



New South Wales

Roads and Crimes Legislation Amendment Bill 2022

Explanatory note

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

Overview of Bill

The object of this Bill is to create offences for certain behaviour that causes damage or disruption to major roads or major facilities.

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.

Schedule 1 Amendment of Roads Act 1993 No 33

Schedule 1 makes it an offence with a maximum penalty of \$22,000 or 2 years imprisonment, or both, if a person enters, remains on, climbs, jumps from or otherwise trespasses on a major road prescribed by the regulations if the conduct—

- (a) causes damage to the road, or
- (b) seriously disrupts or obstructs vehicles or pedestrians attempting to use the road.

The Minister is required to conduct a review the operation of the *Roads Act 1993*, Part 9, Division 7. The review must be undertaken as soon as possible after the period of 2 years after the commencement of the proposed Act.

Schedule 2 Amendment of Crimes Act 1900 No 40

Schedule 2 creates a new offence of damaging or disrupting a major facility with a maximum penalty of \$22,000 or 2 years imprisonment, or both. A person commits the offence if the person enters, remains on or near, climbs, jumps from or otherwise trespasses on or blocks entry to any part of a major facility if that conduct—

- (a) causes damage to the major facility, or
- (b) seriously disrupts or obstructs persons attempting to use the major facility, or
- (c) causes the major facility, or part of the major facility, to be closed, or
- (d) causes persons attempting to use the major facility to be redirected.

A **major facility** means the following—

- (a) the ports of Botany Bay, Newcastle and Port Kembla,
- (b) a railway station, public transport facility, port or infrastructure facility prescribed by the regulations.

The Minister is required to conduct a review the operation of the proposed offence. The review must be undertaken as soon as possible after the period of 2 years after the commencement of the proposed Act.



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New South Wales

Roads and Crimes Legislation Amendment Bill 2022

No. _____, 2022

A Bill for

An Act to amend the *Roads Act 1993* and the *Crimes Act 1900* to create offences for certain behaviour that causes damage or disruption to major roads or major public facilities; and for other purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Roads and Crimes Legislation Amendment Act 2022*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Roads Act 1993 No 33	1
[1]	Part 9, Division 7, heading	2
	Omit “ and tunnels ”. Insert instead “ , tunnels and roads ”.	3
[2]	Section 144G, heading	4
	Omit “ and tunnels ”. Insert instead “ , tunnels and roads ”.	5
[3]	Section 144G(1)	6
	Omit “major bridge or tunnel”. Insert instead “major bridge, tunnel or road”.	7
[4]	Section 144G(1)(a) and (2)	8
	Omit “or tunnel” wherever occurring. Insert instead “, tunnel or road”.	9
[5]	Section 144G(1)(b)	10
	Omit “or tunnel, or”. Insert instead “, tunnel or road.”.	11
[6]	Section 144G(1)(c)	12
	Omit the paragraph.	13
[7]	Section 144G(5A)	14
	Insert after section 144G(5)—	15
	(5A) A person does not commit an offence under this section if the conduct forms part of industrial action.	16 17
[8]	Section 144G(6)	18
	Omit the definition of <i>major bridge or tunnel</i> . Insert instead—	19
	<i>major bridge, tunnel or road</i> means a bridge, tunnel or road prescribed by the regulations for the purposes of this section.	20 21
[9]	Section 144H	22
	Insert after section 144G—	23
144H	Review of Division	24
(1)	The Minister must review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for securing those objectives.	25 26 27
(2)	The review must be undertaken as soon as possible after the period of 2 years from the commencement of the <i>Roads and Crimes Legislation Amendment Act 2022</i> .	28 29 30
(3)	A report on the outcome of the review must be tabled in each House of Parliament within 6 months after the end of the period of 2 years.	31 32

Schedule 2	Amendment of Crimes Act 1900 No 40	1
Part 4AF		2
Insert after Part 4AE—		3
Part 4AF Major facilities		4
214A	Damage or disruption to major facility	5
(1)	A person must not enter, remain on or near, climb, jump from or otherwise trespass on or block entry to any part of a major facility if that conduct—	6 7
(a)	causes damage to the major facility, or	8
(b)	seriously disrupts or obstructs persons attempting to use the major facility, or	9 10
(c)	causes the major facility, or part of the major facility, to be closed, or	11
(d)	causes persons attempting to use the major facility to be redirected.	12
	Maximum penalty—200 penalty units or imprisonment for 2 years, or both.	13
(2)	It is a defence to the prosecution of an offence against this section if the person charged proves that the person had a reasonable excuse for the conduct.	14 15
(3)	A person does not commit an offence under this section if the conduct forms part of industrial action.	16 17
(4)	A person does not commit an offence under this section for anything done or omitted to be done in accordance with the consent or authority of—	18 19
(a)	the NSW Police Force, or	20
(b)	another public authority, or	21
(c)	for a privately owned major facility—the owner or operator of the facility.	22 23
(5)	In this section—	24
	major facility means the following, whether publicly or privately owned—	25
(a)	a railway station or other public transport facility prescribed by the regulations,	26 27
(b)	a private port within the meaning of the <i>Ports and Maritime Administration Act 1995</i> , or another port prescribed by the regulations,	28 29
(c)	an infrastructure facility, including a facility providing water, sewerage, energy or other services to the public, prescribed by the regulations.	30 31
214B	Review of Part	32
(1)	The Minister must review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing those objectives.	33 34 35
(2)	The review must be undertaken as soon as possible after the period of 2 years from the commencement of the <i>Roads and Crimes Legislation Amendment Act 2022</i> .	36 37 38

- (3) A report on the outcome of the review must be tabled in each House of Parliament within 6 months after the end of the period of 2 years.

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