



New South Wales

# Police Amendment (Recognised Law Enforcement Officers) Regulation 2010

under the

Police Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Act 1990*.

MICHAEL DALEY, MP  
Minister for Police

## Explanatory note

The object of this Regulation is to amend the *Police Regulation 2008* to prescribe requirements in relation to the taking of an oath or the making of an affirmation of office as a recognised law enforcement officer and to exempt certain officers from having to take the oath or make the affirmation.

The Regulation also makes necessary modifications to section 201 of the *Law Enforcement (Powers and Responsibilities) Act 2002* in its application to recognised law enforcement officers. That section deals with requirements for police officers to identify themselves when exercising certain powers such as powers to search or arrest a person, enter premises and seize property.

This Regulation is made as a consequence of the enactment of the *Police Legislation Amendment (Recognised Law Enforcement Officers) Act 2010*.

This Regulation is made under the *Police Act 1990*, including sections 207D, 207E and 219 (the general regulation-making power).

**2010 No 612**

Clause 1      Police Amendment (Recognised Law Enforcement Officers) Regulation  
2010

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**Police Amendment (Recognised Law Enforcement  
Officers) Regulation 2010**

under the

Police Act 1990

**1 Name of Regulation**

This Regulation is the *Police Amendment (Recognised Law  
Enforcement Officers) Regulation 2010*.

**2 Commencement**

This Regulation commences on 1 November 2010 and is required to be  
published on the NSW legislation website.

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## Schedule 1 Amendment of Police Regulation 2008

### Part 7A

Insert after Part 7:

### Part 7A Recognised law enforcement officers

#### 132A Oath or affirmation of office for recognised law enforcement officers

- (1) The form of the oath required to be taken by a recognised law enforcement officer under section 207D of the Act is as follows:  
I, \_\_\_\_\_, do swear that I will well and truly serve our Sovereign Lady the Queen as a recognised law enforcement officer without favour or affection, malice or ill-will until I am legally discharged, that I will cause Her Majesty's peace to be kept and preserved, and that I will prevent to the best of my power all offences against that peace, and that while I continue to be a recognised law enforcement officer I will to the best of my skill and knowledge discharge all my duties faithfully according to law. So help me God.
- (2) The form of the affirmation is the same as the form of the oath, except that:
  - (a) the words "solemnly, sincerely and truly declare and affirm" are to be substituted for the word "swear", and
  - (b) the words "So help me God" are to be omitted.
- (3) An oath may be administered, or an affirmation may be made, in New South Wales or elsewhere.
- (4) An oath is to be administered by, and an affirmation is to be made before:
  - (a) in a case where the recognised law enforcement officer taking the oath or making the affirmation is a police officer in the Police Force of another jurisdiction:
    - (i) a commissioned police officer in that Police Force who is above the rank of the recognised law enforcement officer, or
    - (ii) a person who has the authority to administer an oath in that jurisdiction, or
  - (b) in any case, a commissioned police officer in the NSW Police Force who is above the rank of the recognised law enforcement officer.

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Schedule 1      Amendment of Police Regulation 2008

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- (5) In subclause (4) (a), *commissioned police officer* means:
- (a) in relation to the Commonwealth or the Australian Capital Territory, a person declared to be a commissioned police officer under section 40D of the *Australian Federal Police Act 1979* of the Commonwealth, or
  - (b) in relation to any other State or Territory (except New South Wales), a police officer of or above the rank of Inspector.
- (6) A person who was appointed as a special constable under section 101 (1A) (a) of the *Police (Special Provisions) Act 1901* and holds that position at the commencement of this clause is exempt from the operation of section 207D of the *Police Act 1990* if the person is appointed as a recognised law enforcement officer.
- (7) A person who was appointed as a recognised law enforcement officer and ceased to be so appointed is exempt from the operation of section 207D of the Act if the person:
- (a) is reappointed as a recognised law enforcement officer, and
  - (b) had previously taken the oath or made the affirmation in accordance with this clause.

**132B    Supplying officer's details and giving warnings**

- (1) The provisions of section 201 of the *Law Enforcement (Powers and Responsibilities) Act 2002* apply to a recognised law enforcement officer in the same way as they apply to a police officer in his or her capacity as a police officer subject to the modifications prescribed by this clause.
- (2) Section 201 (1) of the *Law Enforcement (Powers and Responsibilities) Act 2002* is modified in its application to recognised law enforcement officers by omitting paragraphs (a) and (b) and by inserting instead the following paragraphs:
- (a) evidence that the recognised law enforcement officer is a police officer from another jurisdiction or is a recognised law enforcement officer (unless the officer is wearing his or her uniform as a police officer of another jurisdiction),
  - (b) the name of the recognised law enforcement officer and his or her place of duty as a police officer in another jurisdiction.