



New South Wales

# Law Enforcement (Powers and Responsibilities) Amendment (Directions under Part 14) Regulation 2016

under the

Law Enforcement (Powers and Responsibilities) Act 2002

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Law Enforcement (Powers and Responsibilities) Act 2002*.

GABRIELLE UPTON, MP  
Attorney General

## Explanatory note

The object of this Regulation is to update the Code of Practice set out in the *Law Enforcement (Powers and Responsibilities) Regulation 2016* in relation to a police officer's power to give a direction under Part 14 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

This Regulation is made under the *Law Enforcement (Powers and Responsibilities) Act 2002*, including sections 200A and 238 (the general regulation-making power).

## **Law Enforcement (Powers and Responsibilities) Amendment (Directions under Part 14) Regulation 2016**

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### **1 Name of Regulation**

This Regulation is the *Law Enforcement (Powers and Responsibilities) Amendment (Directions under Part 14) Regulation 2016*.

### **2 Commencement**

This Regulation commences on 1 November 2016 and is required to be published on the NSW legislation website.

### **3 Amendment of Law Enforcement (Powers and Responsibilities) Regulation 2016**

#### **Schedule 3 Code of Practice for directions under Part 14 of Act**

Omit clause 4. Insert instead:

#### **4 Limitation on the exercise of powers under Part 14—section 200**

- (1) A police officer cannot give a direction under Part 14 of the Act in relation to industrial disputes.
- (2) A police officer cannot give a direction under Part 14 of the Act in relation to an apparently genuine demonstration or protest, or a procession or an organised assembly unless:
  - (a) the police officer believes on reasonable grounds that the direction is necessary to deal with a serious risk to the safety of the person to whom the direction is given or any other person, or
  - (b) the demonstration, protest, procession or assembly is obstructing traffic and is not an authorised public assembly for the purposes of Part 4 of the *Summary Offences Act 1988* (or is not being held substantially in accordance with any such authorisation), the police officer in charge at the scene has authorised the giving of directions and the direction is limited to the persons who are obstructing traffic.