

APPENDIX 8

DRAFT LEGISLATION: POLICE POWERS OF ENTRY

INDEPENDENT STATE OF PAPUA NEW GUINEA

A BILL

for

AN ACT

entitled

*Arrest (Amendment) Act 1991*BEING an Act to amend the *Arrest Act* (Chapter 339),

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. **New Section 3A.**

Part II. of the Principal Act is amended by inserting immediately after Section 3 the following new section:-

"3A. Entry onto premises and arrest by a policeman.

- (1) Where a policeman believes on reasonable grounds that an offence of assault -
- (a) is about to be committed; or
 - (b) is being committed; or
 - (c) has been committed,
- on private premises, he may, without warrant -
- (d) enter the premises; and
 - (e) perform any arrest in connection with the assault; and
 - (f) remain on the premises for such period as he considers necessary to prevent a breach of the peace.

"(2) Nothing in this section authorises the -

- (a) entry onto premises; or
- (b) search of premises; or
- (c) arrest of any person; or
- (d) remaining on premises,

otherwise than in connection with the offence of assault referred to in Subsection (1).

"(3) It is a reasonable ground for a belief under Subsection (1) if a request for police entry onto premises for the purposes of this section has been made by a person apparently residing on the premises."