5 am Act 21 of 2026 s 5, opn 12 May 2026]

6 General power of the Force

The Force shall have the power to do all things necessary or convenient to be done for the performance of its functions under this Act or any other written law.

7 Naoero Police Force Reserve

(1) The Minister may be Notice published in the Gazette, establish a body of reserve officers to be called the Naoero Police Force Reserve.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Reserve shall comprise of reserve officers of such ranks as the Minister directs.

(3) The Reserve shall be under the command of the Commissioner.

(4) A reserve officer shall be deemed a police officer where he or she is performing his or her functions.

[s 7 am Act 21 of 2026 s 5, opn 12 May 2026]

8 Functions of the Reserve

The Reserve shall assist the Force in the performance of its functions under Section 5 as assigned by the Minister.

9 Powers of the Reserve

The Reserve shall have the power to do all things necessary or convenient to be done for the performance of its functions under this Act or any other written law, as assigned by the Commissioner.

10 Guiding principles

A police officer, shall in performing his or her functions:

(a) act with integrity and professionalism;
(b) act in accordance with the officer's oath or affirmation taken under this Act;
(c) uphold the rule of law;
(d) ensure that the member's powers are exercised lawfully;
(e) act impartially and independently;
(f) act consistently with a person's human rights;
(g) act consistently with the principle of gender equality; and
(h) use public resources efficiently and economically.

11 Code of conduct

(1) The Commissioner shall issue a code of conduct for the Force.

(2) The Commissioner shall cause the code of conduct to be published in the Gazette.

(3) The Commissioner shall make the code of conduct available to a police officer.

(4) A police officer shall comply with the code of conduct.

12 Standing orders

(1) The Commissioner may make standing orders for the effective and efficient management of the Force.

(2) The standing orders may apply generally or to a particular category or class of the Force.

(3) The standing orders shall be provided to a police officer.

(4) For the purposes of any legal proceeding:
  (a) a document certified by the Commissioner to be a true copy of a standing order is admissible as evidence of the order; and
  (b) a certified standing order shall be deemed to be in force unless the contrary is proven.

13 Police officer shall comply with lawful orders

(1) A police officer shall comply with a lawful order.

(2) An order is a lawful order where it is:

(a) consistent with this Act or any other written law;
(b) an order provided under the standing orders; or
(c) an order given to a police officer by:
  (i) the Commissioner;
  (ii) the police officer's supervisor; or
  (iii) a police officer of a more senior rank to that of such police officer.

[The next page is 91,001]

PART 3 — POLICE SERVICE BOARD

14 Police Service Board

(1) For the purposes of Article 69(2) of the Constitution, there shall be a Police Service Board comprising of:
  (a) a person qualified to be appointed as a Judge of the Supreme Court to be appointed by the Cabinet, who shall be the Chairperson;
  (b) the Chief Secretary; and
  (c) a person elected in accordance with subsection (2).

(2) The member in subsection (1)(c) shall be elected:
  (a) by secret ballot conducted by the Registrar of the Supreme Court; and
  (b) in accordance with any prescribed requirements.

(3) The member in subsection (1)(c) may:
  (a) be appointed for a period of up to 3 years;
  (b) resign by giving the Chairperson at least 28 days' written notice; and
  (c) be removed from the Board by the Chairperson where the member is convicted of an offence.

15 Functions of the Police Service Board

The Board shall as required under this Act:
(a) consider and approve appointments of police officers;
(b) consider and approve the appointment of a person for the purposes of constituting a disciplinary panel;
(c) review the disciplinary panel's decision in accordance with the relevant procedures;
(d) determine appeals of the Commissioner's decisions in relation to the salary of a police officer whilst he or she is suspended; and
(e) perform any other functions required by this Act.

16 Powers of the Police Service Board

The Board shall have the power to do all things necessary or convenient to be done for the performance of its functions under this Act or any other written law.

[The next page is 91,201]

17 Responsibilities of the Minister and Commissioner

(1) The Minister shall be responsible to the Cabinet for the administration of this Act and the oversight of the management and control of the Force, by the Commissioner.

(2) Without limiting Section 19, the Commissioner shall be accountable to the Minister for the daily management and operational control of the Force.

18 Directions by the Minister

(1) The Minister after consulting the Commissioner, may give the Commissioner a written direction relating to:
  (a) the overall administration of the Force;
  (b) policy direction and priorities for:
    (i) the prevention of crime;
    (ii) community safety and public order; or
    (iii) general law enforcement matters.

(2) The Commissioner shall comply with a direction given to the Commissioner by the Minister.

[The next page is 91,401]

PART 5 — INDEPENDENCE OF THE COMMISSIONER AND POLICE OFFICERS

19 Commissioner to act independently

The Commissioner shall act independently of any person, including a Minister or a person acting on behalf of a Minister, in relation to the following:

(a) the investigation of an alleged offence;
(b) the enforcement of any written law; or
(c) the maintenance of order.

20 Police officer to act independently

A police officer shall exercise the his or her functions independently from the direction or command of any person not authorised under this Act or any other written law, to direct or command a police officer.

[The next page is 91,601]

PART 6 — COMMISSIONER

21 Appointment of the Commissioner

(1) The Commissioner shall be appointed by the Minister with the approval of the Cabinet, for a term not less than 2 years.

(2) A person may be reappointed for another term at the expiration of the term under subsection (2).

(3) Where the Commissioner's term of appointment has not been renewed after expiration of the period under subsection (1), the appointment of the Commissioner may be extended until a new appointment or re-appointment has been made.

(4) The Commissioner's terms and conditions for appointment shall be determined by the Cabinet as stated in the instrument of appointment.

(5) An appointment to the office of the Commissioner shall only be made following the public advertisement of the position.

22 Advertising position of the Commissioner

(1) The Chief Secretary shall advertise the position of the Commissioner where the Commissioner's contract expires or the office is vacant.

(2) Regulations may prescribe the procedure relating to the advertisement of the position of the Commissioner.

23 Eligibility for appointment as Commissioner

A person shall be eligible to be appointed as the Commissioner where the person:

(a) is, at the time of the appointment, a police officer of the Force or police officer of a police force or service of another country;

(b) has at least 15 years' experience as a police officer in the Force or in the police force or service of another country;

(c) is fluent in speaking the Naoero language;

(d) has a high degree of competency in speaking and writing in English;

(e) is not a Member of Parliament; and

(f) satisfies any other criteria prescribed by regulation.

[s 23 am Act 21 of 2026 s 5, opn 12 May 2026]

24 Functions of the Commissioner

(1) The Commissioner shall:

(a) have the command, supervision and control of the Force;

(b) ensure the effective and efficient management of the Force;

(c) have the disciplinary control over the Force;

(d) ensure the Force exercises its functions consistently with the laws of the Republic;

(e) manage the Force's participation outside of the Republic in any peace keeping or policing program or arrangement;

(f) liaise with foreign, regional and international police services, forces or bodies as and when required; and

(g) any other function as may be provided under any other written law.

(2) The Commissioner shall have all the powers necessary to perform the functions under subsection (1).

25 Powers of the Commissioner

The Commissioner shall have the power to do all things necessary or convenient to be done for the performance of his or her functions under this Act or any other written law.

26 Delegation

(1) The Commissioner may delegate in writing to a police officer any function or power given to him or her under this Act or any other written law.

(2) The Commissioner may impose any condition or restriction in relation to the exercise of the delegated function or power.

(3) The Commissioner shall keep and maintain a copy of all delegations made.

27 Acting Commissioner

(1) The Minister shall appoint the Deputy Commissioner as the Acting Commissioner for any period where the:
(a) position of the Commissioner is vacant; or
(b) Commissioner takes leave.

(2) Where the Deputy Commissioner is for any reason unable to undertake the duties and responsibilities of the Commissioner, the Minister shall appoint a Superintendent as the Acting Commissioner.

28 Suspension

(1) The Minister with the approval of the Cabinet, may subject to subsections (2) and (3), suspend the Commissioner where there is a ground for suspecting that the Commissioner may be terminated in accordance with Section 29.

(2) The Minister shall give the Cabinet a written report stating the reasons for the decision to suspend the Commissioner.

(3) The Cabinet after considering the report, may end the suspension and take no further action or require the Minister to proceed with a prescribed investigation process, into the matter to determine whether or not the Commissioner's appointment is to be terminated.

29 Termination

Where in accordance with an investigation under Section 28(3), the Cabinet is of the view that termination is to be recommended, the Cabinet shall in consultation with the Minister terminate the Commissioner on any of the following grounds:

(a) for a misconduct;
(b) where the Commissioner has a physical or mental impairment that affects the Commissioner's ability to perform the his or her functions duties; or
(c) where the Commissioner engages in other employment.

30 Resignation

(1) The Commissioner may resign by giving to the Minister at least 28 days written notice.

(2) The Minister may waive the requirement for notice or may agree to a shorter period of notice.

[The next page is 91,801]

PART 7 — EMPLOYMENT IN THE FORCE

31 Commissioner's power to appoint

Pursuant to Article 69(1)(b) of the *Constitution*, the Chief Secretary's power under Article 68(1)(a) of the Constitution to appoint a person as a police officer of the Force, shall be vested in the Commissioner.

32 Appointment of police officers

(1) The Commissioner may in writing, appoint:
- (a) with the approval of the Minister, a person as the Deputy Commissioner;
- (b) with the approval of the Minister a person as a Superintendent;
- (c) with the approval of the Board, a person as a senior inspector;
- (d) an inspector;
- (e) a non-commissioned officer;
- (f) a constable;
- (g) a probationary constable;
- (h) a reservist;
- (i) a recruit; or
- (j) a protective officer.

(2) The Commissioner shall cause an appointment to be published by Notice in the Gazette within 14 days of making the appointment.

33 Eligibility for appointment

(1) A person shall be eligible to be appointed under Section 32 where the person:
- (a) is a Naoero citizen;
- (b) is 18 years or older;
- (c) is of good character;
- (d) has not been convicted of an offence punishable by imprisonment in the Republic or another country;
- (e) is not a Member of Parliament;
- (f) has the abilities, skills, qualifications, knowledge, experience and personal qualities stated in a standing order for the position; and
- (g) satisfies any other prescribed criteria.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Commissioner may waive an eligibility requirement under subsection (1)(a) or (f) for the appointment of a person where the Commissioner considers it is:
- (a) in the best interests of the Force; or
- (b) necessary for the Force to be able to respond to an emergency or disaster.

34 Applicants to provide certain information

(1) A person applying to be appointed under Section 32, shall disclose to the Commissioner whether the person has in the Republic or another country:
- (a) been convicted of an offence;

(b) been arrested;
(c) had a warrant issued for him or her;
(d) been given a caution or warning by a police officer;
(e) had a court order made against him or her;
(f) had a weapon's licence cancelled or suspended; or
(g) used an alias.

(2) Any information given to the Commissioner under subsection (1) shall only be used by the Commissioner to determine the eligibility of the person for appointment under Section 32.

35 Advertisement of vacant positions

The Commissioner shall ensure that vacant positions are advertised.

36 Appointments in the Force to be by merit

(1) The Commissioner shall ensure that the selection of an eligible person for appointment to a position in the Force shall be based on merit.

(2) Where the Commissioner considers that more than 1 applicant for appointment to a particular position is suitable for the appointment, the Commissioner shall appoint the applicant the Commissioner reasonably believes has the greatest merit for the appointment.

(3) The Commissioner shall take the following matters into account in deciding the merit of an applicant for appointment to a position:
(a) the extent to which the person meets the abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities required for the position; and
(b) where relevant references or reports of the person's previous employment record.

37 Acting appointments

A police officer of the Force shall not be appointed to act in a position with a rank higher than the officer's substantive rank for a period of more than 12 months within a period of 36 consecutive months.

38 Promotions and probation periods

(1) The Commissioner may promote a police officer to a higher position in accordance with prescribed requirements.

(2) Where a police officer is promoted under subsection (1), the police officer shall be subject to the probation period as follows:
(a) for a Deputy Commissioner, shall be 6 months;
(b) for a Superintendent, shall be 6 months;
(c) for a senior inspector, shall be 12 months;
(d) for an inspector, shall be 12 months;
(e) for a non-commissioner officer, shall be 12 months;
(f) for a constable, shall be 12 months;
(g) for a probationary constable, shall be 2 years; and
(h) for any other police officer shall be 12 months.

(3) The Commissioner shall review the police officer's performance at least once every 3 months within the probation period and may, after a review and in accordance with prescribed requirements, terminate the officer's appointment to the higher position.

(4) Where a police officer's appointment is not terminated under subsection (3), the Commissioner shall at the end of the probation period:
(a) confirm the officer's appointment;
(b) require an additional probation period, the duration of which shall be in accordance with subsection (2); or
(c) terminate the member's appointment to the higher position.

(5) Where a police officer's appointment is terminated under subsection (3) or (4)(c), the officer shall continue to be appointed:
(a) in the position the officer occupied immediately before the probationary promotion; and
(b) under the terms and conditions applying to the officer immediately before the probationary promotion.

39 Recruits

(1) A recruit shall undergo prescribed training.

(2) A recruit shall not perform any function or exercise any power unless he or she is authorised by the Commissioner to do so.

40 Reservists

The Commissioner may appoint a reservist to any rank equivalent to that of a police officer, except the rank of Deputy Commissioner.

41 Protective Officer

A protective officer shall only perform security functions or other functions and exercise related powers, as specified under the standing orders.

42 Administrative officers

An administrative officer shall not:
(a) perform any function or exercise any power given to a police officer under this Act or any other written law; or
(b) wear any uniform provided to a police officer under this Act.

43 Determination of salaries

(1) The Minister in consultation with the Cabinet, may determine, by a notice published in the Gazette, a salary or range of salaries for each position.

(2) Where the Minister determines a range of salaries for a category of positions, there shall also be prescribed by regulations:
(a) how the salary of a person appointed to a particular position is to be determined; and
(b) the circumstances applicable to a salary increment within the range determined.

44 Determination of allowances

(1) The Minister may determine, with the approval of the Cabinet:
(a) the circumstances in which a police officer, protective officer or recruit shall be paid an allowance in addition to salary; and
(b) the amount of such allowance.

(2) A determination made under subsection (1) shall be published in Gazette by notice within 7 days of being made.

45 Attendance

(1) Unless a police officer, protective officer or recruit has approved leave, he or she shall attend work for the base hours of attendance and any additional hours of attendance, as shall be prescribed.

(2) The Commissioner shall determine in a standing order the manner in which the attendance of members of the police force shall be recorded.

(3) Notwithstanding any other provision of this Act or regulations, a police officer is deemed to have resigned from his or her position and the position immediately becomes vacant where:
(a) such police officer is absent from work for 5 days within 1 month; and
(b) such absence is not authorised and the police officer has failed to give notice as required under this Act or regulations.

[subs (3) insrt Act 34 of 2026 s 4, opn 20 Aug 2026]

46 Leave

Division 3 of Part 6 of the *Public Service Act 2016* applies mutatis mutandis to this Act in relation to the leave of police officers, protective officers and administrative officers.

47 Employment other than under this Act prohibited

(1) A police officer or recruit shall not perform any other employment while employed under this Act.

(2) This Section does not apply to a reservist.

48 No political action

A police officer, protective officer or recruit shall not be a part of an organisation or take part in an activity that is likely to interfere with the impartial performance of his or her functions or exercise of his or her powers.

49 Committing a misconduct

(1) A police officer, protective officer or recruit commits a misconduct where the officer:
(a) fails to comply with the code of conduct;
(b) fails to comply with a lawful order;
(c) fails to comply with any other obligation or requirement under this Act;
(d) is convicted of an offence; or
(e) behaves in a manner that brings, or is likely to bring, the police force into disrepute; or may adversely affect the community's confidence in the Force.

(2) An administrative officer commits a misconduct where he or she fails to comply with the requirements of the *Public Service Act 2016* in relation to misconduct.

(3) A protective officer, recruit or administrative officer who commits a misconduct shall be subject to prescribed disciplinary procedures.

50 Procedure for reporting, investigating and disciplining of officers

(1) The procedure for reporting, investigating and disciplining officers in relation to misconduct shall be prescribed.

(2) The procedures under subsection (1) shall be conducted in accordance with the rules of natural justice.

(3) Where a police officer knows or suspects on reasonable grounds, that another police officer has committed a misconduct, he or she shall as soon as practicable report the matter to the Internal Investigation Unit or the Commissioner.

(4) A police officer who contravenes subsection (3) commits a misconduct.

51 Internal Investigation Unit

(1) The Internal Investigation Unit is established.

(2) The Internal Investigation Unit shall comprise of personnel appointed by the Commissioner in accordance with prescribed requirements.

(3) The Internal Investigation Unit shall:
- (a) receive reports of alleged misconduct;
- (b) undertake investigations in accordance with the prescribed requirements; and
- (c) submit a report to the Commissioner with recommended actions made in accordance with the prescribed requirements.

(4) The Internal investigation Unit shall have the power to do all things necessary or convenient to be done for the performance of its functions under this Act.

52 Commissioner shall act on receiving a report

Where the Commissioner receives a report recommending a disciplinary action, the Commissioner shall act accordingly.

53 Disciplinary panel

(1) The disciplinary panel is established comprising of:
- (a) the Deputy Commissioner;
- (b) a police officer nominated by the Commissioner who is senior in rank to the police officer the subject of the hearing; and
- (c) an appropriately qualified person nominated by the Chairperson of the Board who is not a police officer.

(2) The following persons shall not be a member of the panel:
- (a) an officer of the Unit or other person involved in the investigation of the misconduct the subject of the hearing;
- (b) a person that may be called as a witness in the hearing; or
- (c) any other person who has an actual or perceived interest that may conflict with the fair and impartial conduct of the hearing.

