

FIRST PRINT

**POLICE REGULATION (IMPOSITION OF CHARGES)
AMENDMENT BILL 1989**

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 enable charges to be imposed for certain services provided by the police.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

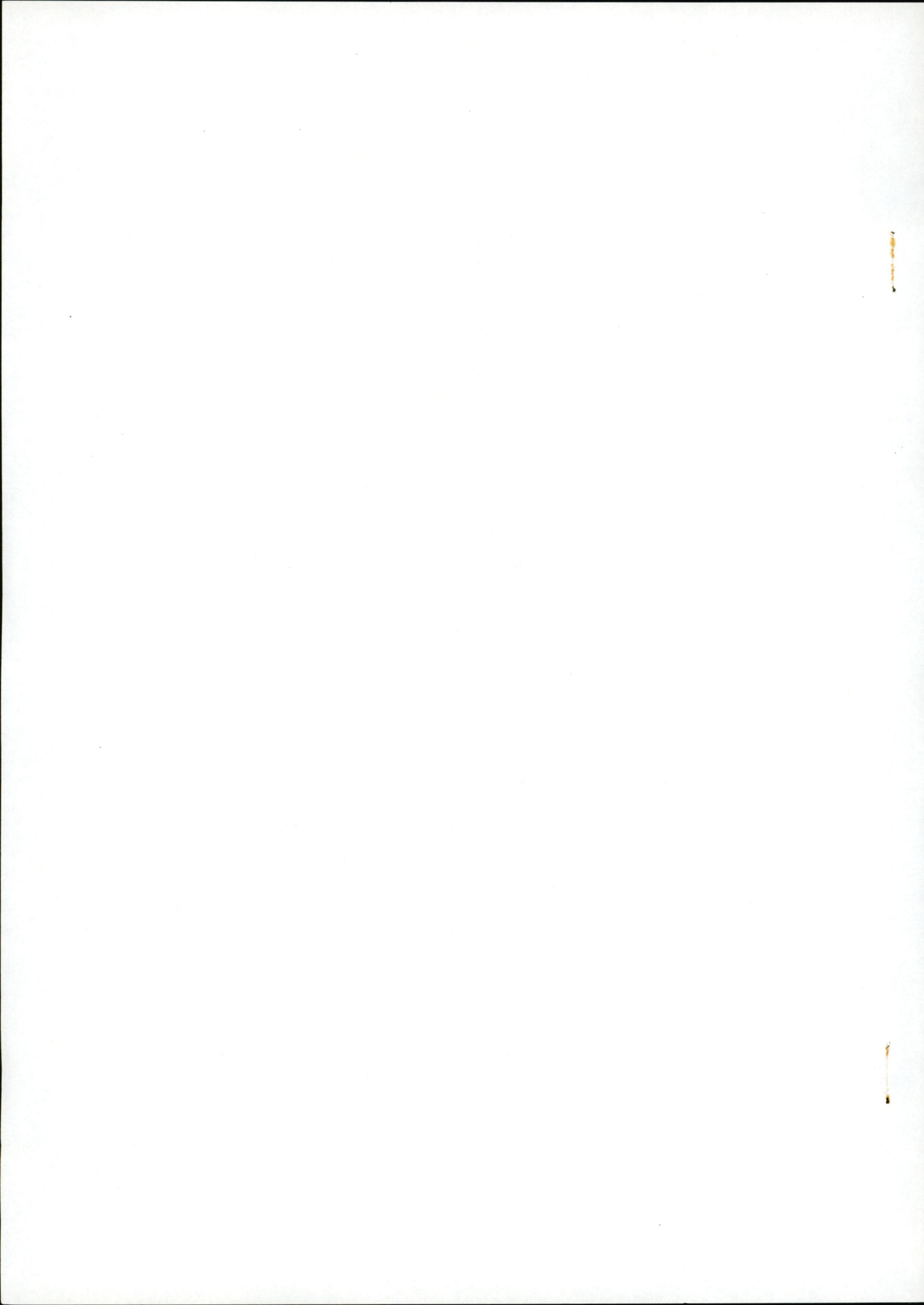
Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

SCHEDULE 1 - AMENDMENTS

Schedule 1 (1) inserts a new section 35AA into the Principal Act. The new section entitles the Commissioner of Police to payment of a charge for certain services provided to a person by the police at the person's request. The services include maintaining order at sporting or entertainment events, providing escorts for vehicles carrying wide or long loads and providing information for visa applications. In addition, the rules may prescribe services for which the Commissioner may make a charge and may specify the person who is to pay for such a service, whether or not the person requested the service to be provided.

The new section also validates charges for any such services provided before the new section takes effect.

Schedule 1 (2) - (4) amend sections 35B - 35D of the Principal Act as a consequence of the insertion of the new section.



