



New South Wales

Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Inclosed Lands Protection Act 1901* to create an aggravated form of the offence of unlawful entry on inclosed lands to increase, from \$550 to \$5,500, the maximum penalty that is applicable in relation to land on which a business or undertaking is being conducted and where the offender, while on the lands:
 - (i) interferes with, or attempts or intends to interfere with, the conduct of the business or undertaking, or
 - (ii) does anything that gives rise to a serious risk to the safety of the offender or any other person on those lands,
- (b) to amend the *Crimes Act 1900* to extend the meaning of “mine” in connection with the existing indictable offence (that carries a maximum penalty of imprisonment for 7 years) of intentionally or recklessly interfering with a mine (including hindering the working of equipment belonging to a mine) so that it extends to equipment and other things associated with a mine and to:
 - (i) a gas or other petroleum extraction site, and
 - (ii) a mineral, or gas or other petroleum, exploration site, and
 - (iii) a work construction site for proposed minerals, or gas or other petroleum, extraction, and
 - (iv) a former mine at which works are being carried out to decommission the mine or make it safe,

- (c) to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to confer additional search and seizure powers (without 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,
- (d) to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to remove 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, so that directions may be given:
 - (i) 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, or
 - (ii) if the demonstration, protest, procession or assembly is obstructing traffic and is not an authorised public assembly under the *Summary Offences Act 1988* in which persons are participating substantially in accordance with the authorisation, and the police officer in charge at the scene has authorised the giving of directions.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 amends the *Inclosed Lands Protection Act 1901* to give effect to the object in paragraph (a) above.

Schedule 2 amends the *Crimes Act 1900* to give effect to the object in paragraph (b) above.

Schedule 3 [1] amends the *Law Enforcement (Powers and Responsibilities) Act 2002* to give effect to the object in paragraph (c) above.

Schedule 3 [2] amends the *Law Enforcement (Powers and Responsibilities) Act 2002* to give effect to the object in paragraph (d) above.