

Act No. 88

POLICE REGULATION (EMERGENCIES) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Police Regulation Act 1899 to clarify the power of members of the police force to move persons out of a danger area in the event of an actual or imminent emergency.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a proclaimed day or days.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) inserts a new section 7B into the Principal Act. The new section provides that, in the event of an actual or imminent emergency, a member of the police force can direct a person to move out of a danger area (and if necessary, use such force to move the person as is reasonable in the circumstances). Such a direction can be given only by or with the authority of a senior member of the police force and only if he or she is satisfied that there are reasonable grounds for giving the direction to protect the person from injury or death. The new section also provides that rules may be made under the Act to limit and regulate use of the power conferred by the section.

Schedule 1 (2) amends section 26A of the Principal Act. That section protects a member of the police force (acting in good faith in the performance of a duty) against certain liabilities for injury or damage caused by the member. The proposed amendment clarifies that the protection applies where the injury or damage was caused by an omission by the member (as well as by an act of the member).