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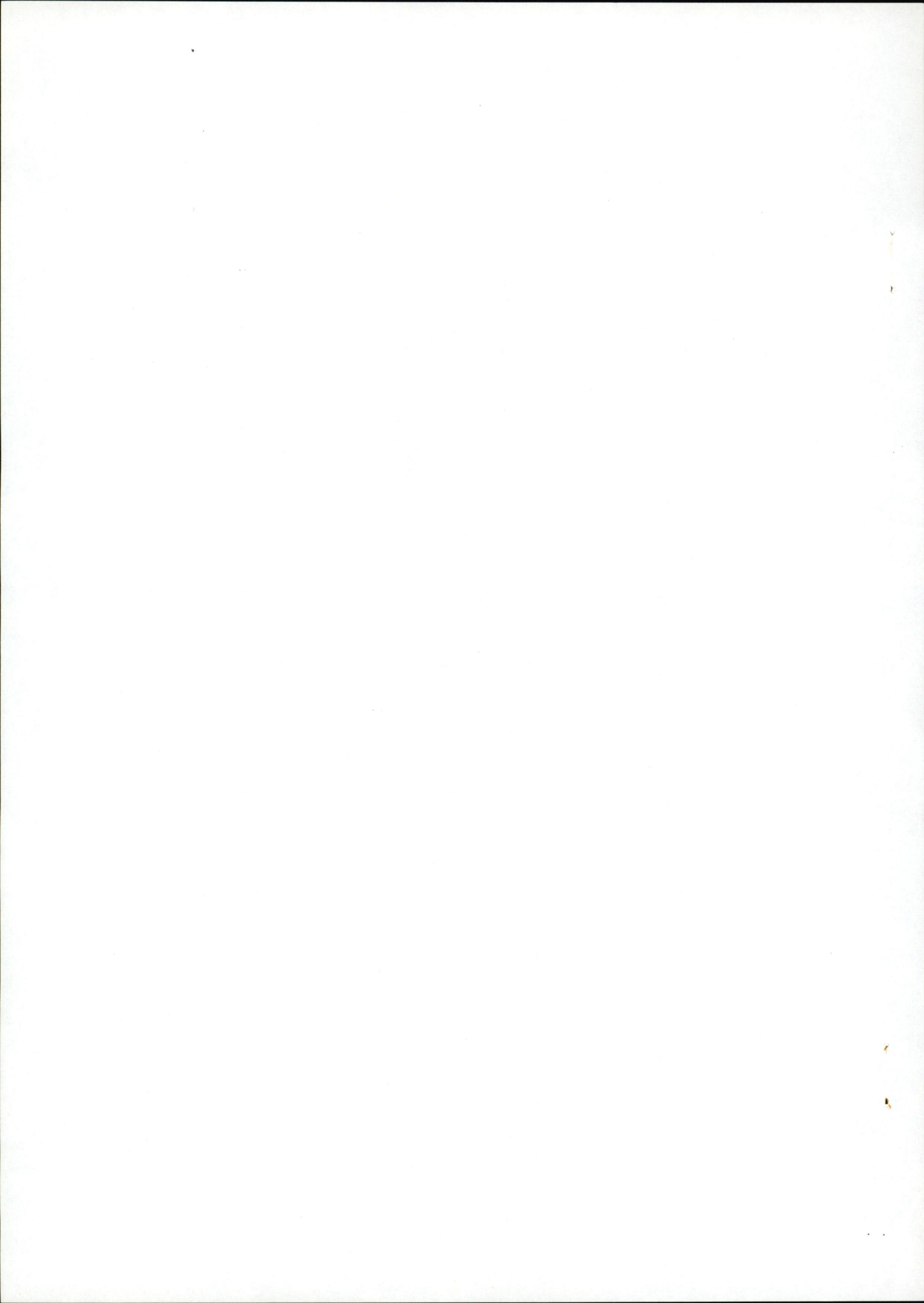
NEW SOUTH WALES



TABLE OF PROVISIONS

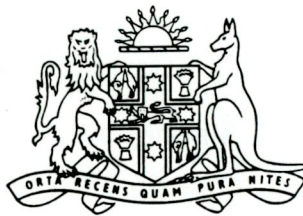
1. Short title
2. Commencement
3. Amendment of Police Regulation Act 1899 No. 20

SCHEDULE 1 - AMENDMENTS



**POLICE REGULATION (IMPOSITION OF CHARGES)
AMENDMENT BILL 1989**

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the Police Regulation Act 1899 to enable charges to be imposed for certain services performed by members of the police force.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Police Regulation (Imposition of Charges) Amendment Act 1989.

Commencement

2. This Act commences on a day to be appointed by proclamation, being a day not earlier than the date of commencement of the Police Regulation (False Security Alarms) Amendment Act 1989.

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 35AA:

After section 35A, insert:

Charges for other services

35AA. (1) If a member of the police force (whether or not in compliance with any law):

- (a) attends a sporting or entertainment event, at the request of the person conducting or organising that event, for the purpose of maintaining order; or
- (b) provides, at the request of a person, an escort for a vehicle or trailer carrying a long or wide load; or
- (c) provides any information to a person, at the person's request, in respect of a visa application,

the Commissioner is entitled to demand payment by the person of such amount as may be prescribed by the rules, or if no amount is so prescribed, of such amount as the Commissioner thinks fit.

