

New South Wales.



ANNO SEPTIMO

GEORGII VI REGIS.

Act No. 5, 1943.

An Act to make certain provisions for insuring the secrecy of the police wireless code; for this purpose to amend the Police Regulation Act, 1899-1941, in certain respects; and for purposes connected therewith. [Assented to, 14th May, 1943.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Police Regulation (Amendment) Act, 1943." Short title and citation.

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1943.

Police Regulation (Amendment).

Amendment
of Act No.
20, 1899.

New sec.
17A.

Penalty for
unlawful
possession
of police
wireless
code.

2. The Police Regulation Act, 1899-1941, is amended by inserting next after section seventeen the following new section:—

17A. (1) Any person (other than an officer of the Police Department who, by reason of or in the course of his employment as such an officer, has access to the police wireless code or is engaged in the performance of duties relating to or associated with the use or operation of the police wireless code) who has in his possession or within his control, without the permission of the Commissioner, a copy of the police wireless code or any part thereof or a document which purports to be a copy of such code or any part thereof, shall be guilty of an offence and shall be liable, if a corporation, to a penalty not exceeding two hundred pounds or, if an individual, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

(2) If a copy of the police wireless code, or any part thereof, or a document which purports to be a copy of such code or any part thereof, is, without the permission of the Commissioner, in any house, office or building or in any vehicle or vessel or in any other place whatsoever, whether of the same or a different kind, the occupier or the person having the immediate possession or control of such house, office, building, vehicle, vessel or place, shall be guilty of an offence and shall be liable, if a corporation, to a penalty not exceeding two hundred pounds or, if an individual, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

In any case where the person charged with an offence against this section is an individual, it shall be a sufficient defence if such person proves that he did not know and had no reasonable grounds for suspecting that the copy or document was in the house, office, building, vehicle, vessel or place.

(3) Where any act which by this section is declared to be an offence and which is committed

by

Police Regulation (Amendment).

by a corporation is proved to have been committed with the knowledge, consent or approval of, or to have been facilitated by any neglect on the part of any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

(4) Where any person is convicted in any proceedings for an offence against this section the copy or document the subject of the proceedings shall be delivered to the Commissioner.

(5) If information is given on oath to a justice that there is reasonable ground for believing that any copy of the police wireless code or any part thereof or any document purporting to be a copy of such code or any part thereof is in or upon any house, office, building, vehicle, vessel or place in contravention of subsection two of this section, such justice may by special warrant under his hand directed to any member of the police force, authorise such member of the police force to enter and search such house, office, building, vehicle, vessel or place and all persons found therein and to take possession of any such copy or document.

(6) (a) A person who, by reason of or in the course of his employment as an officer of the Police Department, has access to the police wireless code or is engaged in the performance of duties relating to or associated with the use or operation of the police wireless code, shall not, either directly or indirectly, except in the performance of his duties, and either while he is or after he ceases to be so employed, make a record of or divulge or communicate to any person any information respecting the police wireless code or the use or operation thereof.

(b) Any person who contravenes the provisions of paragraph (a) of this subsection shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

Where

Police Regulation (Amendment).

Where the contravention of this section is committed by a person who is, at the time of such contravention, an officer of the Police Department he shall be liable, in addition to such penalty or imprisonment, to any penalty or punishment provided for in any Act, regulation or rule relating to his employment.

(7) In this section the expression "officer of the Police Department" includes a member of the police force, a police cadet, a member of the police reserve appointed under Part II_A of this Act, an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, who is employed in the Police Department, and a special constable appointed under the Police Offences Act, 1901, as amended by subsequent Acts, who is employed in the Police Department.

By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1943.

[3d.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 May, 1943.*

New South Wales.



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Short title
and
citation.

(2) The Police Regulation Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation Act, 1899-1943.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Police Regulation (Amendment).

Amendment
of Act No.
20, 1899.
New sec.
17A.
Penalty for
unlawful
possession
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2. The Police Regulation Act, 1899-1941, is amended by inserting next after section seventeen the following new section:—

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(2) If a copy of the police wireless code, or any part thereof, or a document which purports to be a copy of such code or any part thereof, is, without the permission of the Commissioner, in any house, office or building or in any vehicle or vessel or in any other place whatsoever, whether of the same or a different kind, the occupier or the person having the immediate possession or control of such house, office, building, vehicle, vessel or place, shall be guilty of an offence and shall be liable, if a corporation, to a penalty not exceeding two hundred pounds or, if an individual, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

In any case where the person charged with an offence against this section is an individual, it shall be a sufficient defence if such person proves that he did not know and had no reasonable grounds for suspecting that the copy or document was in the house, office, building, vehicle, vessel or place.

(3) Where any act which by this section is declared to be an offence and which is committed
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Police Regulation (Amendment).

by a corporation is proved to have been committed with the knowledge, consent or approval of, or to have been facilitated by any neglect on the part of any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

(4) Where any person is convicted in any proceedings for an offence against this section the copy or document the subject of the proceedings shall be delivered to the Commissioner.

