

when so much evidence was given as to the need to do something urgently to protect the taxi industry. Before we vote, I urge members to reconsider their positions. If the motion is lost I hope the Government will consider the points I made in my address and do all it can to provide justice for taxi drivers in this State. I thought the Labor Party would show more sympathy, since it claims to represent workers. Taxi drivers are workers but they seem to have missed out in this debate. I commend the motion to the House.

**Question—That the motion be agreed to—put.**

<30>

**The House divided.**

**Ayes, 4**

Mr Brown  
Reverend Nile

*Tellers,*  
Mr Borsak  
Mr Green

**Noes, 35**

Mr Ajaka	Mr Gay	Mr Primrose
Mr Amato	Mrs Houssos	Mr Searle
Ms Barham	Mr Khan	Mr Secord
Mr Blair	Mr MacDonald	Ms Sharpe
Mr Buckingham	Mrs Maclaren-Jones	Mr Shoebridge
Mr Clarke	Mr Mallard	Mrs Taylor
Mr Colless	Mr Mason-Cox	Mr Veitch
Ms Cotsis	Mrs Mitchell	Ms Voltz
Ms Cusack	Mr Mookhey	Mr Wong
Mr Donnelly	Mr Moselmane	<i>Tellers,</i>
Mr Farlow	Mr Pearce	Mr Franklin
Dr Faruqi	Mr Pearson	Dr Phelps

**Question resolved in the negative.**

**Motion negatived.**

**INCLOSED LANDS, CRIMES AND LAW ENFORCEMENT LEGISLATION AMENDMENT  
(INTERFERENCE) BILL 2016**

**Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by Mr Scot MacDonald, on behalf of the Hon. Niall Blair.**

**Motion by Mr Scot MacDonald, on behalf of the Hon. Niall Blair, agreed to:**

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

**Second Reading**

**Mr SCOT MacDONALD** (Parliamentary Secretary) [8.26 p.m.], on behalf of the Hon. Niall Blair:  
I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

**Leave granted.**

The Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016 amends and clarifies the laws in relation to unlawful interference with mining and other businesses or undertakings.

It will make necessary and important changes to the Inclosed Lands Protection Act 1901, the Crimes Act 1900 and the Law Enforcement (Powers and Responsibilities) Act 2002.

This Government is committed to addressing the risks to businesses, protestors and the public posed by unsafe protest activities. These risky protesting activities are caused by a small minority who have shown a clear disregard for the safety of themselves and others.

In November 2014 the Premier made an election commitment to bring legislation to create a deterrence to illegal behaviour by protestors at mine sites.

By community standards there are some actions which should clearly not be supported—threatening the safety of others and causing disruption to legal business activities—are clearly in this camp.

The changes made by this bill create a workable model that ensures the ongoing protection of the right to protest is balanced with the need to protect the safety of others and the conduct of lawful business activities.

The Government is committed to ensuring that people are able to exercise their right to communicate their opinions and ideas on matters of concern through peaceful protest. The right to protest is one that helps to hold members of this House to account. It is a tenet of our democracy, and a right we will continue to protect.

This right, however, as with any right in a democratic society, must be balanced with the rights and interests of others, and the community as a whole. The amendments made by this bill go to address concerns raised by business, protestors and members of the public about the risks that some protestors take, which threatens the safety of others.

There are numerous examples of unsafe protest activities causing severe disruption to lawful business activity, and those which are clearly unlawful as they threaten the safety of others.

Examples of activities which threaten public and worker safety include a current prosecution that protestors entered a workplace and tampered with equipment being set for an explosives blast operation, putting themselves and workers at risk.

The potential implications of this scenario are not worth imagining.

In another example, protestors forced the shut down operations by hanging from a construction structure. Police rescue officers put themselves in harm's way to rescue the protestors. It is estimated to have cost the business hundreds of thousands of dollars in direct costs, such as repairs and hiring rescue equipment, and productivity losses.

A final example, protestors launched a coordinated attack on numerous sites by scaling coal loaders, locking themselves to access gates and erecting structures to both hang from and block access to sites. This caused around six mines to halt operations.

Protestors at mining and petroleum workplaces have been charged with offences relating to trespassing, hindering operations and endangering themselves and others.

These protests are unsafe for the protestors, workers at sites, the public in the near vicinity, police and emergency rescue officers. An array of people can be exposed to significant danger and harm during such protests.

Unlawful disruption by protestors is also costly for business.

Protestors have developed sophisticated tools, such as lock-on devices, which require rescue squad-type capability to remove them from plant or equipment without harm. There are also indications that protestors have engaged rigging expertise to assist them in attaching themselves and hanging from large mining equipment, such as coal loaders or structures.

There are plenty of avenues whereby protestors can lawfully voice their concerns and participate in democratic protests.

