

TASMANIA

**POLICE OFFENCES AMENDMENT
(WORKPLACE PROTECTION) BILL 2022**

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POLICE OFFENCES AMENDMENT (WORKPLACE PROTECTION) BILL 2022

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
25 May 2022

*(Brought in by the Minister for Resources, the Honourable
Guy Barnett)*

A BILL FOR

An Act to amend the *Police Offences Act 1935* and to repeal the *Workplaces (Protection from Protesters) Act 2014*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Police Offences Amendment (Workplace Protection) Act 2022*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Police Offences Act 1935** is referred to as the Principal Act.

4. Section 13 amended (Public annoyance)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(e) “nuisance; or” and substituting “nuisance;”;
- (b) by inserting the following paragraph after paragraph (e) in subsection (1):
 - (ea) unreasonably obstruct the passage of vehicles or pedestrians on a street; or
- (c) by omitting paragraph (a) from subsection (3AA) and substituting the following paragraph:
 - (a) a penalty not exceeding 10 penalty units or to imprisonment for a term not exceeding 3 months, in the case of an offence under subsection (1); or
- (d) by omitting from subsection (3AA)(c) “subsection (2A), (2B) or (2C).” and substituting “subsection (2A), (2B) or (2C); or”;

*No. 44 of 1935

- (e) by inserting the following paragraph after paragraph (c) in subsection (3AA):
 - (d) a penalty not exceeding 3 penalty units or to imprisonment for a term not exceeding 3 months, in the case of an offence under subsection (3).

5. Section 14B amended (Unlawful entry on land, &c.)

Section 14B of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:
 - (1) A person, without reasonable or lawful excuse (proof of which lies on the person), must not enter into or onto, move into or onto, or remain in or on, any land, building, structure, premises, aircraft, vehicle or vessel, without the consent of the owner, occupier or person in charge of the land, building, structure, premises, aircraft, vehicle or vessel.
 - (1A) For the purposes of this section and the application of this Act to this section, a person who attaches himself or herself to, or permits himself or herself to be attached to, any land, building,

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structure, premises, aircraft,
vehicle or vessel is taken, while
remaining so attached, to be
remaining in or on that land,
building, structure, premises,
aircraft, vehicle or vessel.

- (b) by omitting from subsection (2)(a) “entering or remaining in” and substituting “entering into or onto, moving into or onto, or remaining in or on,”;
- (c) by omitting from subsection (2)(b) “entering into, or remaining on,” and substituting “entering into or onto, moving into or onto, or remaining in or on,”;
- (d) by inserting the following subsections after subsection (2):
 - (2AA) Despite subsections (2) and (2A), if the court that convicts a natural person of an offence under this section is satisfied that the person, by or while committing the offence –
 - (a) obstructed a business or undertaking; or
 - (b) took an action that caused a business or undertaking to be obstructed –

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the person is liable to a penalty not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

(2AB) Despite subsections (2), (2A) and (2AA), if the court that convicts a natural person of an offence under this section is satisfied that the person, by or while committing the offence –

(a) caused, directly or indirectly, a serious risk to the safety of the person or another person; or

(b) took an action that caused, directly or indirectly, a serious risk to the safety of the person or another person –

the person is –

(c) liable to a penalty not exceeding 75 penalty units or imprisonment for a term not exceeding 18 months; or

(d) if the person has previously been convicted of an offence to which this subsection applies, liable to a penalty not exceeding 125 penalty

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units or imprisonment for
a term not exceeding 30
months.

(2AC) Despite subsections (2) and (2A),
if the court that convicts a person
that is a body corporate of an
offence under this section is
satisfied that the person, by or
while committing the offence –

(a) obstructed a business or
undertaking; or

(b) took an action that caused
a business or undertaking
to be obstructed –

the person is liable to a penalty
not exceeding 600 penalty units.

(e) by omitting from subsection (2A)
“However, if” and substituting “Despite
subsection (2), if”;

(f) by inserting in subsection (3) “or on”
after “remaining in”;

(g) by inserting the following subsections
after subsection (6):

(7) For the purposes of this section, if
a police officer –

(a) finds a person on part of
an area of land to which a
mineral tenement, within

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the meaning of the *Mineral Resources Development Act 1995*, relates; and

- (b) believes on reasonable grounds that the person is committing, in relation to that mineral tenement, an offence against section 23(3), 58(3), 67N(3) or 84(2) of that Act –

the holder of the mineral tenement is taken to be the person in charge of the part of the area of the land while the person remains on the part of the area of land.

- (8) Nothing in subsection (7) is to be taken to limit the circumstances in which a person, including the holder of a mineral tenement in relation to an area of land, may be, for the purposes of this Act, the person in charge of an area of land.

6. Section 55 amended (Arrest)

Section 55 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2B) “or in” after “be on”;

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- (b) by inserting in subsection (2C)(b) “or in” after “on”.

7. Legislation repealed

The legislation specified in Schedule 1 is repealed.

8. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

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SCHEDULE 1 – LEGISLATION REPEALED

Section 7

Workplaces (Protection from Protesters) Act 2014 (No. 25 of
2014)