

## CLAUSE NOTES

### *Workplaces (Protection from Protesters) Amendment Bill 2019*

- Clause 1**      **Short title**
- Cites the Act as the *Workplaces (Protection from Protesters) Amendment Act 2019*.
- Clause 2**      **Commencement**
- Clause 2 provides for the provisions of the Act to commence on Royal Assent.
- Clause 3**      **Principal Act**
- Clause 3 provides that the Principal Act to which the amendments apply is the *Workplaces (Protection from Protesters) Act 2014*.
- Clause 4**      **Long title amended**
- Clause 4 amends the long title of the Principal Act to encompass the matters contained in the Principal Act as amended by the Bill.
- Clause 5**      **Section 1 amended (Short title)**
- Clause 5 amends the short title of the Principal Act to reflect changes made to the Principal Act by the Bill.
- Clause 6**      **Section 3 amended (Interpretation)**
- Clause 6 amends the interpretation section of the Principal Act.
- It amends existing definitions of 'area of land', 'damage', 'forest operations', 'forestry land', 'premises' and 'process'.
- It also inserts new definitions of 'business vehicle', 'Crown land', 'impede', 'public thoroughfare', 'user of a business vehicle', 'vehicle' and 'vessel'.
- It also repeals existing definitions of 'business access area', 'business-related object', 'development', 'engaging in a protest activity', 'protester' and 'works'
- Clause 7**      **Section 4 repealed**
- Clause 7 repeals section 4 of the Principal Act, relating to the meanings of protester and engaging in a protest activity.
- Clause 8**      **Section 5 amended (Meaning of business premises)**
- Clause 8 amends the definition of business premises in the Principal Act by omitting paragraph (h) in subsection (1), which covers vehicles, vessels, aircraft and other mobile structures, and by amending paragraph (d) of subsection (2), which covers educational premises.

- Clause 9**      **Part 2: Heading amended**
- Clause 9 amends the heading to Part 2 of the Principal Act.
- Clause 10**      **Sections 6, 7 and 8 substituted**
- Clause 10 repeals sections 6, 7 and 8 of the Principal Act, relating to business premises and business access areas, damage and threats of damage, and police directions to leave and stay away from business access areas.
- Clause 10 inserts new sections 6 and 7 into the Principal Act.
- New section 6 provides for new offences for trespassing on business premises, trespassing in, or on, business vehicles, and obstruction of public thoroughfares. It also provides for exemptions from, and defences to, offences in new section 6.
- New section 7 provides for a new offence for threats to impede business activity.
- Clause 11**      **Section 9 repealed**
- Clause 11 repeals section 9 of the Principal Act, relating to an offence for the prevention, hindrance or obstruction of a police officer taking action under section 12.
- Clause 12**      **Sections 10 and 11 repealed**
- Clause 12 repeals sections 10 and 11 of the Principal Act, relating to police powers to obtain personal details and to direct people.
- Clause 13**      **Section 12 amended (Police officer may remove obstructions)**
- Clause 13 amends section 12 of the Principal Act to provide powers to seize and dispose of objects.
- Clause 14**      **Section 13 amended (Arrest without warrant and removal of persons)**
- Clause 14 amends section 13 of the Principal Act by amending police powers to remove a person from business premises or a business vehicle, and by changing the circumstances in which a police officer can exercise powers of arrest.
- Clause 15**      **Section 15 repealed**
- Clause 15 repeals section 15 of the Principal Act, relating to infringement notices for offences.
- Clause 16**      **Sections 16 and 17 repealed**
- Clause 16 repeals sections 16 and 17 of the Principal Act, relating to prosecution of offences and penalties for invading or hindering a business.
- Clause 17**      **Section 18 amended (Compensation for loss)**
- Clause 17 amends section 18 of the Principal Act, relating to compensation for loss.

**Clause 18      Repeal of Act**

Clause 18 inserts a repeal provision to remove the empty shell of the Bill after its provisions have come into effect.