Government hears loudly and clearly concerns about mining and petroleum projects. These include loss of jobs in the mining and petroleum sector as well as concerns about environmental impacts.

The messages clearly and articulately come through a variety of channels—media; direct contact by phone, letter and email with my Office and other Government Offices; meetings; visits by Government Ministers and officers to regional areas; peaceful protest; and structured campaigns.

This is to name a few.

This bill assists police to have the resources and powers they require to maintain public order and safety at all or any protest sites, including mines and petroleum sites.

When large contingents of police, or specialised rescue officers, are required at a protest location, these officers are not available for other duties.

By reducing the likelihood of rescue officers needing to be called to the scene to separate a protestor from being 'locked on', this bill increases the availability of these officers for other rescue and emergency recovery activities.

Mining sites are dangerous places, particularly for people who are not authorised to be on site. These kinds of unlawful activities cause undue risks to police rescue units that have to intervene, result in significant costs for businesses who are forced to halt operations, and create serious risks to the protestors themselves as well as the public.

The measures in this bill provide additional powers to police to proactively manage risky protesting activities, increases penalties for persons that unlawfully enter onto inclosed lands and interfere with, or attempt to interfere with, the conduct of a business or undertaking, and clarifies the definition of a 'mine' for the purposes of the Crimes Act 1900.

I turn now to the content of the bill.

Schedule 1 of the bill makes amendments to the Inclosed Lands Protection Act 1901 to create an aggravated form of the offence of unlawful entry on inclosed lands.

The maximum penalty for the aggravated offence will be \$5,500. It will apply in relation to land on which a business or undertaking is being conducted and where the offenders, while on the lands, interfere with, or attempt or intend to interfere with, the conduct of the business or undertaking or do anything that gives rise to a serious risk to the safety of the person or any other person on those lands.

Undertakings are business like activities whether or not conducted for profit or gain. The reference in the new section 4B is taken to have the same meaning as section 5 of the Work Health and Safety Act 2011.

The amendments also provide for alternative verdicts. The basic trespass offence under section 4 will be available as an alternative charge in trials for aggravated unlawful entry on inclosed lands, where the court is not satisfied that the person has committed the aggravated offence.

Schedule 2 of the bill amends the Crimes Act 1900 to extend the meaning of 'mine' in connection with the existing indictable offence of intentionally or recklessly interfering with a mine that carries a maximum penalty of imprisonment of 7 years.

The new definition will ensure that the offence reflect the modern understanding of a 'mine', which has changed significantly since the Victorian era.

Importantly, the definition of a mine will be extended to include an extraction or exploration site for minerals, gas or other petroleum. It will also include a construction site for the extraction of these substances, as well as a former mine where works are carried out to decommission a mine or make it safe.

This definition will ensure that the offence of intentionally or recklessly interfering with a mine applies to the entire lifecycle of minerals and petroleum mining, from exploration to decommission, including the construction of the site and the remediation work to ensure the site is safe.

The bill also amends section 201 to reflect modern work practices where the ownership of property often does not rest with the mine or petroleum operator, but is critical to the operation of the mine.

Schedule 3 of the bill amends the Law Enforcement (Powers and Responsibilities) Act 2002 to confer additional search and seizure powers in relation to things used to interfere with a business or undertaking.

The amendments provide police the power to search and seize things without a warrant where a police officer suspects on reasonable grounds that a person has, or a vehicle, vessel or aircraft contains, anything that is intended to be used to lock-on or secure a person to any plant, equipment or structure for the purpose of interfering with the conduct of a business or undertaking and that is likely to be used in a manner that will give rise to a serious risk to the safety of any person.

The bill also removes the limitations on the exercise of police powers to give directions in public places to prevent obstructions of persons or traffic, or harassment or intimidation of or fear to other persons, in the case of demonstrations, protests, processions or organised assemblies.

A police officer will not be precluded from giving a direction in relation to any such demonstration, protest, procession or organised assembly if the police officer believes on reasonable grounds that the direction is necessary to deal with a serious risk to the safety of the person to whom the direction is given or to any other person.

A police officer will also not be precluded from giving a direction in relation to any such demonstration, protest, procession or organised assembly that is obstructing traffic if it is not an authorised public assembly under Part 4 of the Summary Offences Act 1988 or is authorised but the persons given the direction by the police officer are not obeying the terms of the authorisation.

These amendments enhance the enforcement of laws governing protests, by providing higher penalties and stronger enforcement powers to deter unlawful protest activity that negatively impacts on businesses and the community.

Increased penalties and police powers will help to deter unlawful and unsafe protest activities, and enable mining and other businesses to conduct their activities uninhibited.

However, at the same time they enable people to exercise their right to communicate their opinions and ideas on matters of concern through lawful protest.

I commend the bill to the House.