

Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act 2016 No 7

[2016-7]



New South Wales

Status Information

Currency of version

Repealed version for 2 June 2016 to 1 November 2016 (accessed 18 November 2024 at 15:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.11.2016.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act 2016 No 7



New South Wales

An Act to amend the *Inclosed Lands Protection Act 1901*, the *Crimes Act 1900* and the *Law Enforcement (Powers and Responsibilities) Act 2002* in relation to interference with mining and other businesses or undertakings.

1 Name of Act

This Act is the *Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act 2016*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedules 1, 2 (Repealed)

Schedule 3 Amendment of *Law Enforcement (Powers and Responsibilities) Act 2002* No 103

[1] Part 4 Search and seizure powers without warrant

Insert at the end of the Part:

Division 7 Additional search and seizure powers in relation to things used to interfere with business or undertaking

45A Things to which Division applies

This Division applies to anything that is intended to be used to lock-on or secure a person to any plant, equipment or structure for the purpose of interfering with the conduct of a business or undertaking and that is likely to be used in a manner that will give rise to a serious risk to the safety of any person.

45B Power to search for and seize things without warrant

- (1) A police officer may, without warrant, stop, search and detain a person, vehicle, vessel or aircraft if the police officer suspects on reasonable grounds that the person has in his or her possession or under his or her control (or that the vehicle, vessel or aircraft contains) anything to which this Division applies.
- (2) A police officer may seize and detain all or part of a thing found as a result of a search under this section that the police officer suspects on reasonable grounds is a thing to which this Division applies.

45C Forfeiture of things seized

- (1) A thing seized under this Division is forfeited to the Crown.
- (2) The Local Area Commander of Police (or such other person as that Commander may direct) may destroy or otherwise dispose of a thing so forfeited in accordance with the directions of the Commissioner.
- (3) The proceeds from any sale of a thing disposed of under this section are to be paid to the Treasurer for payment into the Consolidated Fund.
- (4) Part 17 does not apply to a thing seized under this Division and a court does not have jurisdiction on an application under that Part to order the delivery of the thing to the person from whom the thing was lawfully seized or who appears to be lawfully entitled to the thing.

[2] Section 200

Omit the section. Insert instead:

200 Limitation on exercise of police powers under this Part

- (1) This Part does not authorise a police officer to give a direction in relation to an industrial dispute.
- (2) This Part does not authorise a police officer to give a direction in relation to:
 - (a) an apparently genuine demonstration or protest, or
 - (b) a procession, or
 - (c) an organised assembly,except as provided by subsection (3) or (4).
- (3) A police officer is not precluded from giving a direction in relation to any such demonstration, protest, procession or assembly if the police officer believes on

reasonable grounds that the direction is necessary to deal with a serious risk to the safety of the person to whom the direction is given or to any other person.

- (4) A police officer is not precluded from giving a direction in relation to any such demonstration, protest, procession or assembly that is obstructing traffic if:
- (a) the demonstration, protest, procession or assembly is not an authorised public assembly for the purposes of Part 4 of the *Summary Offences Act 1988* or the demonstration, protest, procession or assembly is not being held substantially in accordance with any such authorisation, and
 - (b) the police officer in charge at the scene has authorised the giving of directions under this Part in relation to the demonstration, protest, procession or assembly, and
 - (c) the direction is limited to the persons who are obstructing traffic.

[3] Schedule 5 Savings, transitional and other provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

Provision consequent on enactment of Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act 2016

Review of amendments

- (1) The Minister is to review the amendments made by the *Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Act 2016* to determine whether the policy objectives of those amendments remain valid and whether the provisions, as amended, remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 3 years from the commencement of that Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 6 months after the end of the period of 3 years.