(3) Where the Deputy Commissioner is disqualified as a member under subsection (1), the next most senior officer of the Force shall perform the Deputy Commissioner's functions.

54 Function of the disciplinary panel

The disciplinary panel shall:

(a) inquire into the alleged misconduct;

(b) report on the matter to the Commissioner of:

(i) the panel's findings; and

(ii) the panel's recommendation.

55 Commissioner may keep complainant informed

The person who reported the misconduct the subject of a hearing, may be kept informed by the Commissioner in relation to the investigation of the report and any disciplinary hearing conducted in relation to the report.

56 Criminal proceeding in relation to the same alleged misconduct

(1) Nothing in this Part prevents a criminal proceeding from being brought against a police officer in relation to misconduct the subject of a disciplinary hearing under this Part.

(2) Upon the filing of a charge, the disciplinary hearing shall be suspended until the criminal proceeding has been completed.

(3) Where the police officer is convicted or found guilty of the offence or the criminal proceeding has been completed, the Commissioner may terminate the officer's appointment immediately without continuing the disciplinary procedure.

(4) In this Section, a criminal proceeding has been completed where:

(a) the period for an appeal against the conviction or finding of guilt ends without an appeal having been made against it; or

(b) an appeal against the conviction or finding of guilt has been determined and the conviction or finding of guilt is upheld.

(5) Where the police officer is not convicted or found guilty for the offence that caused the suspension of the hearing, the Commissioner shall cause the reconvening of the disciplinary hearing.

57 Disciplinary action

(1) The disciplinary panel may make the following recommendations in its report:

(a) remedial action;

(b) apology;

(c) undergo further training;

(d) issue a warning;

(e) imposition of a fine up to an amount equivalent to 2 weeks of the officer's salary;

(f) reduction in the officer's rank;

(g) suspend the officer for a specified period;

(h) termination of the officer's appointment;

(i) any other remedial action the panel considers appropriate; or

(j) no further action.

(2) The panel shall provide the reasons for its recommendation.

58 Review by the Board

A police officer the subject of a disciplinary hearing may apply in writing to the Board for a review of the disciplinary panel's decision and recommendation within 14 days after being given notice of the disciplinary panel's decision and recommendation.

59 Review hearing procedures

(1) The Board shall hold a hearing to review the disciplinary panel's decision.

(2) The procedures for the review hearing shall be prescribed.

60 Board may confirm, vary or set aside and substitute decision of the disciplinary panel

(1) The Board at the completion of the review hearing may:
- (a) confirm the decision;
- (b) vary the decision; or
- (c) set aside the decision and make a substitute decision.

(2) The Board shall give written notice of its decision, and reasons for the decision, to the Commissioner.

(3) The Commissioner shall:
- (a) give a copy of the Board's decision, and reasons for the decision, to the police officer; and
- (b) publish the Board's decision in the Gazette.

61 Suspension

(1) The Commissioner may suspend a police officer where the:
- (a) police officer is charged for an offence;
- (b) Internal Investigation Unit commences an investigation of an alleged misconduct of the police officer;
- (c) disciplinary panel recommends the suspension; or
- (d) Commissioner reasonably believes that a police officer is unable to perform the officer's duties as a result of a physical or mental impairment.

(2) The period for suspension shall be for the duration of procedures under subsection (1) is completed.

62 Salary while suspended

(1) The Commissioner may approve that a suspended police officer receives full, partial or no remuneration in accordance with circumstances as shall be prescribed in standing orders.

(2) The police officer may appeal the Commissioner's direction to receive partial or no remuneration to the Board within 14 days of the approval being made.

63 End of appointment

A police officer's, protective officer's or recruit's appointment shall end where:
- (a) he or she resigns;
- (b) his or her appointment is for a stated term and the term ends;

(c) he or she retires under Section 65;
(d) his or her appointment is terminated by the Commissioner; or
(e) for a probationary constable, reservist or recruit, the Commissioner ends the appointment under Section 67.

64 Resignation

(1) A police officer, protective officer, recruit or administrative officer may resign by giving the Commissioner at least 28 days' written notice.

(2) The member's appointment ends:
(a) on the day stated in the member's notice of resignation; or
(b) on an earlier day approved by the Commissioner.

65 Retirement

(1) Subject to subsection (2), a police officer shall retire at the age of 55 years.

(2) The Commissioner may extend a police officer's retirement age on the condition that the Commissioner is satisfied that the police officer is capable of performing the required functions and exercising the required powers.

(3) Standing orders shall prescribe the conditions that shall be satisfied for the purpose of subsection (2).

66 Commissioner may require a police officer to retire on medical grounds

The Commissioner may in accordance with prescribed requirements, require a police officer to retire, where the Commissioner reasonably believes that the police officer is unable to perform his or her functions, due to a health or medical condition.

67 Commissioner may end a probationary constable's, reservist's or recruit's appointment

The Commissioner may bring to an end the appointment of a probationary constable, reservist or recruit in accordance with requirements prescribed by Regulations.

68 Extension of appointment during emergency

The Commissioner may extend the appointment of a probationary constable, reservist or recruit during an emergency declared under the Constitution or the *National Disaster Risk Management Act 2016* or any other national emergency response made under any other written law.

69 Payments to be made upon termination of an appointment or resignation

(1) Subject to any other requirement in this Act, an amount equal to the police officer's, protective officer's or recruit's accrued annual leave and long service leave entitlement:
(a) shall be paid to the officer where the officer resigns; and

(b) may be paid to the officer where the officer's appointment is terminated as a result of a proven misconduct and the Commissioner considers it appropriate to do so.

(2) An amount equal to the police officer's, protective officer's or recruit's salary that would have been payable for the required period of notice that was not given may be deducted from any amount payable to the member.

[The next page is 92,001]

70 Exercise of powers of a police officer when off-duty

(1) A police officer may exercise his or her powers when not on duty where it is reasonable to do so.

(2) A police officer shall exercise his or her powers when not on duty where he or she is given a lawful order.

71 Preservation of common law powers

This Act shall not limit the functions and powers of a police officer under common law, except where such function or power is provided for under this Act.

72 Police officer shall provide identifying details upon request

Subject to Section 73, where a police officer is exercising a power he or she shall where requested by a person, give the person:

(a) the officer's identifying details; and

(b) the reason for exercising the power.

73 Circumstances where police officer shall always provide identifying details

(1) A police officer without being requested to do so, shall provide his or her identifying details and the reason for exercising such power where he or she:

(a) arrests and searches a person;

(b) boards and searches a conveyance;

(c) enters and searches a private place;

(d) seizes any property;

(e) stops or detains a person or conveyance;

(f) establishes a crime scene at a private place;

(g) gives a direction to a person;

(h) requests a person's name, address or other information about such person's identity; or

(i) any other prescribed circumstance.

(2) Subsection (1) applies to the exercise of such powers under this Act or any other written law.

74 Arrest without warrant

(1) A police officer may arrest a person without warrant where the police officer:

(a) reasonably suspects that the person has committed, is committing or is about to commit an offence under any written law; and

(b) considers that the arrest is reasonably necessary.

(2) An arrest may be considered reasonably necessary:

(a) where the police officer reasonably suspects the offence is punishable by imprisonment for 6 months or more;

(b) to prevent the person committing an offence;
(c) to inquire into the person's identity where the person's identity cannot be established or the police officer reasonably believes that the identity information given is false;
(d) to ensure that a person appears before a court;
(e) to obtain evidence relating to an offence;
(f) to prevent the loss, concealment, destruction or fabrication of evidence relating to an offence;
(g) to protect the safety or welfare of any person;
(h) to prevent the harassment of, or interference with any person who may give evidence in relation to an offence;
(i) to prevent the suspect from fleeing from a police officer or the location of an offence;
(j) to question the person regarding the offence they are suspected of having committed or about to commit; or
(k) any other prescribed circumstance.

(3) This Section shall not affect the operation of a:
(a) written law relating to commencement of legal proceedings; or
(b) power of arrest provided for in another Section of this Act or any other written law.

75 Arrest with warrant

A police officer acting under a warrant issued under any written law, may arrest the person who is named in the warrant.

76 Application for arrest warrant

(1) A police officer may apply to an issuing officer for a warrant to arrest a person, whether or not a proceeding has been commenced against the person, by notice to attend Court or by summons.

(2) The application shall be sworn and state:
(a) the police officer's name and rank;
(b) the person's name;
(c) if known, the person's address and date of birth;
(d) whether the person is a child;
(e) the grounds on which the warrant is sought; and
(f) where the application relates to an offence that is not a serious offence, the reasons for that proceeding or continuing to proceed against the person, by notice to attend Court or by summons, would be ineffective.

77 Consideration of arrest warrant application

(1) An issuing officer may require further information he or she deems fit before considering the application made under Section 76.

(2) An issuing officer may only issue an arrest warrant where he or she is satisfied that there are reasonable grounds for suspecting:
(a) that the person has committed the offence; and
(b) for an offence other than a serious offence that proceedings, by way of a notice to attend Court or a summons, would be ineffective.

78 What arrest warrant shall state

An arrest warrant shall state the following:
(a) the name of the person to whom the warrant relates;

(b) that any police officer may arrest the person named in the warrant; and
(c) the offence that the person is alleged to have committed.

79 Entry with warrant for purpose of arrest

(1) A police officer may enter and search any premises for the purpose of executing a warrant of arrest issued in connection with or arising out of criminal proceedings.

(2) A police officer who arrests a person under subsection (1), or who is present at the arrest may seize things in plain view which the officer reasonably suspects to be evidence of the commission of an offence.

80 Information to be given to arrested person

(1) A police officer who arrests a person shall, as soon as reasonably practicable after the arrest:
(a) inform the person that:
(i) he or she is under arrest; and
(ii) the nature of the offence for which the person is arrested; and
(b) caution the person under Section 89.

(2) A police officer shall not be required to inform or caution a person under subsection (1) where it is not reasonably practicable by reason of the person using force which prevents a police officer from informing or cautioning the person under subsection (1).

81 Arrest of child

(1) A police officer who arrests a child shall promptly notify a parent or guardian of the child of:
(a) the arrest; and
(b) where the child is being detained.

(2) Subsection (1) shall not apply where a:
(a) parent or guardian cannot be found after reasonable inquiry; or
(b) police officer reasonably believes that the child is an adult.

(3) In deciding whether the police officer had the reasonable belief, a court may have regard to the child's apparent age and the circumstances of the arrest.

(4) Where a parent or guardian cannot be located, a police officer shall notify an authorised officer appointed under the *Child Protection and Welfare Act 2016*, for assistance and to be present during any interview or cautioning of a child.

(5) An authorised officer informed under subsection (4) shall assist a police officer with locating the parent or guardian of the child.

82 Police officer to bring arrested person before Court

(1) This Section shall apply where a police officer:
(a) arrests a person, whether or not under a warrant; or
(b) receives into custody a person who is arrested or detained by a person other than a police officer.

(2) The police officer shall, as soon as reasonably practicable, take the person before a Court to be dealt with in accordance with the relevant written law.

83 Police officer shall release an arrested person in certain circumstances

(1) A police officer shall release an arrested person at the earliest reasonable opportunity where:
  (a) the police officer reasonably believes that the person did not commit the offence for which the person was arrested;
  (b) the police officer considers there is not enough evidence to bring the person before a court on a charge for the offence;
  (c) it is more appropriate to take the person before a court by a notice to attend court or by a summons and the notice to attend court or the summons has been served on the person; or
  (d) the court has granted bail to the person under the *Bail Act 2018*.

(2) Subsection (1) shall not apply where the person:
  (a) is reasonably suspected of having committed another offence, whether or not the other offence arises out of the circumstances of the offence for which the person was arrested;
  (b) may be detained for any other lawful purpose; or
  (c) is in custody for another offence.

84 Requirements where intoxicated person is arrested in a public place

(1) Where a police officer arrests a person for an offence and the person is also intoxicated, the police may where he or she deems necessary that the person requires:
  (a) medical attention; or
  (b) care to enable him or her to recover from the effects of intoxication safely,

  the police officer may take the person to the hospital or other health and medical service facility.

(2) Subsection (1) shall not apply where the police officer is satisfied that the person's behaviour may pose a risk of harm to another person.

(3) Where a police officer takes a person to a hospital or health and medical service facility under subsection (1), the person shall be deemed to be in the custody of the police.

(4) A person arrested under subsection (1) shall be subject to questioning by a police officer after the person has recovered and is no longer intoxicated.

85 Power to question and obtain a statement from any person

(1) A police officer may question and obtain a statement from a person that he or she reasonably believes to have information relevant to an investigation.

(2) Where during the questioning of the person the police officer forms the view that the person is a suspect, he or she shall cease his or her questioning and caution the person under Section 89.

86 Detention for questioning

(1) Subject to subsection (4), a police officer may detain a person for a period of 24 hours for questioning where the police officer reasonably believes the person has committed or is about to commit an offence.

(2) The police officer may question the person in relation to such offence.

(3) Prior to detaining a person under subsection (1), the police officer shall consider the following:

(a) whether the person's detention is necessary for the investigation of a serious offence;

(b) the number of serious offences under investigation;

(c) the complexity of the serious offence;

(d) whether the person has indicated a willingness to make a statement or answer questions;

(e) whether the person's age is within the range where he or she cannot be criminally responsible for an offence in accordance with the *Crimes Act 2016*;

(f) whether the person's physical, mental capacity or condition prevents him or her from answering questions;

(g) the need to delay or suspend questioning of the person for the purposes of a time out; and

(h) where the suspect decides not to answer any questions or to continue to answer questions, whether:

(i) it is necessary to carry out further investigations;

(ii) the suspect consents to participate in an investigative procedure; or

(iii) another law enforcement authority requires the suspect to participate in an investigative procedure.

(4) A person's detention may be extended by an order of the Court.

(5) During a period of detention, a person:

(a) shall not be questioned for more than 4 consecutive hours; and

(b) for a person detained for more than 6 hours, he or she shall be given food and water for consumption.

87 Removing suspect from lawful custody in correctional centre

(1) A person who has been arrested and is held in custody in a correctional centre may be removed from the correctional centre to the custody of the police officer with the prior approval of, a senior police officer for the:

(a) questioning of the suspect for a serious offence; or

(b) investigation of a serious offence.

(2) The senior police officer may give approval under subsection (2) where he or she is satisfied that it is reasonably necessary for the:

(a) questioning of the person for a serious offence; or

(b) investigation of a serious offence.

88 Police officer shall not obtain confession by threat or promise

A police officer who is questioning a suspect shall not obtain a confession by force, threat, promise or providing false information.

89 Cautioning person of right to remain silent

(1) Before an arrested person is questioned, a police officer shall caution him or her that he or she does not have to say or do anything but that anything he or she does say or do may be used in evidence against him or her.

(2) The caution shall be given in or translated into, a language the arrested person is able to communicate with adequate fluency.

(3) A caution shall be given in writing where the arrested person is unable to hear.

(4) Where a police officer reasonably believes that the suspect does not understand the caution, the officer:
   (a) may ask the suspect to explain the meaning of the caution in his or her own words; and
   (b) where necessary, shall further explain the caution.

(5) Where questioning is suspended or delayed, a police officer shall ensure that the suspect is aware that he or she still has the right to remain silent and where necessary, caution him or her again when questioning continues.

90 Police officer to stop questioning

(1) A police officer shall not question or continue to question a person where he or she or his or her legal practitioner, support person or interpreter indicates that the person does not want to answer or continue to answer questions.

(2) Where it is indicated that the person does not want to answer or continue to answer questions, the police officer may still make or continue to present allegations to the suspect, to give the suspect an opportunity to respond to such allegations.

91 Right of arrested or detained person to communicate with a support person or legal practitioner

(1) Before a person is questioned, a police officer shall inform the person that he or she may communicate with:
   (a) a support person:
      (i) to inform the support person of the suspect's whereabouts; and
      (ii) to ask the support person to be present during questioning; and
   (b) a legal practitioner of the person's choice to arrange for the legal practitioner to be present during questioning.

(2) Where a person wants to communicate with a support person or legal practitioner, the police officer shall:
   (a) give the person reasonable facilities to enable the person to communicate with such support person or legal practitioner; and
   (b) allow the person to communicate with the support person or legal practitioner in private.

(3) The police officer shall delay questioning for a reasonable time to enable the:
   (a) person the opportunity to communicate with the support person or legal practitioner; and
   (b) support person or legal practitioner to be present during the interview.

(4) The police officer shall inform the legal practitioner or support person not to unreasonably interfere with the questioning of a person.

(5) Where the police officer considers that the support person or legal practitioner is not complying with subsection (4), the officer may exclude the support person or legal practitioner from being present during questioning.

(6) Where a police officer excludes a person under subsection (5), the officer shall:

(a) advise the person that he or she may nominate and communicate with another person to be present during questioning; and
(b) where the person arranges for another person to be present, delay the questioning for a reasonable time to enable the other nominated person to be present during the questioning.

92 Questioning child or person with impaired mental capacity

(1) For the purpose of investigation of a serious offence, a police officer shall not question a child or person with impaired mental capacity unless:
(a) the police officer has allowed the child or person with impaired mental capacity to communicate with a support person or legal practitioner in private; and
(b) the support person or legal practitioner is present while the child or person with impaired mental capacity is being questioned.

(2) The police officer shall facilitate the arrangement of enabling a support person or legal practitioner for a child or person with impaired mental capacity to be present during the questioning of such child or person with impaired mental capacity.

(3) A child or person with impaired mental capacity shall not choose a support person who is the alleged victim of an alleged offence.

(4) The police officer shall inform the legal practitioner or support person not to unreasonably interfere with the questioning of a person.

(5) Where the police officer considers that the support person or legal practitioner is not complying with subsection (4), the officer may exclude the support person or legal practitioner from being present during questioning.

