

TASMANIA

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

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consultation draft

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

*(Brought in by the Minister for Primary Industries and Water,
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.

3. Principal Act

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

*No. 44 of 1935

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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 use of any street; or
- (c) by omitting paragraph (a) from subsection (3AA) and substituting the following paragraphs:
 - (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
 - (ba) 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); or

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

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

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- (a) by omitting from subsection (1) “enter into, or remain on,” and substituting “enter into or onto, move onto, or remain in or on (including, but not limited to, by becoming attached to)”;
 - (b) by inserting in subsection (2)(a) “into, moving onto” after “entering”;
 - (c) by inserting in subsection (2)(a) “or on” after “remaining in”;
 - (d) by inserting in subsection (2)(b) “or onto, or moving onto” after “into”;
 - (e) by omitting from subsection (2)(b) “on” and substituting “in or on (including, but not limited to, by becoming attached to)”;
 - (f) 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 been previously convicted of an offence to which this subsection applies, liable to a penalty not exceeding 125 penalty units or

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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 of
a fine not exceeding 600 penalty
units.

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

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

(i) by inserting the following subsection
after subsection (6):

(7) For the purposes of this section, a
person who, on land to which a
mineral tenement within the
meaning of the *Mineral
Resources Development Act 1995*
relates, contravenes section 23(3),

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58(3), 67N(3) or 84(2) of that Act, is taken to have been on the land, at the time of the contravention, without the consent of the person in charge of that land, unless the holder of the mineral tenement has consented to the person being on that land at that time.

6. Legislation repealed

The legislation specified in Schedule 1 is repealed.

7. 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 6

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

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