(5) If information is given on oath to a justice that there is reasonable ground for believing that any copy of the police wireless code or any part thereof or any document purporting to be a copy of such code or any part thereof is in or upon any house, office, building, vehicle, vessel or place in contravention of subsection two of this section, such justice may by special warrant under his hand directed to any member of the police force, authorise such member of the police force to enter and search such house, office, building, vehicle, vessel or place and all persons found therein and to take possession of any such copy or document. cf. Act No. 5, 1901, s. 28.

(6) (a) A person who, by reason of or in the course of his employment as an officer of the Police Department, has access to the police wireless code or is engaged in the performance of duties relating to or associated with the use or operation of the police wireless code, shall not, either directly or indirectly, except in the performance of his duties, and either while he is or after he ceases to be so employed, make a record of or divulge or communicate to any person any information respecting the police wireless code or the use or operation thereof. cf. Act No. 48, 1941, s. 8.

(b) Any person who contravenes the provisions of paragraph (a) of this subsection shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months. Where

Police Regulation (Amendment).

Where the contravention of this section is committed by a person who is, at the time of such contravention, an officer of the Police Department he shall be liable, in addition to such penalty or imprisonment, to any penalty or punishment provided for in any Act, regulation or rule relating to his employment.

(7) In this section the expression "officer of the Police Department" includes a member of the police force, a police cadet, a member of the police reserve appointed under Part IIA of this Act, an officer or employee within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, who is employed in the Police Department, and a special constable appointed under the Police Offences Act, 1901, as amended by subsequent Acts, who is employed in the Police Department.

*In the name and on behalf of His Majesty I assent to
this Act.*

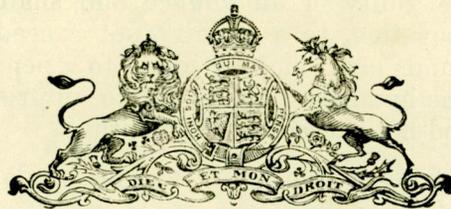
WAKEHURST,
Governor.

*Government House,
Sydney, 14th May, 1943.*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 4 May, 1943.

New South Wales.



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Act No. , 1943.

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2. The Police Regulation Act, 1899-1941, is amended by inserting next after section seventeen the following new section:—

Amendment of Act No. 20, 1899.

New sec. 17A.

Penalty for unlawful possession of police wireless code.

5 17A. (1) Any person (other than an officer of the Police Department who, by reason of or in the course of his employment as such an officer, has access to the police wireless code or is engaged in the performance of duties relating to or associated with the use or operation of the police wireless code) who has in his possession or within his control, without the permission of the Commissioner, a copy of the police wireless code or any part thereof or a document which purports to be a copy of such code or any part thereof, shall be guilty of an offence and shall be liable, if a corporation, to a penalty not exceeding two hundred pounds or, if an individual, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

20 (2) If a copy of the police wireless code, or any part thereof, or a document which purports to be a copy of such code or any part thereof, is, without the permission of the Commissioner, in any house, office or building or in any vehicle or vessel or in any other place whatsoever, whether of the same or a different kind, the occupier or the person having the immediate possession or control of such house, office, building, vehicle, vessel or place, shall be guilty of an offence and shall be liable, if a corporation, to a penalty not exceeding two hundred pounds or, if an individual, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

35 In any case where the person charged with an offence against this section is an individual, it shall be a sufficient defence if such person proves that he did not know and had no reasonable grounds for suspecting that the copy or document was in the house, office, building, vehicle, vessel or place.

40 (3) Where any act which by this section is declared to be an offence and which is committed by

Police Regulation (Amendment).

5 by a corporation is proved to have been committed with the knowledge, consent or approval of, or to have been facilitated by any neglect on the part of any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

10 (4) Where any person is convicted in any proceedings for an offence against this section the copy or document the subject of the proceedings shall be delivered to the Commissioner.

15 (5) If information is given on oath to a justice that there is reasonable ground for believing that any copy of the police wireless code or any part thereof or any document purporting to be a copy of such code or any part thereof is in or upon any house, office, building, vehicle, vessel or place in contravention of subsection two of this section, such justice may by special warrant under his hand directed to any member of the police force, authorise such member of the police force to enter and search such house, office, building, vehicle, vessel or place and all persons found therein and to take possession of any such copy or document.

20 (6) (a) A person who, by reason of or in the course of his employment as an officer of the Police Department, has access to the police wireless code or is engaged in the performance of duties relating to or associated with the use or operation of the police wireless code, shall not, either directly or indirectly, except in the performance of his duties, and either while he is or after he ceases to be so employed, make a record of or divulge or communicate to any person any information respecting the police wireless code or the use or operation thereof.

30 (b) Any person who contravenes the provisions of paragraph (a) of this subsection shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

40 Where

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Police Regulation (Amendment) Bill.

EXPLANATORY NOTE.

THE purposes of this Bill are—

- (a) to make it an offence for any unauthorised person to have possession or control of a copy of the police wireless code or any part thereof;
- (b) to prohibit disclosure of certain information relating to the police wireless code; and
- (c) to provide for the issue of a search warrant to a member of the police force to search for and seize any such copy which is wrongfully held.

No. , 1943.

A BILL

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[MR. MCKELL;—4 *May*, 1943.]

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[4d.]