



TASMANIA

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**POLICE OFFENCES AMENDMENT  
(WORKPLACE PROTECTION) ACT 2022**

**No. 22 of 2022**

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**CONTENTS**

1. Short title
  2. Commencement
  3. Principal Act
  4. Section 14B amended (Unlawful entry on land, &c.)
  5. Section 55 amended (Arrest)
  6. Legislation repealed
  7. Repeal of Act
- Schedule 1 – Legislation repealed





**POLICE OFFENCES AMENDMENT  
(WORKPLACE PROTECTION) ACT 2022**

**No. 22 of 2022**

**An Act to amend the *Police Offences Act 1935* and to repeal  
the *Workplaces (Protection from Protesters) Act 2014***

**[Royal Assent 20 September 2022]**

Be it enacted by Her Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

**1. Short title**

This Act may be cited as the *Police Offences  
Amendment (Workplace Protection) Act 2022*.

**2. Commencement**

This Act commences on the day on which this  
Act receives the Royal Assent.

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

s. 3

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**3. Principal Act**

In this Act, the *Police Offences Act 1935\** is referred to as the Principal Act.

**4. Section 14B amended (Unlawful entry on land, &c.)**

Section 14B of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsections:

(1) A person, without reasonable or lawful excuse (proof of which lies on the person), must not enter into or onto, move into or onto, or remain in or on, any land, building, structure, premises, aircraft, vehicle or vessel, without the consent of the owner, occupier or person in charge of the land, building, structure, premises, aircraft, vehicle or vessel.

(1A) For the purposes of this section and the application of this Act to this section, a person who attaches himself or herself to, or permits himself or herself to be attached to, any land, building, structure, premises, aircraft, vehicle or vessel is taken, while

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\*No. 44 of 1935

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

s. 4

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remaining so attached, to be remaining in or on that land, building, structure, premises, aircraft, vehicle or vessel.

- (b) by omitting from subsection (2)(a) “entering or remaining in” and substituting “entering into or onto, moving into or onto, or remaining in or on,”;
- (c) by omitting from subsection (2)(b) “entering into, or remaining on,” and substituting “entering into or onto, moving into or onto, or remaining in or on,”;
- (d) by inserting the following subsections after subsection (2):
  - (2AA) Despite subsections (2) and (2A), if the court that convicts a natural person of an offence under this section is satisfied that –
    - (a) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and
    - (b) the person, by or while committing the offence, intended to substantially impede, or prevent, a

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

s. 4

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person from carrying out  
lawful work –

the person is liable to a penalty  
not exceeding 50 penalty units or  
imprisonment for a term not  
exceeding 12 months.

(2ABA) Subsection (2AA) does not apply  
in relation to an offence  
committed by a natural person if  
the court that convicts the person  
of the offence is satisfied that –

(a) the offence was  
committed in the course  
of the person being  
engaged in an industrial  
dispute or an industrial  
campaign; and

(b) the person did not, by or  
while committing the  
offence –

(i) cause, directly or  
indirectly, a  
serious risk to the  
safety of the  
person or another  
person; or

(ii) take an action that  
caused, directly or  
indirectly, a  
serious risk to the  
safety of the

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

s. 4

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person or another  
person.

(2AB) Despite subsections (2), (2AA) and (2A), if the court that convicts a natural person of an offence under this section is satisfied that the person, by or while committing the offence –

(a) caused, directly or indirectly, a serious risk to the safety of the person or another person; or

(b) took an action that caused, directly or indirectly, a serious risk to the safety of the person or another person –

the person is –

(c) liable to a penalty not exceeding 50 penalty units or imprisonment for a term not exceeding 18 months; or

(d) if the person has previously been convicted of an offence to which this subsection applies, liable to a penalty not exceeding 75 penalty units or imprisonment for

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

s. 4

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a term not exceeding 24 months.

(2AC) Despite subsections (2) and (2A), if the court that convicts a person that is a body corporate of an offence under this section is satisfied that –

(a) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and

(b) the person, by or while committing the offence, intended to substantially impede, or prevent, a person from carrying out lawful work –

the person is liable to a penalty not exceeding 250 penalty units.

(2AD) Subsection (2AC) does not apply in relation to an offence committed by a person that is a body corporate if the court that convicts the body corporate of the offence is satisfied that –

(a) the offence was committed in the course of the person being engaged in an industrial



*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

s. 4

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dispute or an industrial  
campaign; and

- (b) the person did not, by or while committing the offence –
  - (i) cause, directly or indirectly, a serious risk to the safety of the person or another person; or
  - (ii) take an action that caused, directly or indirectly, a serious risk to the safety of the person or another person.
- (e) by omitting from subsection (2A) “However, if” and substituting “Despite subsection (2), if”;
- (f) by inserting in subsection (3) “or on” after “remaining in”;
- (g) by inserting the following subsections after subsection (6):
  - (7) For the purposes of this section, if a police officer –
    - (a) finds a person on part of an area of land to which a

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

s. 5

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mineral tenement, within the meaning of the *Mineral Resources Development Act 1995*, relates; and

- (b) believes on reasonable grounds that the person is committing, in relation to that mineral tenement, an offence against section 23(3), 58(3), 67N(3) or 84(2) of that Act –

the holder of the mineral tenement is taken to be the person in charge of the part of the area of land while the person remains on the part of the area of land.

- (8) Nothing in subsection (7) is to be taken to limit the circumstances in which a person, including the holder of a mineral tenement in relation to an area of land, may be, for the purposes of this Act, the person in charge of an area of land.

**5. Section 55 amended (Arrest)**

Section 55 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2B) “or in” after “be on”;

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

**s. 6**

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- (b) by inserting in subsection (2C)(b) “or in” after “on”.

**6. Legislation repealed**

The legislation specified in Schedule 1 is repealed.

**7. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.

*Police Offences Amendment (Workplace Protection) Act 2022*  
*Act No. 22 of 2022*

**sch. 1**

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**SCHEDULE 1 – LEGISLATION REPEALED**

Section 6

*Workplaces (Protection from Protesters) Act 2014* (No. 25 of  
2014)

*[Second reading presentation speech made in:–  
House of Assembly on 5 May 2022  
Legislative Council on 22 June 2022]*