

New South Wales

Workplace (Occupants Protection) Bill 2000

Explanatory note

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

Overview of Bill

The object of this Bill is to protect persons at places of work from suspected offenders.

The Bill:

- (a) declares that it is the public policy of the State that its citizens have a right to enjoy safety from suspected offenders while present at a workplace, and
- (b) sanctions the use of physical force by an occupant of a workplace in defence against a suspected offender if the occupant believes on reasonable grounds that it is necessary to do so, and
- (c) provides immunity to occupants from criminal and civil liability arising from anything done by them that is sanctioned under the proposed Act.

Outline of provisions

Part 1 Preliminary

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 to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 defines who is a *suspected offender* for the purposes of the proposed Act.

Clause 5 provides that notes in the proposed Act do not form part of it.

Part 2 Use of force to prevent attack

Clause 6 declares that it is the public policy of the State that its citizens have a right to enjoy safety from suspected offenders while at a workplace.

Clause 7 enables an occupant of a workplace to act in self-defence against a suspected offender if the occupant believes on reasonable grounds that it is necessary to do so.

Clause 8 enables an occupant to act in defence of another person at the workplace against a suspected offender if the occupant believes on reasonable grounds that it is necessary to do so.

Clause 9 enables an occupant to use such force against a suspected offender as is reasonable in defence of any property of, or within, the workplace if the occupant believes on reasonable grounds that it is necessary to do so.

Clause 10 provides that the test as to whether reasonable grounds exist is to be determined having regard to the belief of the occupant, based on the circumstances as the occupant

perceived them to be.

Clause 11 places the onus on the prosecution of proving, beyond reasonable doubt, that the occupant did not have the belief alleged, or that the grounds for the occupant's belief were not reasonable grounds.

Part 3 Criminal and civil liability

Clause 12 grants immunity from criminal liability to an occupant who acts in accordance with the proposed Act.

Clause 13 grants immunity from civil liability to an occupant who acts in accordance with the proposed Act.