



Drongonian Government

Public Safety Act 2021

Public Act **2021-05**

Date of Legislative Approval **11 July 2021**

Date of Commencement **See Section 1 (Note 1)**

This version prepared by the Legislative Clerk of Parliament

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Contents

Title

1. Short Title and Commencement
 - 1A Purpose
2. Affirmation of Legal Authority

Part One

Definitions of public safety

3. Definition of reasonable public safety
4. Definitions of a violation of public safety
5. Definition of enforcement of public safety

Part Two

Provisions surrounding enforcement of public safety

6. Provision of the authority to use force
7. Enforcement guidelines for public servants and Police
8. Modifications made to the Crimes Act 1951
9. Penalties for breaches of public safety
10. Provisions regarding use of reasonable force
11. Legal rights and processes of those charged under this Act

Part Three

Searches, surveillance and seizures in accordance with this Act

12. Searches conducted pursuant to this Act
13. Surveillance conducted pursuant to this Act
14. Property seizures conducted pursuant to this Act
15. Miscellaneous provisions

1 - Short Title and Commencement

- (1) This Act may be cited as the Public Safety Act 2021.
- (2) This Act shall come into force no later than on August 1 2021.

1A – Purpose

- (1) The purpose of this Act is to contribute to a public environment in which-
 - (a) The interests of the public are protected; and
 - (b) Values such as order are enshrined within the public ethos; and
 - (c) The right for an elected government to govern is protected and enforced.
- (2) To this end, the Act ensures that the public have-
 - (a) A guarantee of governmental commitment to safety and security in both public and private environments; and
 - (b) A government which may function effectively during all potential public safety incidences; and
 - (c) An understanding of the definitions of public safety.

2 – Affirmation of Legal Authority

- (1) The passing of this act hereby affirms the following-
 - (a) The contents of this Act are to be interpreted as legally binding; and
 - (b) This Act has been inspected by the Inspector-General for Human Rights with the intention of-
 - (i) Ensuring it complies with the Bill of Rights Act 1951; and
 - (ii) Recommending amendments or repeals of subsections of this Act which do not comply with the Bill of Rights Act 1951; and
 - (iii) Blocking the passage of this Act in the event it is in breach of any article of the Human Rights Act 1951.

Part One

Definitions of public safety

3 - Definition of reasonable public safety

- (1) ‘Reasonable public safety’ is defined as the ability for the average member of the Drongonian public to conduct their personal business or leisure activities in public or in private, so long as those activities are-

- (a) Undertaken in accordance with this and other legislation passed by Parliament; and
- (b) Not conducted in a matter not conducive to public safety or which harms others.

4 – Definition of a violation of public safety

- (1) An offence may be considered a ‘violation of public safety’ if one or more of the following criteria are able to be proven in a substantial manner-
 - (a) The offence undertaken was detrimental to the aforementioned definition of ‘reasonable public safety’; or
 - (b) The offence undertaken was specifically targeting members of the public unrelated to the person or persons charged; or
 - (c) The offence was undertaken with the specific intention of undermining the functions of law enforcement or government on a local, regional or national basis; or
 - (d) Any other offence which may be deemed recognisably in contravention to the public interest but is not able to be charged pursuant to other public order legislation.

5 – Definition of enforcement of public safety

- (1) Any action undertaken may only be considered an act of ‘enforcement of public safety’ if it is undertaken by an individual with explicit permissions to enforce legal authority, including but not limited to-
 - (a) Members of the Drongonian Police; and
 - (b) Members of the Drongonian Defence Force; and
 - (c) Public servants working for a government department granted specific legislative powers (*Ministerial Powers Act 1976*); and
 - (d) Any other individual granted executive powers by Parliament or the Prime Minister of Drongonia.
- (2) Actions undertaken by the aforementioned individuals may be considered an act of ‘enforcement of public safety’ if their desired outcome meets one or more of the following criteria-
 - (a) The act was intended to restore order during a time of public panic or widespread breaches of public safety; or
 - (b) The act was intended to disrupt an ongoing breach of public safety; or
 - (c) The act was intended to protect members of the public from those committing violations of public safety; or

- (d) The act was intended to protect the right to govern from those inciting violations of public safety; or
- (e) The act was intended to aid enforcement of law with the end goal of restoring public safety; or
- (f) The act was intended to aid in provision of emergency services during a time of public panic or widespread breaches of public safety.

Part Two

Provisions surrounding enforcement of public safety

6 – Provision of the authority to use force

- (1) An individual is permitted to use force if they are one of the qualified aforementioned individuals cited in Part One, Subsection 5, Article 1 of this Act.

7 – Enforcement guidelines for public servants and Police

- (1) Any aforementioned individual who is legally permitted under this Act to use force to prevent, interrupt or end breaches of public safety must adhere to the following guidelines-
 - (a) Individuals enforcing public safety should do so with the public good in mind; and
 - (b) Should endeavour to protect the interests of public safety for the entire duration of their enforcement period; and
 - (c) Should treat individuals with a reasonable degree of care while enforcing public safety; and
 - (d) Must recognise the authority of the elected government to govern; and
 - (e) Must follow the appropriate reporting and accountability frameworks for their respective organisation.

8 – Modifications to the Crimes Act 1951

- (1) The following modifications have been made to the Crimes Act 1951 with the legal affirmation of this Act, pursuant to its enforcement and clarification of future purpose-

- (a) A new classification of offence has been created in the Crimes Act 1951 specifically relating to breaches of public safety; and
- (b) The enforcement guidelines and penalties relating to offences charged under this Act are to be derived from this Act only; and
- (c) The Crimes Act 1951 has been modified to recognise the precedence this Act takes over it in relation to charging individuals pursuant to this Act.

