

## CLAUSE NOTES

### *Police Offences Amendment (Workplace Protection) Bill 2022*

- Clause 1**            **Short title**
- Specifies the name of the proposed Act.
- Clause 2**            **Commencement**
- Provides for the Act to commence upon Royal Assent.
- Clause 3**            **Principal Act**
- Provides that the *Police Offences Act 1935* is the 'Principal Act' referred to under this Part.
- Clause 4**            **Section 13 amended (Public annoyance)**
- Provides that section 13 of the Principal Act is amended, firstly by inserting a new provision into subsection (1). Specifically, the clause inserts 'unreasonably obstruct the passage of vehicles or pedestrians on a street' into the list of behaviours currently amounting to the offence of 'public annoyance'.
- Increases the applicable penalty for offences against subsection (1) from a maximum of 3 penalty units to 10 penalty units (without altering the maximum period of imprisonment allowable).
- Clause 5**            **Section 14B amended (Unlawful entry on land)**
- Provides that section 14B(1) is amended by inserting further words to clarify that a person not only trespasses by 'entering into, or remaining on' certain property, but also by entering on to, moving on to, or remaining in or on. An additional subsection is inserted to clarify that a person is considered to be 'remaining in or on' property if they attach themselves, or permit themselves to become attached to, any land, building, structure, premises, aircraft, vehicle or vessel. Consequential amendments are made to other subsections.
- The amendments insert 'aggravated penalties' for offences against section 14B if certain circumstances are made out at sentencing.
- The first situation inserted is where a person is convicted of trespass, and by or while committing the trespass, they either obstructed a business or undertaking, or took an action that caused a business or undertaking to be obstructed. In such a case, the person is liable to a maximum penalty of up to 50 penalty units or imprisonment for a term up to 12 months.

The second situation is where a person is convicted of trespass, and by or while committing the offence, they caused, directly or indirectly, a serious risk to the safety of themselves or another person (or took an action which caused such a risk). In such a case, the person is liable to a maximum penalty of up to 75 penalty units or up to 18 months imprisonment. The amendment also provides a person is liable to a maximum penalty of up to 125 penalty units or up to 30 months imprisonment if they have previously been convicted of an offence of trespass that caused a serious risk to safety.

The third situation is where a body corporate commits a trespass, and in doing so, obstructs a business or undertaking, or takes an action that obstructs a business or undertaking. The body corporate would, in such circumstances, be liable to a maximum penalty of up to 600 penalty units.

The insertion of subsection (7) clarifies when a person on land subject to a mineral tenement is taken to be on that land without the consent of the person in charge of the land.

**Clause 6** Arising from amendments to section 14B, this clause amends section 55 with consequential amendments relating to a person is 'in' as well as 'on' the relevant items.

**Clause 7** **Legislation repealed**  
Provides that the legislation in Schedule 1, being the *Workplace (Protection from Protesters) Act 2014*, is repealed.

**Clause 8** **Repeal of Act**  
Provides that the Act is repealed on the first anniversary of the day on which it commenced.