(6) Where a police officer excludes a person under subsection (5), subsections (1) and (2) continue to apply and the officer shall not question the child or person with impaired mental capacity until the requirements of subsections (1) and (2) are complied with.

(7) Where, during the questioning of a suspect, it becomes apparent that the suspect is a child or person with impaired mental capacity, the police officer shall suspend questioning for the time necessary to comply with this Section.

(8) In this Section ***'person with impaired mental capacity'*** means an adult who, despite reasonable support, is incapable of:
(a) understanding his or her rights and deciding whether or not to answer questions; or
(b) communicating responses to the questions being asked.

93 Unreasonably interfering with questioning

(1) For the purpose of Sections 91, 92 and 95, a person ***'unreasonably interferes'*** with questioning where he or she:
(a) prevents or unreasonably obstructs the:
(i) asking of proper questions; or
(ii) person's responses to a question from being recorded;
(b) answers questions on behalf of the person being questioned; or
(c) provides written responses during the questioning for the person to quote.

(2) A person does not unreasonably interfere where he or she:
(a) seeks clarification of a question;
(b) challenges an improper question put to the person;
(c) challenges the way a question is asked;
(d) for a legal practitioner:
(i) to advise the person not to answer any question; or
(ii) to say he or she wishes to give the person further legal advice.

(3) A police officer before excluding a person from being present during questioning shall:
(a) warn the person not to interfere with the questioning;
(b) inform the person that he or she may be excluded from being present during the questioning if he or she continues to interfere unreasonably with the questioning; and
(c) give the person at least one further opportunity to stop unreasonably interfering with the questioning.

94 Police officer to delay questioning of person under the influence of alcohol or other substance

(1) A police officer shall delay the questioning of a person the police officer considers to be under the influence of alcohol, drug or other substance.

(2) Prior to commencing the questioning of a person whose questioning is delayed under subsection (1), the police officer shall be reasonably satisfied that the influence of the alcohol, drug or other substance no longer affects the suspect's ability to:
(a) understand his or her rights; and
(b) decide whether or not to answer questions.

(3) Where, during questioning, it becomes apparent that a person being questioned is under the influence of alcohol, a drug or other substance, the police officer shall suspend questioning for the time necessary to comply with this Section.

95 Questioning foreign nationals

(1) This Section applies where a police officer wants to question a person who is not a Naoero citizen.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A police officer shall prior to the person being questioned, inform the person that he or she may communicate with his or her legal practitioner.

(3) Where a person wants to communicate with his or her legal practitioner, the police officer shall allow the person to communicate with the legal practitioner in private.

(4) The police officer shall delay questioning for a reasonable time to give the person the opportunity to communicate or attempt to communicate, with his or her legal practitioner.

(5) A person questioned under this Section may nominate a support person or legal practitioner to be present during his or her questioning.

(6) The police officer shall facilitate the arrangement of a support person or legal practitioner to be present during the questioning of a person.

(7) The police officer shall inform the support person or legal practitioner not to unreasonably interfere with the questioning of a person.

(8) Where the police officer considers that the support person or legal practitioner is not complying with subsection (7), the officer may exclude the support person or legal practitioner from being present during questioning.

(9) Where a police officer excludes a person under subsection (8), subsections (5) and (6) continue to apply and the officer shall not question the person until the requirements of subsections (5) and (6) are complied with.

96 Questioning persons who are unable to communicate

(1) This Section applies where:
  (a) a police officer wants to question a person; and
  (b) the person is unable, due to inadequate knowledge or a physical disability, to communicate with adequate fluency in a language spoken by the police officer.

(2) In order to decide whether to arrange for an interpreter to be present during questioning of the person, the police officer may ask the person questions, other than questions related to his or her involvement in the offence, in order for the officer to decide whether or not the suspect:
  (a) is capable of understanding:
    (i) the questions asked of him or her;
    (ii) what is happening to him or her; or
    (iii) his or her rights; and
  (b) is capable of effectively communicating answers to the questions; and
  (c) is aware why the questions are being asked.

(3) Where the police officer decides that an interpreter should be present, the police officer shall delay the questioning until the interpreter is present.

(4) Where, during questioning of a person, it becomes apparent that he or she is unable to communicate with reasonable fluency in the language spoken by the police officer, the officer shall suspend questioning for the time necessary to comply with this Section.

(5) For this Section, an interpreter may be present in person or by electronic or audio visual means.

97 When Sections 91, 92 and 94 to 96 do not apply

(1) Sections 91, 92 and 94 to 96 do not apply where a police officer reasonably believes that compliance with these Sections is likely to result in:
  (a) an accomplice or accessory of the person taking steps to avoid apprehension;
  (b) an accomplice or accessory of the person taking steps to avoid being present during questioning;
  (c) evidence being concealed, fabricated or destroyed; or
  (d) a witness being intimidated.

(2) A police officer shall not be required to delay questioning where, having regard to the safety of other people, the officer reasonably believes that questioning is so urgent that it should not be delayed.

(3) This Section shall only apply where the police officer has the reasonable belief that circumstances under subsection (1) are likely to occur.

98 Police officer may use reasonable force against a person

(1) A police officer who is exercising or attempting to exercise a power under this Act or any other written law against a person may use reasonable force to exercise the power.

(2) A police officer may use reasonable force to prevent a person from escaping custody.

(3) Subject to Section 99, reasonable force shall not include force that is likely to cause:
   (a) serious harm to a person; or
   (b) a person's death.

99 Police officer may use force against a person in critical situations

(1) A police officer may use force that is likely to cause serious harm or death to a person where the force is reasonably necessary to prevent the serious harm or death of the police officer or another person.

(2) Where the police officer reasonably believes that it is necessary to use force likely to cause serious harm or death to a person, the police officer shall, where practicable, first call on the person to stop doing an act, or to do an act to prevent serious harm or death of the police officer or another person.

100 Police officer may use reasonable force to exercise other powers

(1) This Section shall not apply to Section 98 or 99.

(2) A police officer or a person where exercising other powers under this Act or any other written law may use reasonable force.

101 Police officer may use force that is likely to cause damage when entering a place

(1) Subject to subsection (2), a police officer may use force likely to cause damage when entering a place to:
   (a) arrest or detain a person;
   (b) search the place; or
   (c) establish a crime scene.

(2) Prior to a police officer using force that may cause damage to a place to gain entry to the place, the police officer shall, where reasonably practicable:
   (a) ask any occupier of the place to allow the officer to enter the place; and
   (b) give the occupier a reasonable opportunity to allow entry.

(3) It shall not be reasonably practicable for a police officer to comply with subsection (2) where:
   (a) there is a reasonable expectation that, if warned, the person may immediately dispose of or destroy evidence; or
   (b) an immediate search is necessary to ensure the safety of any person.

102 Police officer to give notice of damage

(1) This Section shall apply where a police officer or person assisting a police officer, causes damage to property when exercising a power under this Act or any other written law.

(2) The police officer shall as soon as reasonably practicable give written notice to the person who is in control of the damaged property stating:
(a) the nature of the damage; and
(b) the police officer's belief that the police officer believed the damage was caused by a latent defect in the property or circumstances beyond the control of the police officer or person assisting.

(3) Where the owner is not present, the notice shall be left in a conspicuous place.

(4) A police officer shall not be required to comply with subsection (2) where the police officer reasonably believes that:
(a) the damage is not substantial;
(b) no person is in control of the property; or
(c) the property has been abandoned.

103 Searching a person suspected of carrying weapons and other related items

(1) This Section applies where a police officer reasonably suspects that a person has in the person's possession any of the following:
(a) weapons or explosives;
(b) stolen or unlawfully obtained property;
(c) evidence of the commission of a serious offence;
(d) an item that may have been used, is being used, intended to be used or primarily designed for use for:
(i) housebreaking; or
(ii) stealing a vehicle;
(e) evidence of the commission or about to commit an offence under Section 206 of the *Crimes Act 2016*; or
(f) an item intended to be used to cause harm to a person.

(2) The police officer may, without warrant:
(a) stop and detain the person; and
(b) search the person and anything in the person's possession or immediate control for an item referred to in subsection (1).

(3) The police officer may seize any item found in the search where the officer reasonably believes that it is an item of a kind specified under subsection (1).

104 Searching a person in custody without warrant

(1) A police officer may, without a warrant, search a person in custody where the officer reasonably suspects that it is necessary to do so in order to determine whether the person has in the person's possession any item that:
(a) would present a danger to a person;
(b) could be used to assist a person to escape from lawful custody;
(c) is related to the commission of an offence;
(d) may be evidence of the commission of an offence; or
(e) is intended to be used in or in connection with, the commission of an offence.

(2) The police officer may seize any item found in a search where the officer reasonably believes it is an item of a kind referred to in subsection (1).

(3) For subsection (1), a person is in custody if the person is:

(a) arrested;
(b) in custody for a charge for an offence that has not been decided;
(c) in custody under a sentence for a period of imprisonment;
(d) in custody on remand awaiting trial or sentence; or
(e) otherwise lawfully detained under any other written law.

(4) A search carried out under this Section shall be carried out in accordance with this Part.

105 Searching private place for purpose of arrest

(1) Subject to subsection (2), in order to arrest a person at a private place, a police officer may, without a warrant:
(a) enter the place;
(b) search the place for the person to be arrested;
(c) stay there as long as is reasonably necessary for the police officer to arrest the person.

(2) The police officer may enter and search a private place under subsection (1) only where the:
(a) occupier of the private place consents to the officer entering the dwelling; and
(b) officer reasonably believes that the person to be arrested is inside the private place.

(3) A police officer who arrests a person under subsection (1) or who is present at such an arrest, may without a warrant seize any item in plain view which the officer reasonably believes to be evidence of the commission of that or another offence.

106 Obtaining informed consent for searching private place

(1) Where a police officer reasonably suspects that there is evidence of the commission of an offence at a private place, the officer may request the occupier of the place to give informed consent to the officer entering and searching the place without a warrant.

(2) A child or person with impaired mental capacity is unable to give informed consent to the search of a private place.

(3) Where informed consent is given, the police officer may ask the occupier to sign an acknowledgment of the consent stating:
(a) the occupier has been informed:
(i) of the purpose of the search; and
(ii) that the occupier is not required to consent; and
(b) that the occupier consents to the officer present to enter the place and conduct a search; and
(c) the time and date that consent was given.

(4) Where the occupier signs the acknowledgment, the police officer shall, as soon as practicable, give a copy of the acknowledgement to the occupier.

(5) Where an issue arises in a proceeding about whether the occupier consented to the search, the onus of proving consent is on the person relying on the lawfulness of the search unless an acknowledgment complying with subsection (3) is produced.

(6) In order to seek the informed consent of an occupier, a police officer may,

without the occupier's consent or a search warrant, enter the place to an extent reasonably necessary to contact the occupier.

(7) In this Section ***'informed consent'*** means where an occupier gives informed consent to a search being conducted at a private place where the occupier gives consent after a police officer:
  (a) informs the occupier:
    (i) of the purpose of the proposed search;
    (ii) that the occupier is not required to consent; and
    (iii) that the occupier's consent will be obtained before anything is seized, detained or rendered inaccessible in the course of the search; and
  (b) requests the occupier's consent.

107 Searching private place with informed consent

(1) A police officer who obtains informed consent under Section 106 may lawfully enter a private place and exercise the search powers that the officer reasonably believes are necessary to obtain evidence of the commission of the offence.

(2) Where exercising any of the search powers requires the use of force against any property, a police officer may use force only where the occupier consents.

(3) A police officer may take a sample or seize or similarly secure an item, only where:
  (a) the occupier consents; and
  (b) the occupier signs an acknowledgement stating the items the occupier gives the officers present consent to take.

(4) A police officer may remain at the place for the period reasonably necessary to exercise the search powers.

(5) Notwithstanding subsections (1) to (4), where the occupier of the private place withdraws his or her consent at any point during the search, the police officer shall leave the place as soon as practicable.

108 Searching public place

(1) A police officer may, without a warrant, exercise any of the following powers at a public place:
  (a) search a public place including by digging up land for anything that may be evidence of the commission of an offence;
  (b) seize anything found at the place, which is not in a person's possession, that the officer reasonably believes may be evidence of the commission of an offence;
  (c) record including by photographing, sketching or taking video footage of anything found at the place; or
  (d) take samples of items found at the place for further investigation purposes.

(2) A police officer may use the assistance of another person to exercise powers under this Section.

109 Searching conveyance

(1) This Section applies where a police officer reasonably suspects any of the following is in a conveyance:
  (a) weapons or explosives;
  (b) stolen or unlawfully obtained property;
  (c) evidence of the commission of a serious offence;
  (d) an item that may have been used, is being used, intended to be used or primarily designed for use for:
    (i) housebreaking; or
    (ii) stealing a vehicle;
  (e) evidence of the commission of an offence against Section 206 of the *Crimes Act 2016*.

(2) A senior police officer, or another police officer in the presence of a senior police officer, may without warrant:
  (a) stop and detain the conveyance; and
  (b) search the conveyance or anything in the conveyance for an item referred to in subsection (1).

(3) The police officer may seize an item found in the search if the officer reasonably believes it is an item of a kind referred to in subsection (1).

(4) Where it is impracticable for the police officer to search the conveyance where it is stopped, the officer may:
  (a) take the conveyance to a place that has appropriate facilities for searching the conveyance; and
  (b) search the conveyance at that place.

(5) Where a police officer takes a conveyance to another place under subsection (4), the officer shall, where the person in apparent possession of the conveyance is present or known:
  (a) inform the person where the conveyance is to be taken; and
  (b) ask the person if he or she wants to be present during the search.

(6) Where a police officer searches an unattended conveyance or anything in the conveyance, the officer shall leave a notice in a conspicuous place on the conveyance that states:
  (a) that the conveyance has been searched; and
  (b) the officer's name and rank.

(7) After searching an unattended conveyance or anything in the conveyance, the police officer shall ensure, as far as reasonably practicable, that the conveyance is restored at least to the same extent as it was before the search.

110 Entering private place to prevent offence, injury or violence

(1) This Section applies where a police officer reasonably suspects that any of the following is occurring, has occurred before the officer's arrival or may imminently occur, at a private place:
  (a) violence or injury to a person;
  (b) an offence involving damage to property;
  (c) an offence involving deprivation of liberty; or
  (d) a breach of the peace.

(2) Notwithstanding that the police officer does not have the consent of the occupier of the private place, the police officer may, without a warrant:

(a) use the force that is reasonably necessary to enter the place; and
(b) stay there for as long as is reasonably necessary for the officer to:
(i) establish whether the suspected act is occurring, has occurred or may imminently occur;
(ii) where there is an imminent risk of the suspected act occurring, ensure that, the risk no longer exists; and
(iii) give or arrange for reasonable help to any person at the place.

(3) The police officer may detain anyone at the place for as long as is reasonably necessary for the officer to:
(a) establish whether the suspected act is occurring, has occurred or may imminently occur; and
(b) where there is an imminent risk of the suspected act occurring, ensure that, in the officer's opinion, the risk no longer exists.

(4) Where the police officer is reasonably satisfied that the suspected act is occurring, has occurred or may imminently occur, the officer may do any of the following:
(a) detain a person to prevent the act;
(b) search anyone detained for anything that may be or has been used, to cause the act;
(c) search the place for:
(i) anyone who may be subject to the act; and
(ii) anything that may be, or has been, used to cause the act; or
(d) seize anything found at the place or on a person at the place that may be, or has been, used to cause the act.

(5) The police officer shall, before searching the place, inform the occupier of the place, where present, that the occupier may accompany the officer while the place is being searched.

(6) In this Section, ***'breach of the peace'*** means an offence against Section 245, 246, 247 or 248 of the *Crimes Act 2016*.

111 Entering private place on suspicion of death or medical emergency

(1) This Section applies if a police officer reasonably suspects that a person inside a private place is deceased or in need of urgent medical treatment.

(2) Notwithstanding that the police officer does not have the consent of the occupier of the place, the officer may, without a warrant:
(a) use the force that is reasonably necessary to enter the place;
(b) enter the place to find out whether someone in the place is deceased or in need of urgent medical treatment;
(c) where a person is found deceased or in need of urgent medical treatment, stay at the place for as long as is reasonably necessary for the officer to ensure that anything that needs to be done for the person is done.

112 Entering private place on suspicion of fire

(1) This Section applies where a police officer reasonably suspects that there is an uncontrolled fire at a private place.

(2) Notwithstanding that the police officer does not have the consent of the occupier of the place, the officer may, without a warrant:

(a) use the force that is reasonably necessary to enter the place;
(b) enter the place to find out whether there is an uncontrolled fire at the place; and
(c) stay there for as long as is reasonably necessary for the officer to:
(i) rescue any person or property at the place from the fire; or
(ii) put out the fire.

113 Entering licenced premises

(1) This Section applies to a private place:
(a) that is connected to a licence issued under other written law; and
(b) where a register or other record is required to be kept under such written law.

(2) Notwithstanding that a police officer does not have the consent of the occupier of the place, the police officer may, without a warrant at any reasonable time, enter at any place and stay there for as long as reasonably necessary to determine if the register or record is being kept at the place in accordance with the relevant written law.

114 Entering private place for other purpose

(1) In order to investigate a matter, a police officer may, without a warrant but subject to subsection (3):
(a) make reasonable observations; and
(b) ask questions of anyone at the place.

(2) In order to serve a Court document, a police officer may, without warrant but subject to subsection (3):
(a) enter a private place; and
(b) stay there for as long as is reasonably necessary for the officer to serve the document.

(3) A police officer may enter a private place under this Section only where the occupier of the private place consents to the officer entering.

115 Application for search warrant

(1) A police officer may apply to an issuing officer for a warrant to enter and search a private place in order to obtain evidence of the commission of an offence where the officer reasonably suspects that the evidence is at the place to be searched.