9 – Penalties for breaches of public safety

- (1) Any individuals charged pursuant to this Act and proven guilty beyond a reasonable doubt within the existing framework of the legal system are liable to receive one or more of the following penalties as punishment-
 - (a) A correctional sentence no shorter than three months, with no defined maximum length; or
 - (b) A fine of no less than \$1,000, with a maximum amount of \$250,000; or
 - (c) Community service amounting to a served period of no less than six hours, with no defined maximum length; or
 - (d) House arrest amounting to a period of no less than three months, with no maximum defined length; or
 - (e) Suspension of Internet connectivity at their place of residence for a period of no less than two weeks, with a maximum defined length of six months.

10 – Provisions regarding use of reasonable force

- (1) Any individual permitted to use reasonable force to prevent, interrupt or end breaches of public safety is required under this Act to comply with the following-
 - (a) Any individual being arrested or otherwise detained pursuant to this Act must be made aware of their arrest rights; and
 - (b) Any individual enforcing public safety may use an amount of force (including deadly force) which is believed to be necessary at the time; and
 - (c) In the event that deadly force is used to enforce public safety, all appropriate procedures must be followed to ensure the appropriate treatment of the deceased; and

- (d) Actions of law enforcement must be logged and reported in the same fashion as is applicable when operating under any other statute of law.

11 – Legal rights and processes for those charged under this Act

- (1) All individuals who are charged pursuant to this Act must be allowed the following provisions-
 - (a) The right to seek out and consult independent and genuine legal advice; and
 - (b) The right to have all other due processes followed, pursuant to the Bill of Rights Act 1951, except in the cases where-
 - (i) Exceptional circumstances apply
 - (ii) The individual is deemed a serious threat to themselves or the arresting individuals.
- (2) Charges made pursuant to this Act are to be processed as a Category 2 charge at all times.

Part Three

Searches, surveillance and seizures in accordance with this Act

12 – Searches conducted pursuant to this Act

- (1) All individuals who are charged pursuant to this Act may be liable to be subject to a warrant-free search of their person, vehicle, luggage or place of residence if-
 - (a) Authorities are able to establish a reasonable suspicion that the individual is a genuine threat to public safety; or
 - (b) Authorities are able to establish a reasonable suspicion that the individual is conspiring in such a way which would endanger public safety; or
 - (c) For any other reason deemed fit by an individual enforcing public safety at a given time.
- (2) Government agencies or individuals enforcing public safety are not required to inform the target of a warrant-free search if they believe it to be detrimental to public safety.

13 – Surveillance conducted pursuant to this Act

- (1) All individuals who are charged pursuant to this Act may be liable to be subject to warrant-free surveillance of their person, vehicle, or place of residence if-
 - (a) Authorities are able to establish a reasonable suspicion that the individual is a genuine threat to public safety; or
 - (b) Authorities are able to establish a reasonable suspicion that the individual is conspiring in such a way which would endanger public safety; or
 - (c) For any other reason deemed fit by an individual enforcing public safety at a given time.
- (2) Government agencies or individuals enforcing public safety are not required to inform the target of warrant-free surveillance if they believe it to be detrimental to public safety.

14 – Seizures conducted pursuant to this Act

- (1) All individuals who are charged pursuant to this Act may be liable to be subject to warrant-free seizure of their property if-
 - (a) Authorities are able to establish a reasonable suspicion that the property may be used in a way which is a genuine threat to public safety; or
 - (b) Authorities are able to establish a reasonable suspicion that the individual is conspiring to use the property in such a way which would endanger public safety; or
 - (c) Reasonable evidence exists linking the property to previous breaches of public safety; or
 - (d) For any other reason deemed fit by an individual enforcing public safety at a given time.
- (2) All individuals who are charged pursuant to this Act may be liable to be subject to warrant-free seizure of their liquid and/or non-liquid financial assets if-
 - (a) Authorities are able to establish a reasonable suspicion that the financial assets may be used in a way which is a genuine threat to public safety; or
 - (b) Authorities are able to establish a reasonable suspicion that the individual is conspiring to use the financial assets in such a way which would endanger public safety; or
 - (c) Reasonable evidence exists linking the financial assets to previous breaches of public safety; or

- (d) For any other reason deemed fit by an individual enforcing public safety at a given time.
- (3) Government agencies or individuals enforcing public safety are required to inform the target of a warrant-free search in a timely manner, and must do so in such a way which is consistent with existing legislation regarding accessibility of information for persons charged with crime.

15 – Miscellaneous provisions

- (1) Persons deemed wrongly impacted by the actions of those enforcing public safety are hereby entitled to restitution via the existing legal frameworks if-
 - (a) It is determined by way of due process that they were unfairly targeted during attempted enforcement of this Act; or
 - (b) It is determined by way of due process that they were subject to treatment by those enforcing public safety which violates already applicable legal standards for detention, including but not limited to those outlined in the Bill of Rights Act 1951; or
 - (c) For any other reason determined by a judge during a legal investigation.
- (2) All individuals who are charged pursuant to this Act who do not hold full legal citizenship, either through birth or via the naturalisation programme, are immediately liable for deportation.
- (3) All individuals who are charged pursuant to this Act and receive a sentence which includes-
 - (a) A correctional sentence amounting to a served period longer than one year; or
 - (b) A community service sentence amounting to a served period longer than one year; or
 - (c) A house arrest sentence amounting to a served period longer than one year;

Will be added to the National Terror Registry for a minimum period of five years, with removal from the NTR being administered under the conditions set out by the Terrorism Act 2001.