

**POLICE REGULATION (EMERGENCIES) AMENDMENT
ACT 1988 No. 88**

NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Commencement
3. Amendment of Police Regulation Act 1899 No. 20

SCHEDULE 1—AMENDMENTS



POLICE REGULATION (EMERGENCIES) AMENDMENT ACT 1988
No. 88

NEW SOUTH WALES



Act No. 88, 1988

An Act to amend the Police Regulation Act 1899 relating to the power of members of the police force to move persons out of a danger area to protect them from injury or death; and for other purposes. [Assented to 12 December 1988]

Police Regulation (Emergencies) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Police Regulation (Emergencies) Amendment Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Police Regulation Act 1899 No. 20

3. The Police Regulation Act 1899 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 7B—

After section 7A, insert:

Power to evacuate persons in an emergency

7B. (1) A senior member of the police force may, if satisfied that there are reasonable grounds for doing so for the purpose of protecting persons from injury or death threatened by an actual or imminent emergency, direct, or authorise another member of the police force to direct, a person to do any or all of the following:

- (a) to leave any particular premises and to move outside the danger area;
- (b) to take any children or adults present in any particular premises who are in the person's care and to move them outside the danger area;
- (c) not to enter the danger area.

(2) If the person does not comply with the direction, a member of the police force may do all such things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.

(3) The rules under this Act may limit the circumstances, and regulate the manner, in which the powers conferred by this section may be exercised.

(4) Nothing in this section limits anything in section 7A but neither this section nor section 7A imposes a duty on a member of the police force to use force to ensure compliance with a direction under this section.

Police Regulation (Emergencies) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(5) In this section—

“danger area” means the area specified by a senior member of the police force as the area in which an emergency is causing or threatening to cause injury or death;

“emergency” means an emergency due to an actual or imminent occurrence (as defined in the State Emergency Services and Civil Defence Act 1972) causing or threatening to cause injury or death to persons;

“premises” includes place, building, vehicle, vessel or aircraft;

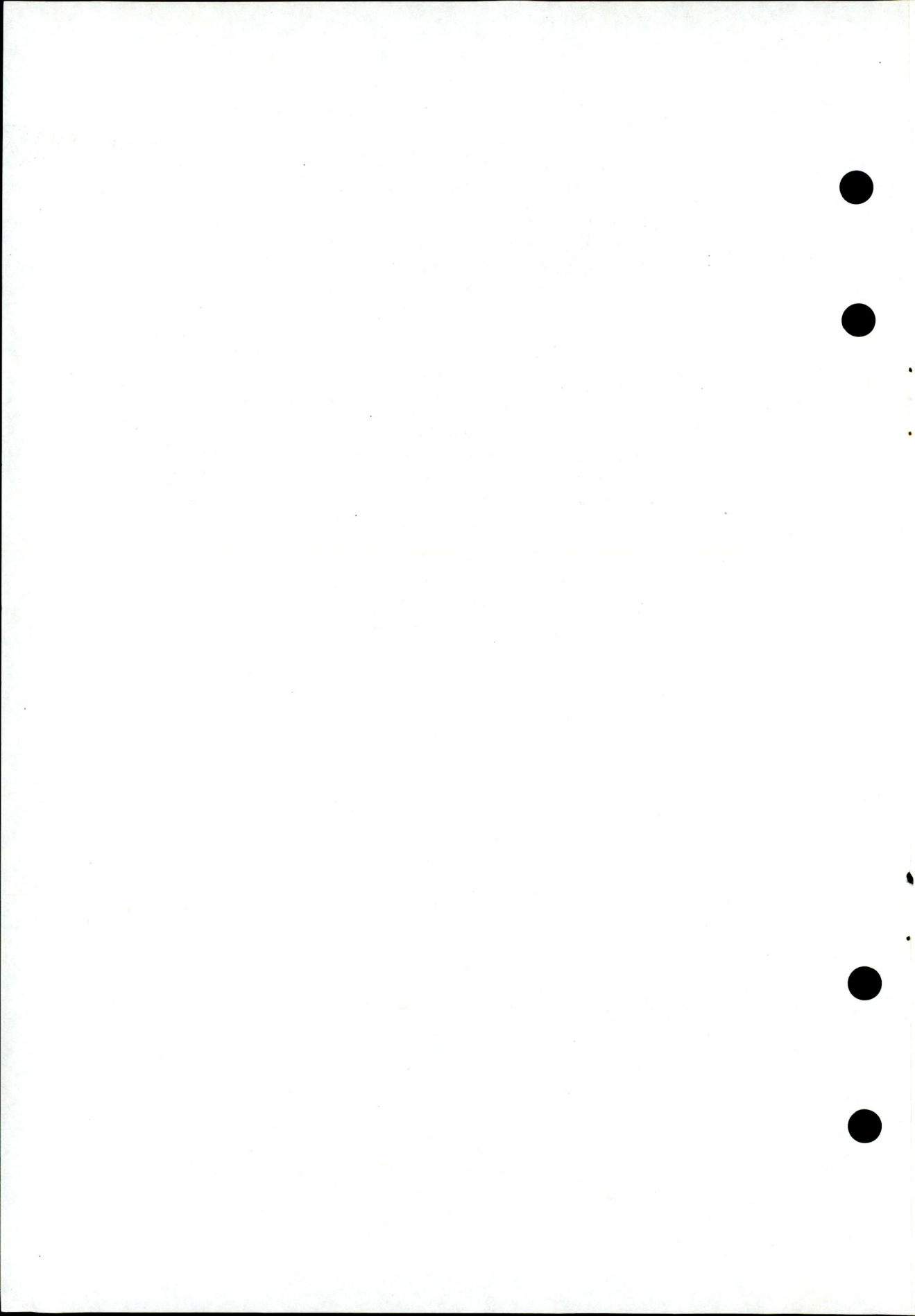
“senior member of the police force” means a member of the police force of or above the rank of sergeant or a member of the police force of a class prescribed as being within this definition by the rules under this Act.