(2) The application shall be sworn and state the following:
(a) the police officer's name and rank;
(b) a description of the place to be searched;
(c) where the place is occupied, the name and age of any occupiers of the place, if known;
(d) the offence to which the application relates;
(e) a description of the nature of the item sought that is suspected of being evidence of the commission of the offence;
(f) the information or evidence that is being relied on to support the reasonable suspicion that evidence of the commission of an offence is:
(i) at the place; or
(ii) likely to be at the place at the time the search warrant is executed.

(3) The police officer shall provide either orally or in writing any further information that the issuing officer requires concerning the grounds on which the search warrant is being sought, including information relating to any search warrants issued in the previous year in relation to the place or person the application relates.

(4) The police officer making the application shall not need to appear before the issuing officer when the issuing officer is considering the application, unless the issuing officer requires it.

116 Urgent application for search warrant

(1) A police officer may make an application for a search warrant without the application being sworn if:
  (a) the nature of the investigation means the search is urgent; or
  (b) the delay that would occur from making a sworn application would frustrate the effective execution of the search warrant.

(2) An application under subsection (1) may be made by telephone, fax, email or other electronic means.

(3) Where an email or fax is available, the police officer shall, as soon as practicable, send a copy of the application to the issuing officer.

(4) The issuing officer may:
  (a) require communication by telephone or mobile phone to the extent practicable in the circumstances; and
  (b) make a recording of the whole or any part of any communication by telephone or mobile phone.

(5) An application made under this Section shall include:
  (a) all information required to be provided in an application for a search warrant under Section 118; and
  (b) the reasons for the urgency under subsection (1)(a) or the reasons why making a sworn application would frustrate the effective execution of the warrant under subsection (1)(b).

117 Consideration of search warrant application

(1) Where an application for a search warrant has been made under Section 115 or 116, the issuing officer may, if satisfied that there are reasonable grounds for doing so, issue the search warrant.

(2) In determining whether there are reasonable grounds for issuing the search warrant, an issuing officer shall consider the following:
  (a) the seriousness of the offence;
  (b) the reliability of the information on which the application is based, including the nature of the source of the information;
  (c) whether there is a sufficient connection between the evidence sought and the offence to which the application relates;
  (d) whether any condition should be imposed in relation to the execution of the search warrant;
  (e) any other matter that the issuing officer considers relevant.

(3) Where an application is made to an issuing officer under Section 116, an issuing officer shall be satisfied that a sworn search warrant application is not required as the:
  (a) search warrant should be issued urgently; or

(b) the delay that would occur in making a sworn application would frustrate the effective execution of the search warrant.

118 What search warrant shall state

A search warrant shall state the following:

(a) a description of the place that may be entered;
(b) brief particulars of the offence to which the search warrant relates;
(c) what evidence may be seized under the warrant;
(d) the hours of the day or night when the place may be entered;
(e) the date and time the search warrant ends;
(f) that a police officer may exercise the search powers in Section 120; and
(g) the signature and name of the issuing officer.

119 Search warrant issued following urgent application

(1) Where an issuing officer issues an urgent search warrant, the issuing officer shall, if it is reasonably practicable to do so, immediately deliver, fax or email a copy of the search warrant to the police officer who made the application for the warrant.

(2) Where it is not reasonably practicable to deliver, fax or email a copy of the warrant to the applicant:
  (a) the issuing officer shall inform by any means necessary, the applicant:
    (i) of the terms of the warrant under Section 118; and
    (ii) the date and time when the warrant was signed; and
  (b) the applicant shall make a written record of:
    (i) the name of the issuing officer;
    (ii) the day and time when the warrant was signed by the issuing officer; and
    (iii) the terms of the warrant.

(3) The police officer shall, as soon as practicable, give the issuing officer:
  (a) the sworn application for a search warrant; and
  (b) where a copy of the search warrant was not delivered, faxed or emailed to the police officer, a copy of the record completed under subsection (2)(b).

(4) Where it is material to a proceeding for the court to be satisfied that the exercise of a power purportedly executed under an urgent search warrant was authorised, the court shall deem that the exercise of power was not authorised unless the person relying on the urgent search warrant can produce a copy of either the:
  (a) search warrant signed by the issuing officer; or
  (b) record completed under subsection (2)(b).

(5) In this Section, ***'urgent search warrant'*** means a search warrant applied for under Section 116.

120 Police powers where executing a warrant

(1) A police officer executing a search warrant may lawfully enter the place specified in the warrant and exercise the search powers that the officer reasonably believes are necessary, to obtain evidence of the commission of the offence.

(2) In addition to exercising search powers, a police officer may exercise any of the following powers where the officer reasonably believes that doing so will obtain evidence of the commission of the offence:
  (a) where direct entry to the place to which the search warrant relates is impracticable, pass over, through, along or under another place to the extent reasonably necessary to enter the place;
  (b) prevent a person from entering the place;
  (c) detain any person not exceeding 3 hours, at the place, to find out whether the person has the evidence sought under the warrant;
  (d) subject to subsection (4), search anyone at the place;
  (e) open anything at the place that is locked;
  (f) direct the occupier of the place to operate electronic or digital equipment including direct the occupier to provide any password needed in order to:
    (i) determine whether it contains data that could be seized under the search warrant; and
    (ii) search or access data including data stored on a separate storage device or data not held at the place.

(3) A police officer executing a search warrant may also seize or similarly secure or record anything found in the course of executing the search warrant that the officer reasonably believes is evidence of the commission of any other offence.

(4) Before undertaking a search of a person, the police officer shall first request the person to produce the item sought.

(5) A search carried out under this Section shall be carried out in accordance with this Act.

121 Copy of search warrant to be given to occupier of place

(1) Where a police officer executes the search warrant and the place is occupied, the officer shall, before entry or as soon as practicable after entry, give the occupier a:
  (a) copy of the search warrant;
  (b) copy of the record made by a police officer under Section 119(2)(b); or
  (c) notice that states:
    (i) a summary of the nature of the search warrant;
    (ii) the type of powers that a police officer may exercise under the search warrant;
    (iii) that the most senior officer who is present during the search shall, as soon as reasonably practicable, state the police officer's name and rank; and
    (iv) that the occupier may ask any other police officer who is present during the search for his or her name and rank.

(2) Where the occupier is not at the place when the police officer executes the search warrant, the officer shall, in a conspicuous position at the place, leave:
  (a) a copy of the search warrant;
  (b) a copy of the record made by a police officer under Section 119(2)(b); or
  (c) the notice referred to under subsection (1)(c).

122 Return of search warrant

The police officer who obtained a search warrant shall ensure that, as soon as practicable after the warrant is executed, returned to the District Court the search warrant with details of its execution.

123 When search warrant ceases to have effect

Unless cancelled or extended, a search warrant including any powers the warrant authorises ceases to have effect, when the first of the following happens:

(a) the execution of the warrant; or
(b) the end date and time stated in the warrant.

124 Extension of search warrant

(1) An issuing officer may extend the time and date when a search warrant ceases to have effect, where the issuing officer is satisfied that the purpose for which the search warrant was issued, cannot be satisfied before the date and time stated in the warrant.

(2) An extension under subsection (1) shall:
  (a) be made before the search warrant ceases to have effect;
  (b) only be made once;
  (c) not be extended for more than 6 days; and
  (d) be made by issuing an amended search warrant that states the new time and date when the search warrant ceases to have effect.

125 Search without a search warrant to prevent loss of evidence

(1) A police officer may exercise the powers under Section 120 at a private place to search for evidence of the commission of a serious offence before a search warrant is issued where:
  (a) a crime scene has been established;
  (b) it is not practicable to first obtain a search warrant including by telephone or other electronic means; and
  (c) the police officer reasonably believes that it is necessary to immediately exercise the search powers to preserve evidence of the commission of a serious offence.

(2) The powers under subsection (1) shall be exercised by or with the prior approval of, a senior police officer.

(3) The period for which powers under subsection (1) may be exercised, shall not exceed 3 hours after the crime scene has been established.

(4) As soon as practicable after exercising powers under subsection (1), the police officer shall:
  (a) make a record of the reasons for exercising the powers and how they were exercised; and
  (b) apply in writing to an issuing officer for a warrant authorising the search.

(5) Where a police officer exercises powers under subsection (1), any evidence collected at the crime scene is inadmissible unless:
  (a) the collection of the evidence is subsequently authorised by a warrant issued under this Part; or
  (b) the court determines that it is in the interests of justice to admit the evidence collected.

126 Particulars for application for warrant to prevent loss of evidence

(1) An application for a warrant to prevent the loss of evidence shall be sworn and state the following:
  (a) the police officer's name and rank;
  (b) the name and rank of the senior police officer who approved the exercise of powers under Section 125;
  (c) the time, date and place of the search;
  (d) where known, the name, age and address of each person detained or searched;
  (e) the type of offence in relation to which the search was conducted;
  (f) the nature of the item that was reasonably suspected of being evidence of the commission of the offence;
  (g) the information or evidence that was relied on, before the search to support a reasonable suspicion that:
    (i) evidence of the commission of an offence was at the crime scene; and
    (ii) the exercise of search powers was immediately necessary to preserve the evidence;
  (h) a description of anything seized in the search; and
  (i) information about any proceeding started against a person, before or because of the search, for a serious offence in relation to which the search was conducted.

(2) The police officer shall provide either orally or in writing any further information required by the issuing officer, of the grounds on which the warrant is being sought, including information relating to any search warrants issued in the previous year for the place or person the application relates.

(3) The police officer making the application is not required to appear before the issuing officer when the issuing officer is considering the application, unless the issuing officer requires it.

127 Issuing officer's consideration, grant or refusal of an application made under Section 126

(1) The issuing officer may issue a search warrant upon an application made under Section 126, where he or she is satisfied that:
  (a) in the circumstances existing before the police officer exercised the search powers, the officer had a reasonable suspicion that:
    (i) evidence of the commission of an offence was at the crime scene; and
    (ii) the exercise of search powers was immediately necessary to preserve the evidence; and
  (b) having regard to the nature of the evidence found during the search, it is in the public interest to issue the warrant.

(2) Where the issuing officer refuses to issue the warrant, the issuing officer shall order the return or disposal of anything that was seized during the search.

128 General provision applicable to searching a person

(1) Where carrying out a search on a person, a police officer shall:
  (a) ensure, as far as reasonably practicable, that the way in which the person is searched causes minimal embarrassment to the person;
  (b) take reasonable care to protect the dignity of the person;
  (c) unless a strip search is necessary in accordance with Section 129, restrict a search of a person in a public place to an ordinary search; and
  (d) where a strip search of a person is necessary but does not have to be conducted immediately, conduct the strip search out of public view.

(2) Unless an immediate search is necessary, the person conducting the search shall be:
  (a) a police officer of the same gender as the person to be searched;
  (b) where there is no police officer of the same gender available to search the person, someone acting at the direction of the officer and of the same gender as the person to be searched; or
  (c) a doctor acting at the direction of the police officer.

129 Strip searches

(1) A police officer shall conduct a strip search in accordance with Section 128(2), where the officer reasonably believes that:
  (a) it is necessary for the purposes of the search; and
  (b) the seriousness of the circumstances require that a strip search be conducted.

(2) Unless the circumstances require a strip search to be carried out immediately, the search shall be conducted by or with the prior approval of, a senior police officer.

(3) A police officer shall:
  (a) before conducting a strip search:
    (i) inform the person that he or she will be required to remove clothing during the search;
    (ii) inform the person why it is necessary to remove the clothing; and
    (iii) request for the person's cooperation; and
  (b) if reasonably practicable, give the person the opportunity to remain partly clothed during the search.

(4) A strip search shall be conducted as quickly as reasonably practicable and the person searched shall be allowed to dress as soon as the search is finished.

(5) The police officer conducting a strip search shall not make physical contact with the genital or anal area of the person searched, but may require the person to:
  (a) hold his or her arms in the air; or
  (b) stand with his or her legs apart and bend forward to enable a visual examination to be made.

(6) Where a police officer seizes clothing during a strip search, the police officer shall ensure that the person is left with or given reasonably appropriate clothing.

130 Taking a person to another place to conduct search

Where it is impracticable to search for a thing that may be concealed on a person

at the place where the person is, the police officer may take the person to another place that has adequate facilities for conducting the search.

131 Conducting search of child or person with impaired mental capacity

(1) A search shall not be conducted on a child or person with impaired mental capacity unless it is done in the presence of:
  (a) a parent or guardian of the child or person; or
  (b) where paragraph (a) is not acceptable to the child or person or it is not reasonably practicable for a parent or guardian to be present during the search, another person, other than a police officer, who represents the interests of the child or person approved by the Commissioner.

(2) In this Section, ***'person with impaired mental capacity'*** means an adult who, despite reasonable support, is incapable of understanding the general nature of the search to be conducted.

132 Limited period of detention for search

A police officer who detains a person or conveyance for a search shall not detain the person or conveyance for a period longer than is reasonably necessary for the search.

133 Requirements applicable to property seized by police

(1) A police officer who seizes property shall ensure that such property is kept, maintained and managed in accordance with standing orders or prescribed requirements.

(2) The Commissioner shall:
  (a) ensure that reasonable inquiries and reasonable efforts are made to locate anyone lawfully entitled to possession of seized property; and
  (b) facilitate the lawful disposal or return of the property to its owner or to the person who had lawful possession of it before it came into the possession of the police force.

134 Receipt or record of seized property

(1) Where a police officer seizes property, the police shall as soon as reasonably practicable:
  (a) give a receipt or record of the property to the person from whom it was taken; or
  (b) where the property is taken from an unoccupied place, leave a receipt or record, for the property in a conspicuous position at the place.

(2) The receipt or record shall include the following information:
  (a) a description of the seized property and the property's condition;
  (b) the date and time the property was seized;
  (c) where taken from a person, the name, address and telephone number of the person, if known;
  (d) where taken from an occupied place, the name, address and telephone number of the occupier of the place, if known;
  (e) the name and rank of the police officer who seized the property;
  (f) where the seized property will be taken; and
  (g) the date the receipt or record is issued.

(3) The receipt or record may be for a single item or for all property seized from the person or place.
(4) This Section shall not apply where the police officer believes, on reasonable grounds, that:
  (a) no person is in possession of the seized property;
  (b) the seized property has been abandoned;
  (c) the seized property has no value other than as evidence of the commission of an offence.

135 Inspection of seized documents

(1) Subject to subsection (2), a police officer who seizes a document shall permit a person who is the owner or who is entitled to possession of the document to:
  (a) inspect the document at any reasonable time; and
  (b) make a copy the document.
(2) The police officer shall not permit a person or owner under subsection (1) where the:
  (a) Court orders it; or
  (b) officer reasonably suspects that it would enable the person to repeat or continue an offence or to commit another offence.

136 Returning of seized property

(1) Unless an issuing officer otherwise orders, a police officer shall return seized property to its owner or the person who had lawful possession of the seized property before it came into the possession of the police force, where the police officer is satisfied:
  (a) the seized property is not required to be retained; and
  (b) it is lawful for the person to have possession of the seized property.
(2) Where the seized property is evidence of the commission of an offence and the police officer considers it appropriate, the police officer shall take the steps reasonably necessary to minimise the need to retain the seized property as evidence by:
  (a) arranging for the seized property to be photographed;
  (b) arranging for any necessary test or examination of the seized property; or
  (c) gathering any other available secondary evidence in relation to the seized property.
(3) Notwithstanding subsection (1), the police officer may retain the seized property for a reasonable time after it was seized where the police officer considers, on reasonable grounds, that retaining the property is necessary to:
  (a) prevent a person using the seized property to cause harm to himself, herself or another person; or
  (b) prevent the committing of an offence.
(4) This Section is additional to other provisions of this Act or any other written law relating to the return of seized property.

137 Forfeiture of seized property

(1) The Commissioner may order the forfeiture of seized property to the Republic where:

(a) the Commissioner is satisfied that:
(i) it is necessary to retain the seized property to prevent it being used in the commission of an offence;
(ii) possession of the seized property is not authorised, justified or excused by law;
(iii) the owner of the seized property cannot be found after reasonable enquiries;
(iv) having regard to the nature, condition and value of the seized property, it is not reasonable to make inquiries about its owner; or
(b) the Commissioner is unable, after making reasonable efforts, to return the seized property to its owner.

(2) Where the owner of the seized property is known and can be found, the Commissioner shall, at least 30 days before making an order for forfeiture under subsection (1), give the owner a written notice that describes the seized property and states:
(a) the reason under subsection (1) for which the Commissioner is satisfied the property should be forfeited to the Republic;
(b) that an application may be made to an issuing officer for an order for the return of the seized property under Section 138(a); and
(c) that, if an application is not made to an issuing officer within 28 days after the notice is given, the Commissioner may order that the seized property be forfeited to the Republic.

(3) Subsection (2) shall not apply where the cost of giving notice is more than the value of the seized property.

138 Issuing officer's order for return or forfeiture of seized property

An issuing officer may order the:
(a) return of seized property; or
(b) forfeiture of seized property to the Republic.

139 Handling forfeited property

(1) Where an issuing officer or the Commissioner orders the forfeiture of seized property, the seized property shall become the property of the Republic.

(2) The Commissioner shall handle forfeited property in a manner which does not cause an actual or apparent conflict of interest for the Commissioner.

(3) Without limiting subsection (2), the Commissioner may:
(a) sell such forfeited property; or
(b) destroy forfeited property.

(4) Where forfeited property is sold, it shall be sold by public auction or tender and the proceeds of sale are to be paid in the following order:
(a) in payment of the expenses of the sale;
(b) in payment of the expenses of the storage of the property or any action necessary to prepare it for sale; and
(c) to the Treasury Fund.

