

**POLICE REGULATION (AMENDMENT) ACT,  
1978, No. 20**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 20, 1978.**

An Act to amend the Police Regulation Act, 1899, to clarify certain aspects of the duties and liabilities of a member of the police force. [Assented to, 16th March, 1978.]

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*Police Regulation (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Police Regulation (Amendment) Act, 1978".

Amendment of Act No. 20, 1899.      **2.** The Police Regulation Act, 1899, is amended in the manner set forth in Schedule 1.

Sec. 2.

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SCHEDULE 1.

AMENDMENTS TO THE POLICE REGULATION ACT, 1899.

(1) Section 7A—

After section 7, insert :—

Duty to protect life and property.

7A. (1) It is, and shall be deemed always to have been, the duty of a member of the police force to protect persons from injury or death and property from damage, whether the persons are, or the property is, endangered by criminal acts or otherwise.

(2) The duty imposed by subsection (1) is in addition to, and does not derogate from, any other power, authority, duty or function conferred or imposed on a member of the police force by or under this or any other Act or by law.

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*Police Regulation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE REGULATION ACT, 1899—  
*continued.*

(2) (a) Section 9—

Omit “No”, insert instead “Subject to subsection (2), no”.

(b) Section 9—

Omit “Such oath shall be administered by a Justice, and shall in all cases be subscribed by the person taking the same, and when so taken and subscribed shall be forwarded to the Commissioner by the Justice before whom the same was taken.”.

(c) Section 9 (2), (3)—

At the end of section 9, insert :—

(2) A person who objects to take an oath as provided by subsection (1) may, instead of taking the oath, make a solemn affirmation in the like manner and form—

(a) substituting the words “solemnly, sincerely and truly declare and affirm” for the word “swear” in the form of the oath; and

(b) omitting from the form of the oath the words “So help me GOD”,

and the making of such an affirmation operates in relation to subsection (1) in the same way as the taking of the oath.

(3) An oath or affirmation under subsection (1) or (2) shall—

(a) be administered or received by a Justice;

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*Police Regulation (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE POLICE REGULATION ACT, 1899—  
*continued.*

- (b) be subscribed by the person by whom it is taken or made; and
    - (c) be forwarded by the Justice before whom it is taken or made to the Commissioner.
  
  - (3) (a) Section 10—  
Omit “such oath” where firstly occurring, insert instead “the oath referred to in section 9 (1) or making and subscribing an affirmation as provided by section 9 (2)”.
  
  - (b) Section 10—  
Omit “such oath” where secondly occurring, insert instead “the oath or made the affirmation”.
  
  - (c) Section 10—  
Omit “such oath has been taken and subscribed until”, insert instead “he took and subscribed the oath or made and subscribed the affirmation until he is”.
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- (4) Section 11—  
After “oath,”, insert “affirmation,”.
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- (5) Section 17 (3)—  
After section 17 (2), insert :—  
  - (3) For the purposes of a prosecution under subsection (1), a certificate by the Commissioner to the effect that a uniform described in the certificate is the uniform of a member of the police force is evidence of the matters certified.

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*Police Regulation (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE POLICE REGULATION ACT, 1899—  
*continued.*

(6) Section 26A—

After section 26, insert :—

26A. A member of the police force is not liable for any injury or damage caused by him before or after the commencement of the Police Regulation (Amendment) Act, 1978, in the exercise or performance by him, in good faith, of a power, authority, duty or function conferred or imposed on him by or under this or any other Act or by law with respect to the protection of persons from injury or death or property from damage. Exculpation from certain liability.

(7) Section 35 (1)—

Omit “applied in aid of the Police Superannuation Fund”, insert instead “paid to the Consolidated Revenue Fund”.

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