

Passed by both Houses



New South Wales

Roads and Crimes Legislation Amendment Bill 2022

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Roads and Crimes Legislation Amendment Bill 2022

Act No _____, 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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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.