140 Undercover investigations

(1) The Commissioner may authorise the conduct of undercover investigations under his or her supervision or a police officer designated by the Commissioner.

(2) Undercover investigations may be instigated for matters related to national security, corruption, money laundering and combatting of proliferation financing or terrorist financing offences or unlawful movement of illicit drugs.

141 Surveillance

(1) For the purpose of allowing a police officer to gather information and evidence in the performance of his or her functions and subject to subsection (2), the Commissioner may authorise a designated police officer to conduct surveillance of a person suspected of committing or about to commit an offence.

(2) The Commissioner or a designated police officer shall prior to undertaking surveillance, apply for and obtain a surveillance warrant from the court.

(3) The application under subsection (2) shall be in writing, on oath and set out the following particulars:
   (a) the facts relied upon to show that there are reasonable grounds for suspecting that a person is planning, participating in, or committing, or has planned, participated in, or committed a serious offence;
   (b) a description of the manner in which it is proposed to intercept private communications, record or observe activities or track activities;
   (c) the name and address, if known, of the person whose private communications or a record or observations of whose activities there are reasonable grounds for suspecting will assist the police investigation of the case or if the name and address of the suspect are not known, a general description of the premises, place, thing, or type of facility in respect of which it is proposed to intercept private communications or record or observe activities;
   (d) the retrieval of the surveillance device;
   (e) entry with such force as necessary to any premises for the purpose of placing, servicing or retrieving a surveillance device;
   (f) the connection of the surveillance device to any source of electricity and the use of electricity from that source to operate the surveillance device;
   (g) the provision of assistance or technical expertise to the police officer primarily responsible for the execution of the warrant in the installation, use, maintenance or retrieval of the surveillance device; and
   (h) the period for which a warrant is requested.

(4) The court may issue a warrant for a police officer to:
   (a) intercept a private communication by means of an interception device;
   (b) record visually or observe an activity of a person by means of an optical surveillance device; or
   (c) use a tracking device.

(5) The court may renew the period of the warrant upon application by the police which shall:
   (a) give the reason and period for which the renewal is required;
   (b) be accompanied by full particulars, together with times and dates, of any interceptions made or attempted under the warrant and an indication of the nature of the information that has been obtained by every such interception; and

(c) be supported by such other information as the court may require.

142 Accessing computer systems

(1) A police officer exercising a search power in respect of any data held in a computer system or other digital storage system may require a specified person to provide access information and other information or assistance that is reasonable and necessary to allow the person exercising the search power to access such data.

(2) A specified person may not be required under subsection (1) to give any information tending to incriminate the person.

(3) A police officer may when exercising a search power, require a specified person to provide information or assistance that is reasonable and necessary to enable the police officer to access data.

(4) In this Section:

'computer system' means a device or a group of inter-connected or related devices, including the internet, one or more of which, pursuant to a program, performs automatic processing of data or any other function;

'data' means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form, including computer printouts, magnetic or optical storage media, punched cards, punched tapes or stored internally in the memory of the computer;

'specified person' means, a:

(a) user of a computer system or other data storage device or an Internet site who has relevant knowledge of that system, device, or site; or

(b) person who provides an Internet service or maintains an Internet site and who holds access information; and

'user' means a person who:

(a) owns, leases, possesses, or controls the system, device or site;

(b) is entitled, by reason of an account or other arrangement, to access data on a site; or

(c) is an employee of a person described in paragraph (a) or (b).

143 Controlled delivery

(1) The Commissioner or a designated police officer on reasonable grounds suspects that a person has committed, is committing or is about to commit an offence may give written approval for:

(a) a controlled delivery to be carried out; and

(b) specify the persons to participate in the controlled delivery.

(2) Notwithstanding any other law, the activities which may be undertaken in the course of and for the purposes of a controlled delivery include the following:

(a) allowing any craft, vehicle or other means of transport or conveyance to enter, leave, or transit through the Republic;

(b) allowing delivery of any property suspected to be derived directly or indirectly from any offence against any written law;

(c) leaving or replacing any property suspected to be derived directly or indirectly from any offence against any written law;
(d) using such force as may be reasonable in the circumstances to enter and search the craft, vehicle or other means of transport, or other conveyance;
(e) placing a tracking device on board the craft, vehicle or other means of transport, or other conveyance; or
(f) allowing a person who has possession, custody or control of the property suspected to be derived directly or indirectly from any offence against any written law, to enter, leave or transit through the Republic.

(3) For the purpose of this Section, ***'controlled delivery'*** means the investigative technique of allowing an unlawful or suspect consignment of any matter including funds or currency to enter, leave, transit, be transferred through the Republic with the approval of a senior ranking police or customs officer with a view to gathering evidence to identify a person involved in any offence or to facilitate prosecution of that offence.

144 Identifying suspects by identification parade or photographs

(1) A police officer may use the following to gather evidence about the identity of a person suspected of committing an offence:
(a) an identification parade; or
(b) a photograph.

(2) Where more than one person is suspected of committing the same offence, a police officer shall use separate identification procedures to gather evidence about:
(a) which of the suspects committed the offence; or
(b) where the suspects may have jointly committed the offence, the identities of the suspects.

(3) This Section shall not limit the procedures a police officer may use to gather evidence about the identity of a person suspected of committing an offence.

145 What shall be done before identification parade is conducted

(1) A police officer may ask a person to be in an identification parade.

(2) The person may refuse to be in the parade.

(3) An identification parade may only be held where:
(a) a police officer explains to the person how the parade is to be conducted; and
(b) the police officer tells the person the following, the:
(i) person may refuse to be in the parade;
(ii) parade cannot be conducted unless the person agrees to be in the parade;
(iii) person may have a support person or legal practitioner present at the parade;
(iv) person's identity shall not be given to a witness unless the witness identifies the person and a proceeding is started against the person; and
(v) person may choose a place in the parade; and

(c) the person agrees to be in the identification parade.

(4) Where the police officer reasonably believes the person does not understand the matters under subsection (3)(b), the police officer shall ask the person to explain the matters in the person's own words.

(5) A police officer shall ensure that the person has been informed of and understands the matters under subsection (3)(b) by recording it as follows, by:
(a) video or audio recording; or
(b) the person signing a written acknowledgment of such understanding.

146 How identification parade is to be conducted

(1) An identification parade shall be conducted in accordance with the following requirements:
(a) the conditions that applied when the witness allegedly saw the suspect committing the offence shall, as far as practicable, be replicated in the parade;
(b) the parade shall include the suspect and 4 other people of similar physical appearance who are:
(i) wearing similar clothing to the suspect; and
(ii) to the best of the knowledge of the police officer arranging the parade, not known to any witness viewing the parade;
(c) where practicable, a number identifying each person in the parade shall be placed near the person;
(d) the suspect may choose a place in the parade and choose to be in a different place for each witness;
(e) only one witness may view the parade at a time;
(f) witnesses shall not be allowed to communicate with each other while the parade is being conducted;
(g) a police officer shall inform each witness the following:
(i) that the person who committed the offence may not be in the parade;
(ii) that the witness shall carefully view the parade;
(iii) where the witness recognises a person in the parade as the person who committed the offence, the witness shall identify the person by stating the person's identification number or the person's position in the parade;
(iv) that if the witness cannot identify a person with reasonable certainty as the person who committed the offence, the witness shall say so;
(h) a police officer shall not do anything in or in relation to the parade that:
(i) suggests or is likely to suggest, which person in the parade is the suspect; or
(ii) would otherwise unfairly prejudice the suspect;
(i) a witness may have a support person or legal practitioner present at the parade unless the:
(i) person is a witness; or
(ii) police officer conducting the parade reasonably believes the person may influence the witness's decision or disrupt the parade; and
(j) where reasonably practicable, the behaviour and position of each person in the parade shall be photographed or video recorded.

(2) Where a person is prohibited from being present as a support or legal practitioner under subsection (1)(i)(ii), the police officer shall:
(a) give the witness reasons prohibiting the person being present;
(b) advise the witness that the witness may ask for another person to be present at the parade; and
(c) where requested by the witness, allow the other person to be present.

147 Identification parades for vulnerable suspects

(1) An identification parade shall not be held for a suspect who is less than 10 years old.
(2) An identification parade shall not be held for a suspect with impaired mental capacity.
(3) An identification parade may be held for a suspect who is 10 years old or more but under 18 years old where:
  (a) the suspect agrees or requests, in writing, to be in the parade; and
  (b) written agreement of the suspect being in the parade is given by:
    (i) the suspect's parent or guardian; or
    (ii) where the suspect does not want to be represented by the suspect's parent or guardian, any other person acceptable to the suspect, other than a police officer who is capable of representing the interests of the suspect.
(4) Where other persons to be included in the parade with the suspect are under 18 years old, the requirements under subsection (3) shall be complied with in relation to such persons.
(5) In this Section ***'suspect with impaired mental capacity'*** means a suspect who, despite reasonable support, is incapable of understanding the general nature of the identification parade to be conducted.

148 When identification by photographs may be used

An identification procedure by photographs may be used for a suspect only where:
(a) the suspect refuses to be in an identification parade; or
(b) conducting an identification parade for the suspect would be:
  (i) unfair to the suspect; or
  (ii) unreasonable in the circumstances.

149 How procedure under Section 148 is to be conducted

An identification procedure by photographs shall be conducted in accordance with the following:
(a) each witness shall be shown a photograph of the suspect and 6 other people who:
  (i) resemble the suspect in age and general appearance;
  (ii) do not have features visible in the photograph that are markedly different from those of the suspect as described by the witness before viewing the photographs; and
  (iii) to the best of the knowledge of the police officer arranging the identification procedure, are not known to the witness;
(b) where practicable, the photograph of the suspect shall have been taken after the suspect was arrested or was considered as a suspect;

(c) a photograph shall not indicate that a person in the photograph is in custody;
(d) each witness shall be told the following:
(i) that the person who committed the offence may not be in the group of photographs;
(ii) that the witness shall carefully view the photographs;
(iii) where the witness recognises a person in the group of photographs as the person who committed the offence, the witness shall make a statement to that effect on the back of the photograph and sign and date the back of the photograph;
(iv) that where the witness cannot identify in the group of photographs a person with reasonable certainty as the person who committed the offence, the witness shall say so;
(e) a record identifying each photograph shown to the witness shall be kept;
(f) the suspect or the suspect's legal practitioner shall be told that a copy of the record is available to the suspect; and
(g) where requested, the photographs shall be made available for inspection by the suspect or the suspect's legal practitioner.

150 Descriptions of suspects

(1) Where a description of a person suspected of committing an offence is given to a police officer, the police officer shall ensure that:
(a) a record of the description is made; and
(b) the record is retained until a proceeding in relation to the offence is finalised.

(2) Where the suspect is charged with an offence to which the description relates, a police officer shall:
(a) inform the suspect, or the suspect's legal practitioner, that a copy of the record and any other record of a description of a person suspected of committing the offence of which the police officer is aware, is available to the suspect; and
(b) subject to subsection (3), where asked by the suspect, provide the suspect the name of each person the police officer is aware of who has claimed to have seen, at or about the time the offence was committed, a person suspected of committing the offence.

(3) A police officer shall not give the name of a person to the suspect where the police officer reasonably believes that doing so:
(a) places the person in danger; or
(b) exposes the person to harassment or unreasonable interference.

151 Entering and establishing crime scene

(1) This Section and Sections 152 to 156 shall apply where a police officer:
(a) reasonably suspects that:
(i) a serious offence has been committed at a place; or
(ii) there may be evidence of the commission of a serious offence at a place, that is suspected of having been committed in another place; and

(b) reasonably believes the place is to be protected to enable the officer to preserve, search for and gather evidence of the commission of the serious offence.

(2) A police officer may:
(a) enter and remain at the place for the time reasonably necessary to decide whether to establish a crime scene; and
(b) establish a crime scene.

(3) In determining whether to establish a crime scene, a police officer shall consider:
(a) the nature of any information obtained or observation made; and
(b) any visible evidence.

(4) For a private place:
(a) the time reasonably necessary to decide whether to establish a crime scene shall not exceed 3 hours; and
(b) where a crime scene is not established, the police officer shall leave the place.

152 Record and notification of entry of private place

(1) This Section applies where a police officer enters a private place under Section 151(2).

(2) Where the place is occupied, the police officer shall, as soon as practicable following entry, notify the occupier:
(a) of the reasons for entering the place;
(b) the identifying details of the most senior officer present;
(c) that the occupier may ask any other police officer present for the officer's name and rank.

(3) Where the place is not occupied, the police officer shall, following entry, leave a notice in a conspicuous position at the place that states, the:
(a) reasons for entering the place; and
(b) name and rank of the responsible officer.

(4) The responsible officer shall ensure that a written record of the reasons for:
(a) entering the place; and
(b) establishing or not establishing a crime scene at the place.

153 Establishing crime scene

A police officer who establishes a crime scene under Section 151(2) shall:
(a) identify what part of the place is the crime scene;
(b) decide the boundaries necessary to protect the crime scene; and
(c) where necessary, mark the boundaries of the crime scene sufficiently to identify the place as a crime scene.

154 Preservation of evidence at crime scene

(1) Where a crime scene is established, the responsible officer shall take all steps the he or she considers reasonably necessary to protect anything at the crime scene from being damaged, interfered with or destroyed.

(2) The responsible officer shall, to the extent reasonably practicable:
(a) ensure that a person, including another police officer, does not enter the crime scene unless, the:

(i) person has a reason for entry associated with the investigation;

(ii) presence of the person is necessary to preserve life or property at the crime scene; or

(iii) person is authorised by the responsible officer to enter; and

(b) prevent unnecessary movement inside the crime scene;

(c) establish and maintain a safe walking area to minimise the risk of damaging evidence; and

(d) ensure that nothing at the crime scene is unnecessarily touched or moved unless there is a possibility that evidence could be damaged, interfered with or destroyed if it is not touched or moved.

(3) The responsible officer shall ensure that a written record is made of:

(a) all persons who entered the crime scene before and after it was established; and

(b) when each person entered and exited the crime scene before and after its establishment, and the purpose of the entry.

(4) Where reasonably necessary, the responsible officer may remove, or direct the removal of, a person, animal, vehicle, vessel or object from the crime scene.

(5) The responsible officer may:

(a) use the assistance of another person to perform the officer's functions under this Section; and

(b) delegate the officer's functions under this Section to another police officer.

155 Limitation in relation to preservation of a crime scene

(1) Where a crime scene is established at a private place, the functions and powers under Section 154 to preserve evidence at the crime scene may only be performed and exercised respectively, during the time that is reasonably necessary to obtain any required warrant and complete the investigation of the crime scene.

(2) Where a search warrant is required in order to search for and seize evidence at a crime scene, the responsible officer shall ensure that a search warrant is applied for as soon as practicable after the establishment of the crime scene.

156 Offences at crime scene

(1) A person shall not:

(a) tamper with a crime scene or any evidence or potential evidence at a crime scene; or

(b) hinder or obstruct a police officer at a crime scene.

(2) A person who contravenes subsection (1) commits an offence and shall be liable to imprisonment for a term not exceeding 12 months.

157 Directing person at or near a public place

(1) A police officer may direct a person who is at or near a public place to move away from that place where the officer reasonably believes that:

(a) the presence or behaviour of the person is or has been:

(i) causing disruption to a person entering, at or leaving the public place;

(ii) interfering with trade or business at a public place by unnecessarily obstructing, hindering or impeding someone entering, at or leaving the public place; or

(iii) disrupting the peaceable and orderly conduct of any event, entertainment or gathering at the public place; or

(b) the behaviour of the person is or has been, disorderly, indecent, offensive or threatening to someone entering, at or leaving the public place.

(2) A direction may require the person to do any of the following:

(a) leave and not return to the public place for a stated reasonable time of not more than 24 hours;

(b) leave and not return to a stated part of the public place for a stated reasonable time of not more than 24 hours; and

(c) move from a particular location at or near the public place for a stated reasonable distance, in a stated direction, and not return to or be within the stated distance for a reasonable time of not more than 24 hours.

(3) A police officer shall not give a direction under this Section that interferes with a person's right to assemble and associate peaceably unless it is reasonably necessary:

(a) to protect the rights and freedoms of another person; or

(b) in the interests of:

(i) defence;

(ii) public order;

(iii) public safety;

(iv) public morality; or

(v) public health.

(4) In deciding whether to give a person a direction under this Section, a police officer shall take into account the likely effect of the order on the person, including the person's need or ability to access:

(a) the place where the person lives, shops or works;

(b) transport or utilities; or

(c) health, educational or other services.

(5) The police officer shall inform the person of the reasons for giving a direction under this Section.

158 Police officer may take action to prevent unlawful assembly

(1) This Section applies where a police officer reasonably suspects that:

(a) an unlawful assembly is occurring; or

(b) there is an imminent likelihood of an unlawful assembly occurring.

(2) The police officer and any person lawfully assisting a police officer, may take the steps the officer believes are reasonably necessary to prevent the unlawful assembly from occurring or continuing.

(3) In this Section, ***'unlawful assembly'*** means an assembly that constitutes as an offence against Section 244 of the *Crimes Act 2016*.

159 Police officer may take action to suppress a riot

(1) A police officer and any person lawfully assisting a police officer, may take steps that the officer reasonably believes are necessary to suppress a riot.

(2) In this Section, ***'riot'*** means an assembly constituting an offence under Section 245 of the *Crimes Act 2016*.

160 Requirement for permit for assembly or procession

(1) Where a public assembly or public procession is to be held in, or proceed through, any public place, the person responsible for organising and conducting the assembly or procession shall apply for, and receive, a permit from the Commissioner in accordance with prescribed requirements.

(2) The Commissioner shall not issue a permit except where the Commissioner is reasonably satisfied that the permit shall be refused:
(a) to protect the rights and freedoms of another person; or
(b) in the interests of:
(i) defence;
(ii) public order;
(iii) public safety;
(iv) public morality; or
(v) public health.