(2) Section 26A (**Exculpation from certain liability**)—

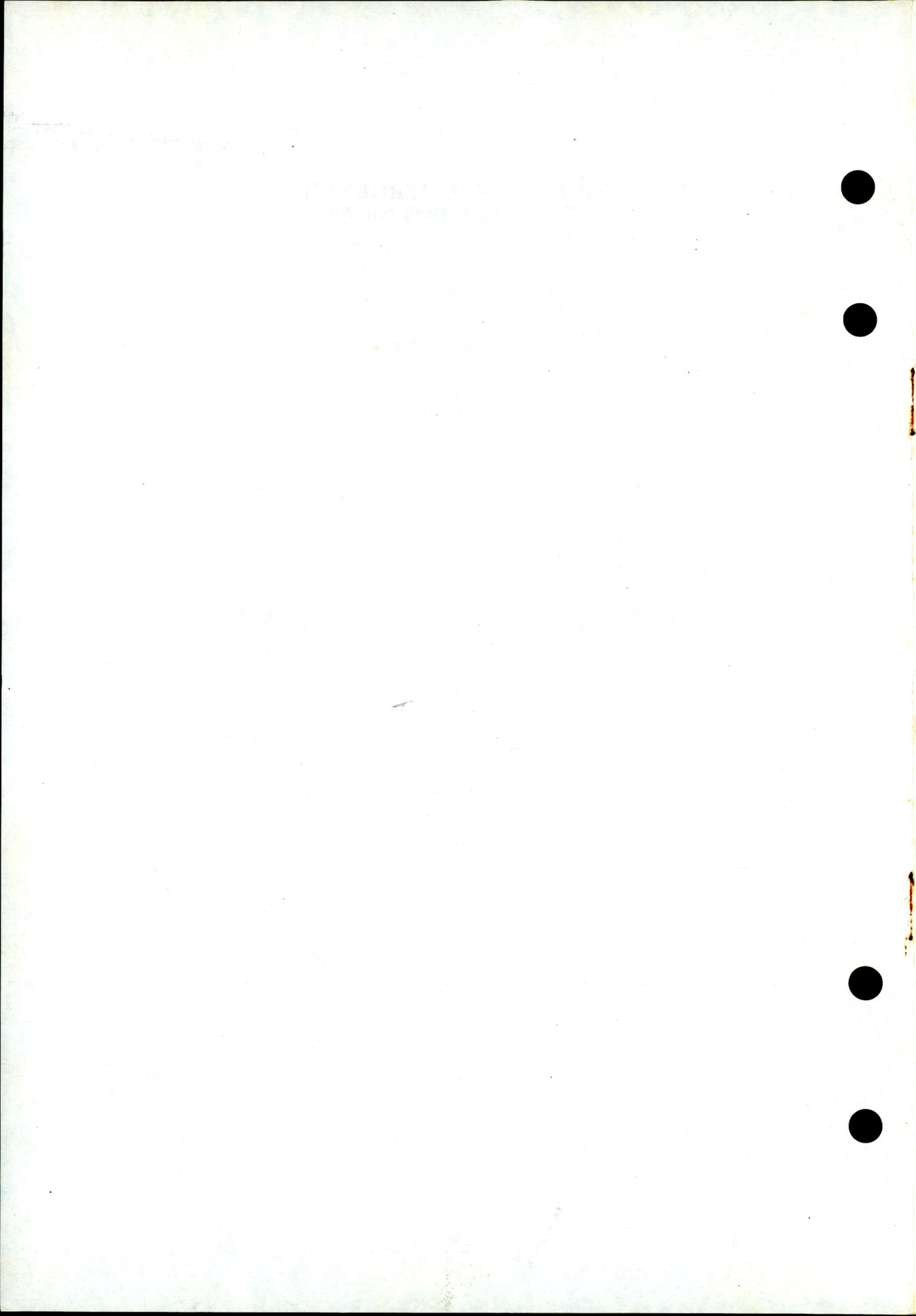
(a) Omit “caused by him”, insert instead “caused by any act or omission of the member”.