SCHEDULE 1 - AMENDMENTS - *continued*

(2) The rules may make provision with respect to payment for such services provided by members of the police force as are specified in the rules.

(3) Without limiting the generality of subsection (2), the rules may specify:

- (a) a service whether or not it is provided in compliance with any law; and
- (b) a service whether or not of the same or a similar kind to a service referred to in subsection (1); and
- (c) the circumstances in which the service is provided; and
- (d) the amount which may be demanded for the provision of the service or the means by which the amount is to be calculated or assessed; and
- (e) the person by whom the payment is to be made or from whom the payment may be demanded, whether or not the person requested the provision of the service concerned.

(4) Nothing in this section entitles the Commissioner to any payment for the performance of a service if a fee or other payment for the performance of that service is prescribed by or under any other Act.

(5) The Commissioner is to be taken always to have had power to require a person to make a reasonable payment for any service provided before the commencement of this section, if the service was of the kind for which (if it had been performed after the commencement of this section) a payment could, under subsection (1), be demanded of that person.

(2) Section 35B (Crown bound by ss. 35A and 35AA):

Omit "Section 35A binds", insert "Sections 35A and 35AA bind".

Police Regulation (Imposition of Charges) Amendment 1989

SCHEDULE 1 - AMENDMENTS - *continued*

- (3) Section 35C (**Recovery of charges**):
After "section 35A", insert "or 35AA".
 - (4) Section 35D (**Waiver or reduction of charges**):
After "section 35A", insert "or 35AA".
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**POLICE REGULATION (IMPOSITION OF CHARGES)
AMENDMENT ACT 1989 No. 166**

NEW SOUTH WALES



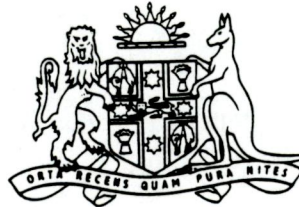
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1. Short title
2. Commencement
3. Amendment of Police Regulation Act 1899 No. 20

SCHEDULE 1 - AMENDMENTS

**POLICE REGULATION (IMPOSITION OF CHARGES)
AMENDMENT ACT 1989 No. 166**

NEW SOUTH WALES



Act No. 166, 1989

An Act to amend the Police Regulation Act 1899 to enable charges to be imposed for certain services performed by members of the police force. [Assented to 14 December 1989]

Police Regulation (Imposition of Charges) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Police Regulation (Imposition of Charges) Amendment Act 1989.

Commencement

2. This Act commences on a day to be appointed by proclamation, being a day not earlier than the date of commencement of the Police Regulation (False Security Alarms) Amendment Act 1989.

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 35AA:

After section 35A, insert:

Charges for other services

35AA. (1) If a member of the police force (whether or not in compliance with any law):

- (a) attends a sporting or entertainment event, at the request of the person conducting or organising that event, for the purpose of maintaining order; or
- (b) provides, at the request of a person, an escort for a vehicle or trailer carrying a long or wide load; or
- (c) provides any information to a person, at the person's request, in respect of a visa application,

the Commissioner is entitled to demand payment by the person of such amount as may be prescribed by the rules, or if no amount is so prescribed, of such amount as the Commissioner thinks fit.

SCHEDULE 1 - AMENDMENTS - *continued*

(2) The rules may make provision with respect to payment for such services provided by members of the police force as are specified in the rules.

(3) Without limiting the generality of subsection (2), the rules may specify:

- (a) a service whether or not it is provided in compliance with any law; and
- (b) a service whether or not of the same or a similar kind to a service referred to in subsection (1); and
- (c) the circumstances in which the service is provided; and
- (d) the amount which may be demanded for the provision of the service or the means by which the amount is to be calculated or assessed; and
- (e) the person by whom the payment is to be made or from whom the payment may be demanded, whether or not the person requested the provision of the service concerned.

(4) Nothing in this section entitles the Commissioner to any payment for the performance of a service if a fee or other payment for the performance of that service is prescribed by or under any other Act.

(5) The Commissioner is to be taken always to have had power to require a person to make a reasonable payment for any service provided before the commencement of this section, if the service was of the kind for which (if it had been performed after the commencement of this section) a payment could, under subsection (1), be demanded of that person.

(2) Section 35B (Crown bound by ss. 35A and 35AA):

Omit "Section 35A binds", insert "Sections 35A and 35AA bind".

Police Regulation (Imposition of Charges) Amendment 1989

SCHEDULE 1 - AMENDMENTS - *continued*

- (3) Section 35C (**Recovery of charges**):
After "section 35A", insert "or 35AA".
- (4) Section 35D (**Waiver or reduction of charges**):
After "section 35A", insert "or 35AA".
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[*Minister's second reading speech made in -
Legislative Council on 19 October 1989 a.m.
Legislative Assembly on 14 November 1989*]

BY AUTHORITY
G. I. COSTELLOE, ACTING GOVERNMENT PRINTER - 1989