(3) The Commissioner may impose any conditions he or she considers reasonably necessary.

(4) The person that is issued the permit shall carry the permit with him or her for the duration of the public assembly or public procession.

(5) A police officer may stop and detain for a reasonable time any person present, at a public assembly or procession for which a permit is required under this Division to determine whether a permit has been issued.

161 Offences relating to assembly or procession

(1) A person shall not be present at a public assembly or public procession where the:
(a) person knows that a permit for the assembly or procession has not been issued or has been cancelled;
(b) person knows that the assembly or procession does not comply with the permit or a condition of the permit; or
(c) person:
(i) is the person named in the permit as responsible for organising and conducting the assembly or procession; and
(ii) fails to produce the permit when requested by a police officer.

(2) A person who contravenes subsection (1) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 3 months.

162 Power to inspect licences or permits

(1) A police officer may stop and detain any person the police officer sees doing any act for which a licence or permit is required under any written law and to require such person to produce his or her licence or permit.

(2) A person who fails to produce such licence or permit when required by a police officer, may be arrested without a warrant, unless he or she gives his

or her name and address and otherwise satisfies the police officer that he or she will answer any summons or other proceedings which may be taken against him or her.

[The next page is 92,201]

163 Uniforms and equipment

(1) Each police officer shall be provided with uniforms and equipment necessary for the performance of the officer's duties.

(2) A police officer shall only use the uniforms and equipment in the performance of the officer's duties.

(3) The uniforms and equipment are the property of the Republic.

164 Identity cards

(1) The Commissioner shall issue each police officer with an identity card.

(2) An identity card:
(a) shall be in a form approved by the Commissioner; and
(b) is evidence of the police officer's appointment.

(3) The Commissioner may make a standing order in respect of identity cards.

165 Loss or wilful damage to police property by police officer

(1) This Section applies where a police officer sells, gives away, negligently loses or wilfully damages any property, including identity card, equipment or uniforms, provided to the officer for the performance of the officer's duties.

(2) The amount of the loss or damage:
(a) is a debt by such police officer payable to the Republic; and
(b) may be deducted from the police officer's salary.

166 Return of identity cards, uniforms and equipment

(1) Where the appointment of a police force ends, the former officer shall return all property, including the identity card, equipment and uniforms, provided to the former officer for the performance of the his or her duties.

(2) The property shall be returned to a senior police officer within 7 days after the former officer's appointment ends, except where the former officer has a reasonable excuse preventing the return of such property.

(3) A former officer who contravenes this Section commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 6 months.

[The next page is 92,401]

167 Failing to comply with direction of a police officer

(1) Subject to subsection (3), a person shall comply with a direction from a police officer.

(2) A person who contravenes subsection (1) commits an offence and is liable upon conviction to imprisonment for a term not exceeding 6 months.

(3) A person may not comply with a direction, on the reasonable excuse that a direction to give information would tend to incriminate such person.

(4) Where a person fails to comply with a direction, a member of the police force shall, if practicable:

(a) warn the person:

(i) that it is an offence to fail to comply with the direction without reasonable excuse; and

(ii) that the person may be arrested for the offence; and

(b) give the person a further reasonable opportunity to comply with the direction.

(5) Where a person fails to comply with a direction, it is a defence to a prosecution for the offence if the person proves that the member of the police force did not comply with subsection (4).

168 Obligation to provide name or address to police officer or providing false name or address

(1) A person upon being asked by a police officer, shall provide the person's name, address or other information about the person's identity.

(2) A person upon being asked by a police officer, shall not provide a false name, address or false information.

(3) A person who contravenes subsections (1) and (2) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 6 months.

169 Making false report or representation in respect of a police officer

(1) A person shall not represent that an act has been done or circumstance exists which needs to be investigated, knowing such representation to be false.

(2) A representation under subsection (1) may be made in the following manner:

(a) by conduct; or

(b) by oral or written statements.

(3) Where representations that are alleged to have been made by a person relate to the conduct of a police officer, the person shall not be convicted of the offence only on the uncorroborated evidence of a police officer.

(4) This Section shall not apply to a representation relating to an offence, or the circumstances of an offence, where the offence has actually been committed.

(5) A person who contravenes subsection (1) commits an offence and shall be liable upon conviction to imprisonment for a term not exceeding 5 years.

(6) Where a person is convicted of an offence under this Section, the Court may order that the person pay to the Republic a reasonable amount for the expenses of or incidental to, any investigation by a police officer as a result of the false representation.

170 Threats in relation to complaints about police officers

(1) A person shall not intimidate, harass or threaten to intimidate or harass, do an act to prejudice or threaten to prejudice the safety or career of another person:
(a) in relation to a report for a misconduct being made under Section 50; or
(b) to prevent the reporting of a misconduct under Section 50.

(2) A person who contravenes subsection (1) commits an offence and is liable upon conviction to an imprisonment term not exceeding 5 years.

171 Disorderly conduct in police station

(1) A person shall not while in a police station or part of the police compound accessible by the public engage in indecent, disorderly or insulting conduct.

(2) A person who contravenes subsection (1) commits and offence and is liable upon conviction to an imprisonment term not exceeding 1 month.

172 Unlawful possession or use of police property

(1) A person shall not unlawfully deal with police property.

(2) A person who contravenes subsection (1) commits and offence and is liable upon conviction:
(a) where the police property is police tactical equipment, an imprisonment term not exceeding 5 years' imprisonment;
(b) in any other case, an imprisonment term not exceeding 6 months.

(3) In this Section:

'deals', with police property, includes the following:
(a) acquires, receives, possesses, uses or disposes of police property; and
(b) carries out a transaction relating to police property.

'police property':
(a) means:
(i) property, including a uniform, given to a member of the police force for the performance of the member's duties;
(ii) property owned or used by the police force, including a police vehicle; or
(iii) a document or information created or held by the police force; and
(b) includes a replica of police property; and

'police tactical equipment' means an incapacitating gas, a stun gun, an electrical charge device, bayonet, firearm or ammunition or any other equipment given to a member of the police force to incapacitate an offender.

173 Conduct suggesting unauthorised association with police force

(1) A person who is not a police officer shall not use a police expression or engage in any other conduct which is reasonably likely to make another person believe that the:
(a) person is a police officer; or
(b) conduct had been authorised by a police officer;

(2) A person who contravenes subsection (1) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 3 years.

(3) In this Section ***'police expression'*** means any of the following:
(a) police;
(b) police force;
(c) police service;
(d) Naoero police;
(e) police officer;
(f) any term used to describe a rank or position of a member in the police force; or
(g) any other term relating to any of the terms mentioned in paragraphs (a) to (f).

[subs (3) am Act 21 of 2026 s 5, opn 12 May 2026]

174 Police officer not to take part in industrial action

(1) A police officer shall not:
(a) take part in a strike or lockout;
(b) withhold or limit the officer's services as a police officer; or
(c) take part in a campaign to do anything referred to in paragraph (a) or (b).

(2) Subsection (1) shall not apply where the Commissioner's prior approval had been obtained by the police officer.

(3) This Section shall not prevent a police officer from forming or joining a staff association the purpose of which is to represent the collective interest of police officers.

(4) A police officer who contravenes subsection (1) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 12 months.

175 Inducing police officer to take industrial action

(1) A person shall not induce or cause a police officer to do any of the following:
(a) take part in a strike or lockout;
(b) withhold or limit the officer's services as a police officer; or
(c) take part in a campaign to do anything referred to in paragraph (a) or (b).

(2) A person who contravenes subsection (1) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 12 months.

176 Unlawful disclosure of confidential information

(1) A relevant person shall not unlawfully disclose confidential information.

(2) The relevant person who contravenes subsection (1) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 12 months.

(3) In this Section:

'confidential information' means information about a person that is disclosed to or obtained by, a relevant person on the performance of a function or exercise of a power under this Act by the relevant person or another person;

'relevant person' means:

(a) a person who is or has been a member of the Force;
(b) a person on a panel formed for the purpose of making recommendations about the selection of persons to be appointed as a member of the police force;
(c) a person on a disciplinary panel under Section 53; or
(d) anyone else who exercises or has performed a function or exercised a power under this Act; and

'unlawfully' in relation to disclosure of confidential information, means:

(a) disclosure of confidential information not authorised under this Act or any other written law;
(b) disclosure of confidential information relevant to the investigation of an offence;
(c) disclosure of confidential information relevant to a legal proceeding; or
(d) where the disclosure is of personal information about an individual, a disclosure to which the individual does not consent.

177 False statement in respect of a police officer's appointment

(1) A police officer shall not make a statement relevant to his or her appointment as a police officer knowing such statement be false.

(2) A police officer who contravenes subsection (1) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 6 months.

[The next page is 92,601]

178 Providing assistance to the Courts

(1) This Section applies where a court has power under any written law to:
  (a) lawfully order the arrest or detention of a person, including under a warrant;
  (b) order the exclusion or removal of a person from the place where the Court is sitting;
  (c) give any other order or direction for which the help of a police officer may be reasonably necessary.

(2) A police officer shall comply with any lawful order or direction of the Court.

(3) Where a lawful order or direction is given by a Court to a police officer:
  (a) the order or direction may be complied with or executed, by another officer;
  (b) the other officer has the rights, powers and authorities necessary to comply with or execute, the order or direction as if the officer had been personally ordered or directed by the court; and
  (c) where the Court has issued an officer with a warrant for the arrest of a person, the warrant may be executed by the other officer even if the officer does not possess the warrant.

(4) In this Section, ***'Court'*** includes a tribunal.

179 Officer may appear in Court for another officer

(1) A police officer may appear for another officer in a Court proceeding:
  (a) for an application made by a police officer in the performance of the officer's duties;
  (b) in which an officer is involved in the performance of the officer's duties, other than as a witness; or
  (c) in which the Commissioner is involved or of which the Commissioner or another member is required to be given notice.

(2) In this Section:

'Court' has the meaning given in Section 178(4); and

'proceeding' does not include a disciplinary proceeding.

180 Evidentiary certificates

(1) The Commissioner may certify in writing that at a stated time:
  (a) a uniform, or item of uniform, is a police force uniform, or item of a police force uniform;
  (b) a crest, badge, emblem, design or equipment was used by the police force or is police force property;
  (c) an animal identified in the certificate is a police force animal;
  (d) a person identified in the certificate is a police force animal handler; or
  (e) a document is a document of the Force.

(2) For a proceeding, the certificate, in the absence of proof to the contrary, is sufficient evidence of the certified matters.

(3) A regulation may prescribe the form of a certificate.

181 Commissioner's signature or stamp

(1) This Section applies where the Commissioner's signature or official stamp is on a document

(2) For a proceeding, the signature or stamp, in the absence of proof to the contrary, is sufficient evidence that the document is:
  (a) signed by the Commissioner; or
  (b) stamped by or with the authority of, the Commissioner.

182 Protection of police information

(1) This Section applies to information that if disclosed, may reasonably be expected to:
  (a) prejudice the investigation of an offence or suspected offence;
  (b) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained;
  (c) endanger a person's life or safety;
  (d) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law;
  (e) prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety; or
  (f) facilitate a person's escape from lawful custody.

(2) In a proceeding, a police officer shall not be required to disclose information under subsection (1) unless the court is satisfied that disclosure of the information is:
  (a) necessary for the fair trial of the defendant;
  (b) necessary to find out whether the scope of a law enforcement agency investigation has exceeded the limits imposed by law; or
  (c) in the public interest.

(3) Subsection (2) shall not affect a provision of any other written law under which a police officer cannot be compelled to disclose information or make statements in relation to such information.

183 Protection of a police informant

(1) Subject to subsection (2), in a proceeding, a police informant:
  (a) shall not be compelled to give information that would disclose, or is likely to disclose, the informant's identity;
  (b) may require that evidence not be presented in the proceeding by another person where that evidence:
    (i) is information given to the person by the police informant or in the possession of the person with the police informant's consent; and
    (ii) would disclose, or is likely to disclose, the informant's identity.

(2) A Court may compel the police informer or other person to give information that would disclose or is likely to disclose, the informant's identity where it is satisfied that disclosure of such information is:
  (a) necessary for the fair trial of a defendant;

(b) necessary to find out whether the scope of a law enforcement agency investigation has exceeded the limits imposed by law; or
(c) in the public interest.

(3) In this Section:

'information' includes a communication, opinion or document;

'police informant' means a person including a member of the police force or another law enforcement agency, working undercover who:
(a) has given, gratuitously or for reward, information to a law enforcement agency, about the possible or actual commission of an offence;
(b) has given the information in circumstances in which the person has a reasonable expectation that the person's identity would not be disclosed; and
(c) is not called as a witness by the prosecution to give evidence relating to the information.

184 Protection from liability for making reports

(1) The Republic or a police officer shall not be criminally or civilly liable for a report made by a police officer where the report is made:
(a) in good faith in the performance of the officer's duties; and
(b) to a person who the officer reasonably believed had a duty or authority to receive the report.

(2) The Republic or a person shall not be criminally or civilly liable for a report made by a person where the report is:
(a) made in good faith in the performance of the person's duties; and
(b) about the efficiency, conduct or character of a police officer.

(3) For the purposes of this Section, a report that contains a matter that is false or grossly misleading in a material particular shall not be deemed to be made in good faith except where it is proved that the person who made the report:
(a) believed, on reasonable grounds, that the matter was true; and
(b) could not, by exercising reasonable diligence, have discovered the false or misleading nature of the matter.

(4) The burden of proving the absence of good faith shall be on the person who alleges the absence of good faith.

(5) In this Section, ***'report'*** includes an opinion or recommendation.

[The next page is 92,801]

185 Application of the *Public Service Act 2016*

The *Public Service Act 2016* shall not apply to the appointment of any person under this Act unless otherwise provided.

186 Lost property

(1) This Section applies to property that is lawfully in the possession of the police force, whether before or after the commencement of this Section, where such property:
  (a) is found by a person, other than a police officer, who gave it to a police officer as apparent lost property; or
  (b) came into the possession of a police officer in the course of performing the police officer's functions, otherwise than by being seized by a police officer and appears to be lost property.

(2) The police officer who receives the property shall ensure that it is given to the officer in charge of the police station where the officer is stationed, as soon as reasonably practicable.

(3) The police officer who receives the property is responsible for the property's safekeeping until such property is delivered to the officer in charge.

(4) The Commissioner shall:
  (a) ensure that reasonable inquiries and reasonable efforts are made to locate anyone lawfully claiming to be entitled to possession of the property; or
  (b) facilitate the lawful disposal or return of the property to its owner or to the person who had lawful possession of it before it came into the possession of the police force.

(5) Reasonable inquiries and efforts shall be decided having regard to the nature, condition and value of the property.

(6) Where the property is not able to be returned under subsection (4)(b) within 3 months after being given to the officer in charge of the police station, it shall be disposed of or sold in the manner the Commissioner directs.

(7) The proceeds from any sale shall be used in the following order:
  (a) payment of the expenses of the sale;
  (b) payment of the expenses of the storage of the property, and doing anything necessary to prepare it for sale; and
  (c) payment to the Treasury Fund.

187 Commissioner may authorise disclosure of confidential information

(1) The Commissioner may, in writing, authorise the disclosure of confidential information.

(2) The Commissioner may impose conditions on the disclosure of the information.

(3) Where an agreement between the Republic and a foreign law enforcement

agency provides for the disclosure or non-disclosure of confidential information, the Commissioner shall comply with the agreement.

(4) This Section shall be subject to any:
  (a) written law that prevents or restricts the Commissioner from disclosing the confidential information; or
  (b) requirement prescribed by regulations in relation to the disclosure of the information.

(5) In this Section, ***'confidential information'*** has the same meaning given to it in Section 176(3).

188 Oaths and affirmations

A person appointed as a police officer shall, before commencing the person's duties, take an oath or affirmation before the Commissioner in the form set out in the Schedule.

189 Commissioner may authorise the payment of allowance for voluntary services

The Commissioner may authorise the payment of an allowance as determined by the Minister, to a person providing voluntary services to the police force.

190 Awards of commendation and appreciation

(1) The Commissioner may give an award of commendation to a person who is or was a police officer for any conduct prescribed by regulation.

(2) The Commissioner may give a certificate of appreciation to a person for meritorious conduct that assists, or is of value, to the police force.

(3) The award or certificate may be given after the recipient has died or left the Force or for conduct that happened before the commencement of this Act.

(4) In this Section, ***'award'*** includes a ribbon, badge, clasp, star or other insignia as may be prescribed.

191 Police Force Welfare Fund

(1) The Police Force Welfare Fund established under Section 43 of the *Naoero Police Force Act 1972* shall continue.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The following may be paid into the Fund:
  (a) donations and voluntary contributions by police officers and other persons;
  (b) money appropriated by Parliament for payment into the Fund; and
  (c) any other money prescribed by regulation.

(3) The Commissioner shall manage the Fund and may only use the money in the Fund for:
  (a) providing recreational facilities for police officers; and
  (b) other purposes for the benefit of police officers as may be determined by the Minister.

192 Approved forms

The Commissioner may approve forms for the purpose of this Act.

193 Regulations

(1) The Cabinet may make regulations to prescribe matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and generally for achieving the purposes of this Act.

(2) Without limiting subsection (1), regulations may give effect to this Part by prescribing the following matters:

(a) conditions of service excluding salaries, pensions and gratuities;
(b) organisation and distribution;
(c) appointments, the award of allowances, resignations, discharges, dismissals, reductions and reversions;
(d) payment for overtime work;
(e) work on public holidays;
(f) discipline and punishments;
(g) leave of absence;
(h) description of uniforms, arms and accoutrements to be provided;
(i) qualifications for entry; or
(j) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, and for rendering the police force efficient in the discharge of its duties and for carrying out the objectives of this Act.

