

c2016-072  
GRNS--The Greens

## LEGISLATIVE COUNCIL

### Scrap Metal Industry Bill 2016

First print

### Proposed amendments

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No. 1      **Restriction on power to enter premises without warrant**

Page 8, clause 21. Insert after line 10:

- (3) A police officer is not authorised under this section to enter premises that are the subject of a declaration under section 22 at any time during the period determined by the Local Court under that section.
- (4) This section is repealed on the fifth anniversary of its commencement.

No. 2      **Restriction on power to enter premises without warrant**

Page 8. Insert before line 11:

**22 Declaration that entry of premises is unlawful**

- (1) If any premises are entered by a police officer under section 21, the owner or occupier of the premises may apply to the Local Court for a declaration that the entry of those premises was unlawful.
- (2) The Local Court may make such a declaration if satisfied that the entry of the premises was unreasonable, unjust, oppressive or otherwise an abuse of power.
- (3) On making such a declaration, the Local Court must determine, and notify the Commissioner of, the period during which section 21 (3) is to apply in relation to the premises, being a period that starts on the day of notification and does not exceed 3 months.
- (4) A declaration under this section renders any evidence obtained from the entry of the premises the subject of the declaration inadmissible as evidence in any legal proceedings.
- (5) The Local Court may revoke a declaration made under this section on the application of the Commissioner if the Local Court is satisfied that it is appropriate to do so in the circumstances.
- (6) An application under subsection (1) may only be made within 3 months of the date of the entry of the premises that are the subject of the application.