

1993—No. 530

**POLICE DEPARTMENT (TRANSIT POLICE) ACT 1989—
REGULATION**

(Relating to duties of members of the transit police service)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Police Department (Transit Police) Act 1989, has been pleased to make the Regulation set forth hereunder.

TERRY GRIFFITHS
Minister for Police and Emergency Services

The Police Department (Transit Police) Regulation 1989 is amended:

(a) by omitting clause 2 and by inserting instead the following clauses:

Definitions

2. In this Regulation:

“**member**” means a member of the transit police service;

“**Police Tribunal**” means the Police Tribunal of New South Wales established under Part 9A of the Police Service Act 1990;

“**the Act**” means the Police Department (Transit Police) Act 1989.

Discipline—Police Service Regulation 1990 to apply

2A. (1) The following provisions of the Police Service Regulation 1990 apply to and in respect of a member in the same way as they apply to and in respect of a police officer:

- clause 30 (police officer to report misconduct)
- clause 31 (misconduct to be reported to Commissioner)
- clause 33 (investigation of complaints)

- clause 35 (action on preferment of a departmental charge)
- clause 36 (matters to be set out in departmental charges)
- clause 37 (where charge to be forwarded to Police Tribunal)
- clause 38 (where departmental charge admitted)
- clause 39 (where departmental charge denied)
- clause 42 (fines)
- clause 43 (proceedings against police officers)
- clause 47 (insignia of rank etc.)

(2) The provisions referred to in subclause (1) apply as if a reference to a police officer were a reference to a member.

(b) by omitting from clauses 3 (1) and 4 (1) the words “of the transit police service” wherever occurring;

(c) by omitting from clause 3 (1) (a) the words “section 45A (2) of the Police Regulation (Allegations of Misconduct) Act 1978” and by inserting instead the words “section 175 of the Police Service Act 1990”;

(d) by omitting from clause 4 (2) the words “Police Rules 1977” and by inserting instead the words “Police Service Act 1990”;

(e) by inserting after clause 4 the following clause:

Duties of members

5. It is the duty of each member to comply with the following:

- (1) Members must comply with any instructions issued by the Commissioner under clause 4, and must promptly obey all lawful orders from those in authority over them.
- (2) Members must at all times exercise the strictest honesty and truthfulness, and in particular they must not:
 - (a) wilfully or negligently make any false, misleading or incorrect statement; or
 - (b) knowingly make or sign any false statement in any official document, record or book; or
 - (c) without good and sufficient cause, destroy or mutilate any official document, record or book, or alter or erase any entry made in it.
- (3) Members must not permit any political or religious consideration to influence them in the discharge of their duty.

- (4) Members must not retain, without proper authority, any money paid by any person for anything arising out of, or in any way connected with, the members' duty, whether by way of a refund of expenses or otherwise, and must not derive or retain any pecuniary advantage from any public contract or from any purchase made by them or others on behalf of the Government.
- (5) Members must be strictly impartial in the discharge of their duties towards all persons.
- (6) Members must exercise caution to prevent the possibility of an innocent person being arrested. If a person is brought to a police station or a transit police office for investigation and the person is subsequently found to be innocent or a charge is refused, and there are circumstances which give rise to a sense of grievance or to any sort of protest, the matter must be at once reported to the Patrol Commander within the Police Service. The person aggrieved is to be afforded an opportunity of making any representations he or she desires in writing.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to specify duties for members of the transit police service based on the conditions of service for police officers under the Police Service Regulation 1990; and
- (b) to update references to certain provisions of the Police Service Regulation 1990 relating to disciplinary procedures and a reference to the Police Tribunal under the Public Service Act 1990.

This Regulation is made under the provisions of the Police Department (Transit Police) Act 1989, including section 37 (the general regulation-making power), and sections 9 and 27 (3).