194 Existing appointment of Commissioner

(1) This Section applies to a person who held the appointment of the Commissioner of Police under Section 6 of the repealed Act immediately before the commencement of this Act.

(2) The person shall be taken to be appointed as the Commissioner under Section 21 of this Act for the remaining term and on the same conditions of appointment that applied to the appointment immediately before the commencement day.

195 Existing appointment of police officers

(1) This Section shall apply to a person other than the Commissioner, who was appointed under Section 6 of the repealed Act immediately before the commencement of this Act.

(2) The person shall be deemed to:

(a) be appointed under Section 32 of this Act at the same rank and on the same conditions of appointment that applied to the appointment immediately before the commencement of this Act; and
(b) where the person has taken an oath or declaration of office under the repealed Act, have made an oath or affirmation under Section 188 of this Act.

196 Existing Police Service Board members

(1) This Section applies to a person who was a member of the Police Service Board immediately before the commencement of this Act.

(2) The person shall continue to be a member of the Police Service Board and deemed appointed under Section 14 of this Act.

(3) Where an existing member is appointed for a stated term, the member is

deemed to be appointed under Section 14 of this Act for the remaining term and on the same conditions of appointment that applied to the appointment immediately before the commencement of this Act.

197 Disciplinary proceeding before commencement of this Act

Any disciplinary proceeding that commenced before the commencement of this Act shall continue until it is completed under the repealed Act as if the relevant provisions of the repealed Act have not been repealed.

198 Existing actions and decisions

(1) This Section applies to any action taken or decision made under the repealed Act before the commencement day where the action or decision could be made under a corresponding provision of this Act.

(2) The action or decision is deemed to have been taken or made under this Act:
(a) with any necessary changes; and
(b) to the extent it is consistent with this Act.

(3) Any action started under the repealed Act but not completed by the commencement day may be completed under the repealed Act.

(4) In this Section:

'action' includes a recruitment process or termination of appointment process; and

'decision' includes an approval, authorisation, certificate, classification, declaration, determination, direction, instrument, standing or other order given orally or in writing, notice, permission, policy, procedure, recommendation warrant or other decision.

199 Other appointments and instruments

(1) A person appointed as a recruit, protective officer or administrative officer under the Repealed Act shall be deemed to have been appointed under this Act at the commencement of this Act.

(2) The Reserve established under Section 4 of the Repealed Act shall at the commencement of this Act continue as if it were established under this Act.

(3) Any standing order, rule, regulation, or other subsidiary legislation made under the Repealed Act shall continue as if it were made under this Act.

200 Repeal

The *Naoero Police Force Act 1972* is repealed.

[s 200 am Act 21 of 2026 s 5, opn 12 May 2026]

201 Consequential amendment

Any reference under any written law to *'Naoero Police Force Act 1972'* shall be deleted and substituted with *'Naoero Police Force Act 2025'*.

[s 201 am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 93,001]

SCHEDULE

[Section 188]

FORM OF OATH OR AFFIRMATION

I, [state name], [swear by Almighty God/solemnly, sincerely and truly declare and affirm] that:

(a) I will well and faithfully serve the Republic according to law as a police officer;

(b) I will obey, uphold and maintain the laws of the Republic; and

(c) while I continue to be a police officer, I will execute the powers and functions of the office honestly, faithfully and diligently without fear or favour, malice or ill will to any person.

. . . . . .

Signature

SWORN)
) before me
DECLARED)

This day of 20

. . . . . .

Commissioner

[The next page is 94,001]

Police Service Board (Election of Member) Regulations 1972

TABLE OF PROVISIONS

Regulation	*Title*
1	Citation
2	Interpretation
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11	Ballot papers
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	SCHEDULE 1 — NOMINATION OF MEMBER OF THE POLICE SERVICE BOARD
	SCHEDULE 2 — BALLOT PAPER

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Police Service Board (Election of Member) Regulations 1972

TABLE OF AMENDMENTS

The Police Service Board (Election of Member) Regulations 1972 commenced on 7 July 1972.

Amending Legislation	Notified	Date of Commencement
Naoero Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Naoero Police Force Act 2025 No 38	19 September 2025	s 201: 19 September 2025
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 94,401]

IN EXERCISE of the powers conferred upon me by Section 50 of the *Naoero Police Force Act 2025* I hereby make the following Regulations:
[cl am Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

1 Citation

These Regulations may be cited as the *Police Service Board (Election of Member) Regulations 1972*.

2 Interpretation

In these Regulations:

'the Registrar' means the Registrar of Courts.

3 Control of election

The Registrar shall have control of the election by officers of the Force of the member of the Police Service Board to be elected by such officers under Section 5 of the Act and shall exercise such powers and functions as are conferred upon him or her by these Regulations.

4 Nominations

Nominations of persons for election as the member of the Police Service Board referred to in Regulation 3 shall be called for by the Registrar no later than 14 days:

(a) after the date when these Regulations are published in the Gazette; and
(b) before the date upon which any elected member of the Police Service Board is due to retire upon the expiration of his or her term of appointment; or
(c) after the death or resignation of such member.

5 Form of nomination

Nomination shall be in the form in Schedule 1 hereto and shall be signed by the candidate and 2 nominators who shall be officers of the Force and shall be delivered to the Registrar or the Registry of the Supreme Court during the office hours of that Registry.

6 Certified list of officers

The Commissioner of Police shall not later than 7 days before the close of nominations deliver to the Registrar a list of the names in alphabetical order of all officers of the Force, certified by the Commissioner to be true and correct, and such list shall be taken by the Registrar as *prima facie* evidence that a person whose name appears thereon is entitled to nominate candidates for or to vote for candidates at the election of the member of the Police Service Board for which the list was delivered.
[reg 6 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

7 Close of nominations

Nominations shall close at noon on a week day, not less than 7 nor more than

21 days after the date upon which the Registrar called for nominations, appointed by the Registrar at the time of calling for nominations.

8 Withdrawal of nominations

A candidate may withdraw his or her nomination at any time before nominations close by notice in writing delivered to the Registrar and to the 2 officers who signed his or her nomination.

9 Publication of nominations

(1) The Registrar shall as soon as practicable after the nominations close publish a list of candidates by posting the same on a notice board in the Police Station and outside the Court House.

(2) In the event that there is only 1 candidate nominated, the Registrar shall in the notice posted under subregulation (1) declare that candidate as duly elected.

(3) In the event that there is more than one candidate, the Registrar shall in the notice posted under subregulation (1) appoint a place and a time between the hours of 10.00 a.m. and 3.00 p.m. on a week-day, other than a public holiday, not less than 7 nor more than 14 days thereafter when the election shall take place.

10 Poll clerks

The Registrar shall appoint a person or persons, not being officers of the Force or persons nominated under these Regulations, to assist him or her at the election.

11 Ballot papers

Each ballot paper for the election shall be in the form in Schedule 2 and shall be completed accordingly.

12 Election

The procedure at the polling place shall be the same as in the *Electoral Act 2016* as far as such procedure appears to the Registrar to be reasonably applicable.

13 Scrutiny

The procedure for scrutinising ballot papers and for determining the results of the election shall be the same as those provided in the *Electoral Act 2016* as far as such procedure appears to the Registrar to be applicable.

14 Disputed election

A Judge of the Supreme Court shall hear and determine any dispute arising out of the conduct of the election and Part 8 of the *Electoral Act 2016* shall *mutatis mutandis* apply.

[The next page is 94,601]

SCHEDULE 1



REPUBLIC OF NAOERO

NAOERO POLICE FORCE ACT 2025

POLICE SERVICE BOARD (ELECTION OF MEMBER) REGULATIONS 1972

[Regulation 5]

NOMINATION OF MEMBER OF THE POLICE SERVICE BOARD

[Sch 1 am Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

We hereby nominate (i)

of (ii)

who is a Naoero citizen as a Member of the Police Service Board.

DATED this day of 20 .

.....

Signature of Officer of the Force

.....

Signature of Officer of the Force

I hereby consent to the above nomination.

DATED this day of 20 .

.....

Signature of Candidate

(i) Here insert in full the names of the Candidate who must be a Naoero citizen.

(ii) Here insert the Candidate's place of residence and occupation.

[The next page is 94,701]

SCHEDULE 2

REPUBLIC OF NAOERO

NAOERO POLICE FORCE ACT 2025

POLICE SERVICE BOARD (ELECTION OF MEMBER) REGULATIONS 1972

[Regulation 11]

BALLOT PAPER

[Sch 2 am Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

ELECTION OF ONE MEMBER OF THE POLICE SERVICE BOARD

CANDIDATES

☐

☐

☐

DIRECTIONS TO ELECTORS

Mark your vote on this Ballot Paper by placing the numbers 1, 2, 3, (and so on as the case requires) in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them.

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Police Regulations 1972

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Police Regulations 1972

TABLE OF AMENDMENTS

The Police Regulations 1972 were made and commenced on 10 October 1972 (GN No 288/1972; Gaz 44/1972).

Amending Legislation	Notified	Date of Commencement
Police (Overtime and Public Holidays) Regulations 1979 GN No 245/1979	30 July 1979	30 July 1979
Naoero Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Naoero Police Force Act 2025 No 38	19 September 2025	s 201: 19 September 2025
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 95,901]

IN EXERCISE of the powers conferred on me by Section 50 of the *Naoero Police Force Act 2025*, I hereby make the following Regulations:
[cl am Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Police Regulations 1972*.

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PART 2 — APPOINTMENT

2 Declaration on joining Force or Reserve

(1) Every police officer shall, on joining the Force or the Reserve, make a declaration on oath or affirmation in the form set out in Schedule 1 to these Regulations.

(2) The Commissioner, if not a serving police officer immediately prior to his or her appointment, shall make the declaration before the Chief Secretary.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(3) Every other police officer shall make the declaration before the Commissioner.

[Subregulation number inserted by the Law Revision Commission under powers authorised by Act 10 of 2019]

3 Medical examinations

(1) Prior to enlistment or re-enlistment for any period, every police officer shall be passed medically fit by a health practitioner on such medical examination as the Commissioner may direct:

Provided that, where any person normally resident outside the Republic is appointed to be the Commissioner, he or she shall be passed as medically fit by such person, and on such examination, as the Chief Secretary shall direct.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) A police officer shall submit himself or herself to medical examination by a health practitioner whenever required by the Commissioner.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

4 Physical standards

The Commissioner may from time to time lay down the physical standards required to be met by applicants for appointment to the Force and may waive compliance with those standards in any particular case.

[reg 4 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 96,301]

PART 3 — LEAVE

5 Recreation leave and furlough

The provisions of subdivision 9 of Part 6 of the *Public Service Act 2016* shall be deemed to apply to members of the Force.

6 Public holidays

[reg 6 rep GN No 245/1979 reg 8, opn 30 July 1979]

7 Sick leave

The provisions of Division 3 of Part 6 of the *Public Service Act 2016* shall be deemed to apply to members of the Force.

8 Other leave of absence

The provisions of subdivisions 3, 4, 5, 6, 7, 8 and 9 of Part 6 of the *Public Service Act 2016* shall be deemed to apply to members of the Force.

9 Powers vested in Commissioner

For the purpose of the application of the provisions of Part 6 of the *Public Service Act 2016* to members of the Force, the powers vested in the Chief Secretary by the Act shall be vested in, and exercisable by, the Commissioner.
[reg 9 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 96,501]

PART 4 — OVERTIME

10 Application of Part III of the Public Service Act 1961–1971

[reg 10 rep GN No 245/1979 reg 8, opn 30 July 1979]

[The next page is 96,701]

11 Procedure at trials for offences against discipline

The procedure provided for in this Part shall apply to all proceedings heard by the Commissioner under the provisions of Section 36 of the Act.

[reg 11 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

12 Accused to be supplied with copy of charge

The officer charged with an offence against discipline, in this Part referred to as ***"the accused"***, shall be supplied with a copy of the charge prior to the hearing.

13 Representation of accused

(1) The Commissioner may, in his or her discretion, allow the accused to be assisted by another police officer chosen by the accused and, when such permission is given, his or her defence may be conducted by such officer: Provided that the Commissioner shall not impose a punishment of dismissal or reduction in rank if he or she has refused such permission.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) The accused may not be represented by a legal practitioner.

(3) The Commissioner shall appoint a police officer to prosecute.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) A police officer who is for the time being a member of the Police Service Board shall not assist the accused or be appointed to prosecute.

14 Plea

(1) At the commencement of the hearing, the Commissioner shall read the charge to the accused and call upon the accused to plead "guilty" or "not guilty".

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) If the accused pleads "guilty", the Commissioner shall satisfy himself or herself as to the facts admitted by the accused and if they constitute the offence charged or any other disciplinary offence, shall, subject to subregulation (5), find him or her guilty and forthwith impose such punishment as he or she thinks just.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(3) The Commissioner shall record fully in writing the accused's plea, the facts admitted by him or her and the punishment imposed.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) If the accused pleads "not guilty" or, having pleaded "guilty", does not admit the facts alleged to constitute the offence charged and is not found guilty of any other disciplinary offence on his or her own admissions the Commissioner shall proceed to hear the evidence and determine the issues in the charge.

[subreg (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(5) Where the accused admits facts which constitute an offence less serious than the offence charged, the Commissioner is not obliged to find him or her guilty of the lesser offence and may, if he or she thinks fit, refuse to do so and proceed to try him or her for the offence charged.

[subreg (5) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

15 Evidence

(1) No documentary evidence shall be used in any proceedings unless the accused has been given access thereto prior to the hearing.

(2) The evidence of any witness taken during the course of the proceedings shall be recorded in the presence of the accused.

(3) The evidence given at the proceedings need not be taken down in full, but the substance and material points must be recorded in writing.

(4) The accused shall have the right to cross-examine each witness giving evidence against him or her and after each such witness has given evidence he or she shall be asked if he or she desires to cross-examine such witness.

(5) The accused shall be asked if he or she desires to give evidence in his or her own defence and to call witnesses and, if he or she does so desire, shall be given a reasonable opportunity to do so.

16 Reasoned findings to be recorded

(1) Where in any case the Commissioner has heard evidence in order to determine the issues in the charge, he or she shall record in writing reasoned findings in respect of those issues.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) Where the Commissioner finds the accused guilty of the offence charged, or of any less serious offence of a similar nature, he or she shall forthwith impose such punishment as he or she thinks just and shall record such punishment in writing.

[The next page is 96,901]

PART 6 — NAOERO POLICE FORCE RESERVE

[Pt 6 am Act 21 of 2026 s 5, opn 12 May 2026]

17 Notice of appointment

Every reserve officer shall, on appointment as such, receive a notice of appointment in the form set out in Schedule 2.

18 Training

Every reserve officer shall undertake such training as the Commissioner may order:

Provided that no reserve officer shall be required to attend for training before 5 o'clock in the afternoon on any day other than a Saturday or to attend for training on a Sunday.

[reg 18 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

19 Pay and allowances

(1) Reserve officers shall be paid for each hour, or part of an hour, during which they attend for duty or training.

(1A) The rates of pay shall be such as the Minister may from time to time direct by notice in the Gazette.

(2) Except as expressly provided in subregulation (1A), a reserve officer shall not be entitled to any remuneration in respect of his or her services as such.

20 Notice of termination of appointment

Notice of termination of the appointment of a reserve officer shall be in the form set out in Schedule 3.

[The next page is 97,101]

21 Absence without leave

(1) A police officer shall not be absent from duty without authorised leave, unless reasonable cause is shown.

(2) Where a police officer is prevented by illness or other emergency from attending duty, he or she shall, as soon as possible, advise his or her superior officer of the circumstances, and furnish any further particulars which his or her superior officer considers necessary.

(3) Without prejudice to any other action that may be taken for a breach of this regulation, where an officer's absence from duty has not been sanctioned, he or she shall not receive pay for the period of his or her absence.

(4) Notwithstanding that his or her absence from duty is authorised, a police officer shall not depart from the Republic without the express written permission of the Commissioner.

[subreg (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

22 Attendance as a witness

(1) A member of the Force summoned or called as a witness before a court or the Naoero Lands Committee shall immediately advise his or her superior officer of the fact.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A member of the Force required as a witness on behalf of the Republic is not entitled to receive any witness fee but shall be granted leave with pay for the period during which he or she was necessarily absent from duty.

(3) A member summoned or called as a witness before a court or the Naoero Lands Committee otherwise than as a witness on behalf of the Republic shall be granted leave but, unless otherwise determined by the Commissioner, the leave shall be without pay and any fees received by the member as a witness may be retained by him or her.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 21 of 2026 s 5, opn 12 May 2026]

23 Police officers not to comment on certain matters

A police officer shall not:

(a) use for any purpose, other than the discharge of his or her official duties, information gained by or conveyed to him or her through his or her connection with the Force or the Reserve; or

(b) except with the consent of the Commissioner publicly comment upon administrative action or upon the administration of the Force or the Reserve.

[reg 23 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

24 Information not to be divulged

Except in the course of official duty, a police officer shall not divulge, directly

or indirectly, any information concerning public business or any matters of which he or she has knowledge officially.

25 Outside influence

A police officer shall not seek the influence or interest of any person in order to obtain promotion, transfer or other advantage.

26 Gifts not to be solicited or accepted

A police officer shall not, directly or indirectly, solicit or accept gifts or presents from a member of the public interested, directly or indirectly, in a matter connected with the duties of his or her office or in which the Force or the Reserve is interested.

27 Borrowing or lending money

(1) A police officer shall not, either as principal or agent, enter into a monetary transaction with another police officer, whereby any interest or other return in money or kind is charged or paid.

(2) A police officer shall not borrow any money from any of his or her subordinates.

