

FIRST PRINT

## CRIMES (PEACEFUL PICKETING) AMENDMENT BILL 1994

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Crimes Act 1900 to provide that peaceful picketing does not constitute an offence under section 545B of that Act.

At present, section 545B creates offences concerned with intimidation and annoyance. For example, the section makes it an offence in certain circumstances to watch or beset a person's place of business with a view to compelling the person to do something that the person is not required to do or to stop the person from doing something that the person is entitled to do. Picketing (even peaceful picketing) can amount to an offence under the section.

The Bill will exempt peaceful picketing from the operation of the section. Peaceful picketing is conduct of a peaceful nature involving a person or persons being present outside premises or a place for the purpose of obtaining information from, or communicating information or an opinion to, any person or of persuading any person to do or not to do something.

The Bill also inserts a transitional provision which makes it clear that the proposed amendment to section 545B does not apply to anything done before the commencement of the amendment.

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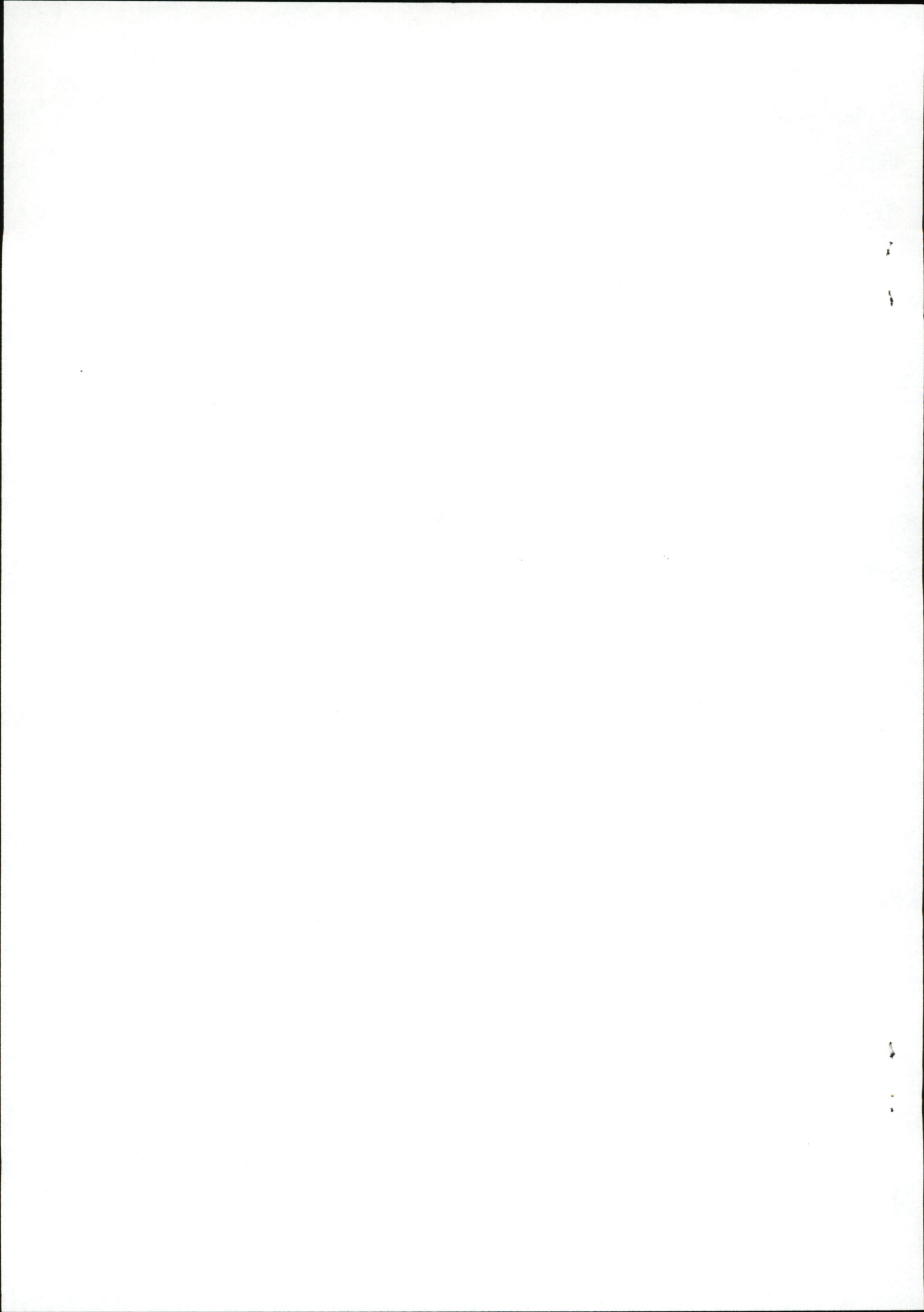
**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on assent.

**Clause 3** is a formal provision giving effect to the Schedule of amendments to the amendments to the Crimes Act 1900.

**Schedule 1** contains the amendments to the Crimes Act 1900 described above.

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**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of the Crimes Act 1900 No. 40

SCHEDULE 1—AMENDMENTS

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**CRIMES (PEACEFUL PICKETING) AMENDMENT BILL 1994**

NEW SOUTH WALES



No.       , 1994

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**A BILL FOR**

An Act to amend the Crimes Act 1900 to provide that peaceful picketing does not constitute an offence under section 545B of that Act.

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*Crimes (Peaceful Picketing) Amendment 1994*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Peaceful Picketing) Amendment Act 1994.

**5 Commencement**

2. This Act commences on the date of assent.

**Amendment of the Crimes Act 1900 No. 40**

3. The Crimes Act 1900 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

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(Sec. 3)

(1) Section 545B (**Intimidation or annoyance by violence or otherwise**):

After section 545B (2), insert:

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(3) This section does not apply to any conduct of a peaceful nature by a person consisting only of the person being present (whether alone or with others) outside particular premises or a particular place for any one or more of the following purposes:

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- (a) obtaining information from, or communicating any information or opinion to, any person;
- (b) persuading any person to do or not to do something (such as persuading the person to leave or not to enter the premises or place).

*Crimes (Peaceful Picketing) Amendment 1994*

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SCHEDULE 1—AMENDMENTS—*continued*

- (2) Eleventh Schedule (**Savings and transitional provisions**):  
At the end of the Eleventh Schedule, insert:

**Part 5—Crimes (Peaceful Picketing) Amendment Act  
1994**

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**Application of amendment to section 545B**

13. Section 545B (3), as inserted by the Crimes (Peaceful Picketing) Amendment Act 1994, does not apply to anything done before the commencement of that Act.

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