(b) Omit “him” wherever else occurring, insert instead “the member”.

[Minister's second reading speech made in—
Legislative Council on 19 October 1988
Legislative Assembly on 15 November 1988]







**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).

THE [illegible] OF [illegible]

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[illegible]

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POLICE REGULATION (EMERGENCIES) AMENDMENT BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Police Regulation Act 1899 No. 20

SCHEDULE 1—AMENDMENTS

THE UNIVERSITY OF CHICAGO PRESS
1963

**POLICE REGULATION (EMERGENCIES) AMENDMENT
BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Police Regulation Act 1899 relating to the power of members of the police force to move persons out of a danger area to protect them from injury or death; and for other purposes.

*Police Regulation (Emergencies) Amendment 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Police Regulation (Emergencies) Amendment Act 1988.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Police Regulation Act 1899 No. 20

3. The Police Regulation Act 1899 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 7B—

After section 7A, insert:

Power to evacuate persons in an emergency

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7B. (1) A senior member of the police force may, if satisfied that there are reasonable grounds for doing so for the purpose of protecting persons from injury or death threatened by an actual or imminent emergency, direct, or authorise another member of the police force to direct, a person to do any or all of the following:

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(a) to leave any particular premises and to move outside the danger area;

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(b) to take any children or adults present in any particular premises who are in the person's care and to move them outside the danger area;

(c) not to enter the danger area.

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(2) If the person does not comply with the direction, a member of the police force may do all such things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.

(3) The rules under this Act may limit the circumstances, and regulate the manner, in which the powers conferred by this section may be exercised.

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(4) Nothing in this section limits anything in section 7A but neither this section nor section 7A imposes a duty on a member of the police force to use force to ensure compliance with a direction under this section.

Police Regulation (Emergencies) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(5) In this section—

“danger area” means the area specified by a senior member of the police force as the area in which an emergency is causing or threatening to cause injury or death;

5 “emergency” means an emergency due to an actual or imminent occurrence (as defined in the State Emergency Services and Civil Defence Act 1972) causing or threatening to cause injury or death to persons;

“premises” includes place, building, vehicle, vessel or aircraft;

10 “senior member of the police force” means a member of the police force of or above the rank of sergeant or a member of the police force of a class prescribed as being within this definition by the rules under this Act.

(2) Section 26A (**Exculpation from certain liability**)—

15 (a) Omit “caused by him”, insert instead “caused by any act or omission of the member”.

(b) Omit “him” wherever else occurring, insert instead “the member”.