28 Contracts

No police officer, unless duly authorised, shall incur any liability or enter into any contract on behalf of the Force, the Reserve or the Republic, or alter the terms or conditions of any approved contract, or purport or attempt so to do.

29 Complaints, grievances and petitions

(1) Subject to the provisions of subregulation (2), every police officer shall be entitled to make any complaint or application, either orally or in writing, to his or her superior officer who shall, on the request of the officer making such complaint or application, forward the same to the Commissioner without delay.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) No police officer shall:

(a) together with any other police officer prepare or sign any complaint, petition or statement of grievances in relation to any matter concerning the Force or the Reserve;

(b) petition the Minister in relation to any complaint or grievance unless such complaint or grievance has been previously communicated in writing through his or her superior officer to the Commissioner and the reply of the Commissioner relating to such a complaint or grievance has been communicated to the officer making the same; or

(c) put forward any anonymous communication whatsoever to any officer in the Force or the Reserve.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

30 Issue of arms, equipment, etc

(1) Police officers shall be issued with such arms, ammunition, equipment and clothing as may from time to time be determined by the Commissioner.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) Subject to the provisions of Section 42 of the Act, all arms, ammunition, equipment and clothing whatsoever issued to any police officer under the provisions of this Regulation shall remain the property of the Republic.

(3) Arms, ammunition, equipment, clothing and stores issued to any police officer shall be used for police purposes only.

31 Issue of firearms and ammunition

(1) No firearm or ammunition for a firearm shall be issued by any police officer to himself or herself or to any other police officer except upon, and in accordance with, the directions of the Commissioner.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) The Commissioner shall not, except with the prior approval of the Minister, direct:

(a) that any firearm be issued otherwise than for the purpose of arms drill or for training or practice in the firing of firearms; or

(b) that any ammunition for a firearm be issued except for training or practice in the firing of firearms.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

32 Safeguarding of firearms and ammunition

A police officer to whom a firearm or ammunition for a firearm has been issued shall safeguard it at all times while it remains in his or her possession and shall not part with possession of it except in accordance with a direction given to him or her by the Commissioner or another superior officer.

[reg 32 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

33 Discharge of firearms

A police officer shall not carry or discharge a firearm issued to him or her except upon, and in accordance with, the orders of a superior officer.

[The next page is 97,301]

SCHEDULE 1

[Regulation 2]

DECLARATION ON APPOINTMENT AS A POLICE OFFICER

[Sch 1 am Act 21 of 2026 s 5, opn 12 May 2026]

I, ...do solemnly and sincerely declare that I will be faithful and bear true allegiance to the Republic of Naoero, and that I will faithfully serve the Republic during my service in the Naoero Police Force and will obey all orders of the officers placed over me and will subject myself to all Acts, Regulations and Orders relating to the Police Force now in force or which may from time to time be in force.

Signature of Police Officer: .....

Declared at ..... this ..... day of ..... 20.....

.....

(Signature of officer before whom declaration is made).

[The next page is 97,501]

SCHEDULE 2

[Regulation 17]

NOTICE OF APPOINTMENT OF RESERVE OFFICER

[Sch 2 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

To ..... of .....

Take notice that in exercise of the powers conferred by Section 7 of the *Naoero Police Force Act 2025*, I have appointed you to be a reserve officer in the Naoero Police Force Reserve with effect from the ..... day of ..... 20.....

Dated this ..... day of ..... day of ..... 20.....

.....

(Commissioner of Police)

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SCHEDULE 3

[Regulation 20]

NOTICE TERMINATING APPOINTMENT OF RESERVE OFFICER

[Sch 3 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

To ..... of .....

Take notice that, in exercise of the powers conferred by Section 13(1) of the *Naoero Police Force Act 2025*, your appointment as a reserve officer made on the ..... day of ....., 20....., is hereby terminated with effect from the ..... day of ....., 20....., and that you are hereby required to deliver up your letter of appointment, and all arms, ammunition, equipment and clothing whatsoever which have been supplied to you under the provisions of the *Naoero Police Force Act 2025*, to me within 1 week of the date of service of this notice upon you.

Dated this ..... day of ..... day of ..... 20.....

.....

(Commissioner of Police)

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Police (Appeals) Rules 1972

TABLE OF PROVISIONS

Rule	*Title*
1	Citation
2	Interpretation
3	Notice of appeal
4	Record of proceedings before Commissioner
5	Setting appeal down for hearing
6	Representation
7	Hearing
8	Application to extend time for appealing
9	Decisions of the Board
	SCHEDULE 1 — NOTICE OF APPEAL
	SCHEDULE 2 — APPLICATION TO EXTEND TIME FOR APPEALING

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Police (Appeals) Rules 1972

TABLE OF AMENDMENTS

The Police (Appeals) Rules 1972 commenced on 19 June 1972.

Amending Legislation	Notified	Date of Commencement
Naoero Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Naoero Police Force (Amendment) Act 2022 No 16	8 June 2022	s 10: 10 June 2022
Naoero Police Force Act 2025 No 38	19 September 2025	s 201: 19 September 2025
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

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IN EXERCISE of the powers conferred on me by Section 37 of the *Naoero Police Force Act 2025*, I hereby make the following Rules:
[cl am Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

1 Citation

These Rules may be cited as the *Police (Appeals) Rules 1972*.

2 Interpretation

In these Rules:

'the Chairperson' means the Chairperson of the Police Service Board appointed under Article 69(2)(a) of the *Constitution* as Chairperson of the Board; and
[def am Act 16 of 2022 s 10, opn 10 June 2022]

'the Registrar' means the Registrar of Courts.

3 Notice of appeal

(1) An appeal to the Police Service Board under Section 37 of the Act shall be commenced by delivering to the Registrar a notice in the form set out in Schedule 1.

(2) The Registrar shall forthwith prepare carbon, or photographic, copies of the notice of appeal and deliver a copy to the Commissioner.
[subr (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

4 Record of proceedings before Commissioner

(1) Upon receipt of the notice referred to in Rule 3, the Commissioner shall forthwith prepare a typed copy of the charge and of the proceedings before him or her in respect of which the appeal is brought, and 6 carbon, or photographic, copies of such copy, certify them as correct and deliver them to the Registrar.
[subr (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(1A) The Commissioner shall also prepare a list of all previous breaches of discipline, if any, by the appellant and the orders made on them and send it to the Registrar with 6 carbon, or photographic, copies thereof and with 7 copies, which may be typed, carbon or photographic, of all relevant letters, memoranda and other documents, if any, sent to or received from the appellant.

(2) The Registrar, upon receiving the copies of the charge and the proceedings and the list and copies referred to in subrules (1) and (1A), shall forthwith send 1 copy of each to each member of the Board, and to the appellant and shall send to each member of the Board a copy of the notice of appeal.
[r 4 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

5 Setting appeal down for hearing

The Chairperson shall appoint a time and place for the appeal to be heard by the Board and the Registrar shall send to the appellant, the Commissioner and the other members of the Board written notice.
[r 5 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

6 Representation

(1) At the hearing, the appellant's case may be conducted at his or her option, either by himself or herself or by another police officer chosen by him or her or, at his or her own expense, by a legal practitioner.

(2) The case for upholding the Commissioner's findings and order shall not be presented by the Commissioner but may be presented by an officer of the Department of Justice or a police officer appointed to do so by the Commissioner.

[subr (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

7 Hearing

(1) The hearing of the appeal shall proceed on the record of the proceedings before the Commissioner and no additional evidence shall be given save with the leave, or at the direction, of the Board:
Provided that the Board may take account of previous breaches of discipline, if any, and letters, memoranda or other documents, if any, sent to or received from the appellant of which copies have been sent to the Registrar by the Commissioner under Rule 4.

[subr (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) Except with the leave of the Board, the appellant shall not argue any ground of appeal not set out in his or her notice of appeal.

(3) The procedure for the presentation by each party of his or her case and of any evidence allowed by the Board shall be such as the Board shall determine:
Provided that the Board shall afford to each party adequate opportunity to present his or her case.

8 Application to extend time for appealing

(1) An application under Section 37(3) of the Act for the Board to extend the time for appealing shall be in the form set out in Schedule 2 to these Rules and shall be delivered by the applicant to the Registrar, who shall forthwith prepare carbon or photographic copies.

(2) The Registrar shall deliver a copy of the application to the Commissioner who shall forthwith deliver to the Registrar the record of the proceedings before him or her.

[subr (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(3) The Chairperson shall appoint a time and place for the hearing of the application and the Registrar shall send to the applicant, the Commissioner and the other members of the Board written notice thereof accompanied, in the case of the members of the Board, by a copy of the application.

[subr (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) The provisions of Rule 6 shall apply *mutatis mutandis* to the hearing of the application.

(5) If the application is granted, the applicant shall be deemed to have given notice of appeal and the Registrar shall return to the Commissioner the record of the proceedings before him or her so that he or she may prepare copies as required by Rules 4(1) and 4(1A).

[subr (5) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

9 Decisions of the Board

The decision of the majority of the members of the Board, in respect of any appeal or any application to extend the time for appealing, shall be the decision of the Board.

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SCHEDULE 1

[Rule 3]

NOTICE OF APPEAL

[Sch 1 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

To the Police Service Board

On the ..... day of ..... 20..... the Commissioner of Police found me guilty of the following offence(s):

(set out offence(s) as charged)

and imposed the following punishment(s):

(set out punishment(s) imposed)

I hereby give notice of appeal against:

*(a) the finding of guilt in respect of (state offence(s) in respect of which appeal is brought against the finding of guilt);

*(b) the punishment(s) imposed.

My grounds of appeal are:

(set out briefly the grounds of appeal)

Dated:

.....

(Appellant's number, rank and name)

---

* delete if not applicable

[The next page is 99,501]

SCHEDULE 2

[Rules 3 and 8]

APPLICATION TO EXTEND TIME FOR APPEALING

[Sch 2 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

To the Police Service Board

On the ..... day of ..... 20..... the Commissioner of Police found me guilty of the following offence(s):

(set out offence(s) as charged)

and imposed the following punishment(s):

(set out punishment(s) imposed)

I wish to appeal against:

*(a) the finding of guilt in respect of (state offence(s) in respect of which appeal is brought against the findings of guilt);

*(b) the punishment(s) imposed.

My grounds of appeal would be:

(set out briefly grounds of appeal)

I did not appeal within 14 days of the promulgation of the punishment(s) because:

(state reasons briefly)

I hereby apply for the time for appealing to be extended.

Dated:

.....

(Applicant's number, rank and name)

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Police (Overtime and Public Holidays) Regulations 1979

TABLE OF PROVISIONS

Regulation	*Title*
1	Citation
2	Interpretation
3	Hours of duty
4	Records of attendance
5	Public holidays
6	Overtime payments
7	Sunday duty
8	Repeal

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Police (Overtime and Public Holidays) Regulations 1979

TABLE OF AMENDMENTS

The Police (Overtime and Public Holidays) Regulations 1979 (GN No 245/1979) commenced on 30 July 1979.

Amending Legislation	Notified	Date of Commencement
Naoero Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Naoero Police Force Act 2025 No 38	19 September 2025	s 201: 19 September 2025
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 100,901]

IN EXERCISE of the powers conferred on me by Section 50 of the *Naoero Police Force Act 2025*, I hereby make the following Regulations:

[cl am Act 38 of 2025 s 201, opn 19 Sep 2025; Act 21 of 2026 s 5, opn 12 May 2026]

1 Citation

These Regulations may be cited as the *Police (Overtime and Public Holidays) Regulations 1979*.

2 Interpretation

In these Regulations:

'fortnightly pay period' means the periods of a fortnight each in respect of which permanent officers in the Public Service under and by virtue of the *Public Service Act 2016* are paid;

'overtime' means any period during which a police officer performs a duty in any working week in excess of the normal hours of duty;

'police officer' means any person appointed under Section 6 of the Act;

'section of the Naoero Police Force' means any division existing for administrative convenience and the discharge of the functions of the Naoero Police Force; and

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'working week' means a period of Monday to Sunday, both days inclusive.

3 Hours of duty

(1) Subject to Regulation 6(8), the number of normal hours of duty of police officers in any working week shall be 40 hours.

(2) Notwithstanding subregulation (1), a police officer may be required to work, in accordance with these Regulations, hours in excess of 40 hours in any working week and, except insofar as is provided to the contrary by these Regulations, he or she shall be entitled to receive overtime payments in respect of excess hours worked.

(3) A police officer shall attend to perform duty during such hours as he or she may be directed to do so by the Commissioner of Police or any other officer to whom the Commissioner of Police may delegate his or her powers under this subregulation.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) A police officer who is shown upon a roster exhibited in a conspicuous position in the Central Police Station or in respect of any section of the Naoero Police Force any other place specified by the Commissioner of Police as being due to perform duties between the hours and on the days shown on any such roster shall be deemed to have been directed by the Commissioner of Police to perform duty between those hours on those days.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

4 Records of attendance

(1) The Commissioner of Police shall determine the means of recording the attendance of police officers.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) The officer in charge of each section of the Naoero Police Force is responsible, using the means of record determined by the Commissioner of Police, for the recording of attendance of police officers in that section in accordance with these Regulations and such directions as are given to him or her by the Commissioner of Police.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 21 of 2026 s 5, opn 12 May 2026]

(3) Every police officer, other than the Commissioner of Police, shall, record daily, by the means of record determined by the Commissioner of Police, the actual times of his or her arrival at and his or her departure from, his or her place of duty.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) The means of record of attendances for each section of the Naoero Police Force shall be available at all times at the Police Station or at such other place as the Commissioner of Police may determine.

[subreg (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 21 of 2026 s 5, opn 12 May 2026]

5 Public holidays

(1) The days which are holidays in the Public Service under or by virtue of the provisions of Section 81 of the *Public Service Act 2016* shall be holidays in the Naoero Police Force.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Commissioner of Police may require police officers to perform duties on public holidays but any police officer performing duties on such a holiday shall be entitled to receive:

(a) overtime payment for the hours during which such duties are performed subject to Regulations 6(8) and 7(1)(a); or

(b) an equivalent time as additional recreational leave,

as the Commissioner of Police shall direct in each case:

Provided that the Commissioner of Police may issue general directions applying to the circumstances specified in any such direction.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

6 Overtime payments

(1) Except insofar as is provided by Regulation 5 or in special circumstances approved by the Commissioner of Police, a police officer holding a rank or acting in a rank above that of Sergeant First Class shall not be entitled to receive any payment for overtime.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) At the end of each fortnightly pay period, the officer in charge of each section of the Naoero Police Force shall furnish to the Commissioner of Police a return containing the following:

(a) a statement of all overtime worked in that section during that period;

(b) particulars of all claims of police officers within that section for payment at overtime rates for hours of duty worked during that period; and

(c) a certificate signed by the officer furnishing the return that the overtime appears to him or her:

(i) to have been worked; and

(ii) to have been authorised in advance; or if not authorised in advance, to have been justified.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 21 of 2026 s 5, opn 12 May 2026]

(3) The Commissioner of Police may disallow payment for overtime claimed to have been worked if:

(a) he or she believes that the overtime, was not worked; or

(b) the overtime, if not authorised in advance, was in his or her opinion not justified.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) For the purpose of payment, overtime shall be calculated to the nearest quarter of an hour of the total period of overtime worked in each fortnightly pay period.

(5) Subject to subregulation (6) the hourly rate of overtime payment shall be:

(a) in respect of overtime worked on a holiday, twice the normal hourly rate of pay;

(b) in respect of overtime worked on a Sunday, subject to Regulation 7, twice the normal hourly rate of pay; and

(c) in respect of any other overtime worked, one and a half times the normal hourly rate of pay.

(6) The normal hourly rate of pay shall be calculated in accordance with the following formula:

$$\frac{\text{Annual Salary}}{313} \times \frac{6}{40}$$

and the overtime hourly rate of pay shall be calculated by multiplying the result of the formula by one and a half or two, whichever the provisions of subregulation (5) in the circumstances require and calculating the figure thus produced to two decimal points of a cent.

(7) An allowance payable paid to a police officer for performance of higher duties and allowances granted in such other cases as the Commissioner of Police determines shall be regarded as salary for the purpose of computing overtime payment.

[subreg (7) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(8) Any period of absence from duty granted to a police officer by way of leave of absence shall, in the calculation of the number of hours to be worked before overtime can be claimed, be added to the number of hours actually worked by the police officer in the relative fortnightly pay period, but a police officer shall not, unless absent from duty on leave of absence, or unless absent in respect of any public holiday falling within that pay period, be credited with any hours of duty not actually worked.

(9) Where a police officer is required to perform duties at times or on days which are not disclosed on the roster mentioned in Regulation 3, the period of duty shall be deemed to include the time reasonably spent in travelling to

his or her place of duty from his or her home and returning to his or her home thereafter, unless such period of duty falls immediately before or immediately after a period of duty mentioned on such roster.

7 Sunday duty

(1) Subject to Regulation 6(1), a police officer who is required to perform duty on a Sunday shall be paid in respect of that duty:

(a) at his or her normal rate of salary for such period during which that duty is performed as together with his or her other periods of duty in the working week which includes that Sunday does not exceed 40 hours; and

(b) at double his or her normal rate of salary for any period during which that duty is performed after the completion of 40 hours of duty in the working week which includes that Sunday.

(2) In computing, payments for duty performed on a Sunday:

(a) scheduled duty ending at 2 o'clock in the morning or earlier on the Sunday shall not be paid for at the rate of double time unless the officer is again required to be on duty on the same day; and

(b) scheduled duty commencing at 10 o'clock in the evening or later on a Sunday shall not be paid for at the rate of double time unless the officer has already been on duty on the same day.

8 Repeal

Regulations 6 and 10 of the *Police Regulations 1972* are hereby repealed with effect from the date on which these Regulations come into force.

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