



New South Wales

Roads and Crimes Legislation Amendment Act 2022 No 7

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Roads and Crimes Legislation Amendment Act 2022 No 7

Act No 7, 2022

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. [Assented to 1 April 2022]

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

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

Schedule 1 Amendment of Roads Act 1993 No 33

- [1] **Part 9, Division 7, heading**
Omit “**and tunnels**”. Insert instead “, **tunnels and roads**”.
- [2] **Section 144G, heading**
Omit “**and tunnels**”. Insert instead “, **tunnels and roads**”.
- [3] **Section 144G(1)**
Omit “major bridge or tunnel”. Insert instead “major bridge, tunnel or road”.
- [4] **Section 144G(1)(a) and (2)**
Omit “or tunnel” wherever occurring. Insert instead “, tunnel or road”.
- [5] **Section 144G(1)(b)**
Omit “or tunnel, or”. Insert instead “, tunnel or road.”.
- [6] **Section 144G(1)(c)**
Omit the paragraph.
- [7] **Section 144G(4A)**
Insert after section 144G(4)—
(4A) A person does not commit an offence under this section if the conduct occurs—
(a) at the workplace at which the person works, or
(b) at a workplace owned, occupied, operated or used by an employer of the person.
- [8] **Section 144G(4B)**
Insert after section 144G(4A)—
(4B) This section does not apply to the extent that it prohibits conduct in relation to—
(a) Parliament House, or
(b) an office of a member of parliament.
- [9] **Section 144G(5A)**
Insert after section 144G(5)—
(5A) A person does not commit an offence under this section if the conduct forms part of the following—
(a) industrial action,
(b) an industrial dispute,
(c) an industrial campaign.
- [10] **Section 144G(6)**
Omit the definition of *major bridge or tunnel*. Insert instead—
major bridge, tunnel or road means a bridge, tunnel or road prescribed by the regulations for the purposes of this section.

[11] Section 144H

Insert after section 144G—

144H Review of Division

- (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.
- (2) The review must be undertaken as soon as possible after the period of 2 years from the commencement of the *Roads and Crimes Legislation Amendment Act 2022*.
- (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.

Schedule 2 Amendment of Crimes Act 1900 No 40

Part 4AF

Insert after Part 4AE—

Part 4AF Major facilities

214A Damage or disruption to major facility

- (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—
 - (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.Maximum penalty—200 penalty units or imprisonment for 2 years, or both.
- (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.
- (3) A person does not commit an offence under this section if the conduct forms part of the following—
 - (a) industrial action,
 - (b) an industrial dispute,
 - (c) an industrial campaign.
- (4) A person does not commit an offence under this section if the conduct occurs—
 - (a) at the workplace at which the person works, or
 - (b) at a workplace owned, occupied, operated or used by an employer of the person.
- (5) This section does not apply to the extent that it prohibits conduct in relation to—
 - (a) Parliament House, or
 - (b) an office of a member of parliament.
- (6) 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—
 - (a) the NSW Police Force, or
 - (b) another public authority, or
 - (c) for a privately owned major facility—the owner or operator of the facility.
- (7) In this section—

major facility means the following, whether publicly or privately owned—

 - (a) a railway station or other public transport facility prescribed by the regulations,
 - (b) a private port within the meaning of the *Ports and Maritime Administration Act 1995*, or another port prescribed by the regulations,

- (c) an infrastructure facility, including a facility providing water, sewerage, energy, manufacturing, distribution or other services to the public, prescribed by the regulations.

214B Review of Part

- (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.
- (2) The review must be undertaken as soon as possible after the period of 2 years from the commencement of the *Roads and Crimes Legislation Amendment Act 2022*.
- (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.

[Second reading speech made in—
Legislative Assembly on 30 March 2022
Legislative Council on 31 March 2022]