

WORKPLACES (PROTECTION FROM PROTESTERS)
BILL 2014
(Bill No. 15)

Amendments (Leader of the Government)

CLAUSE 4

Page 14, subclause (2), paragraph (a).

Leave out ", a business access area in relation to business premises, a road, a footpath or a public place".

Insert instead "or a business access area in relation to business premises".

CLAUSE 5

First amendment

Page 17, subclause (1), definition of "business premises", paragraph (e).

Leave out the paragraph.

Second amendment

Page 17, subclause (1), definition of "business premises", paragraph (f), at the end.

Insert "in relation to premises referred to in another paragraph of this definition".

Third amendment

Page 17, subclause (1), definition of "business premises", paragraph (h).

Leave out the paragraph.

Fourth amendment

Page 17, subclause (1), definition of "business premises", paragraph (i).

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Leave out the paragraph.

Fifth amendment

Page 18, subclause (1), definition of "business premises", paragraph (k).

Leave out "business premises; and".

Insert instead "business premises to which paragraph (a), (b), (c), (d), (f) or (g) or (j) applies."

Sixth amendment

Page 18, subclause (1), definition of "business premises", paragraph (l).

Leave out the paragraph.

Seventh amendment

Page 18, subclause (2).

Leave out the subclause.

Eighth amendment

Page 19, subclause (3).

Leave out the subclause.

Ninth amendment

Page 19, subclause (4).

Leave out ", except in relation to a part, of such premises, that consists of premises to which subsection (2)(c) applies".

Tenth amendment

Page 20, subclause (4).

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Leave out all the words after "religious".

Insert instead "organisation;".

CLAUSE 6

First amendment

Page 22, subclause (4).

Leave out the subclause.

Second amendment

Page 23, subclause (5).

Leave out the subclause.

Third amendment

Page 23, subclause (6).

Leave out the subclause.

Insert instead the following subclause:

- (6) A person commits an offence if he or she contravenes a requirement, specified in accordance with section 12(3D) on a direction issued to the person under section 12(1), (2) or (3), that the person must not, in the period of 3 months after the date on which the direction is issued, contravene subsection (1), (2) or (3) of this section.

CLAUSE 7

First amendment

Page 24, subclause (1), penalty provision, paragraph (a).

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Leave out "not exceeding \$250 000".

Insert instead "not less than \$50 000 and not more than \$250 000".

Second amendment

Page 25, subclause (1), penalty provision, paragraph (b).

Leave out "not exceeding \$50 000".

Insert instead "not less than \$5 000 and not more than \$50 000".

Third amendment

Page 25, subclause (2), penalty provision, paragraph (a).

Leave out "not exceeding \$250 000".

Insert instead "not less than \$50 000 and not more than \$250 000".

Fourth amendment

Page 25, subclause (2), penalty provision, paragraph (b).

Leave out "not exceeding \$50 000".

Insert instead "not less than \$5 000 and not more than \$50 000".

Fifth amendment

Page 27, subclause (4), paragraph (e).

Leave out the paragraph.

CLAUSE 8

First amendment

Page 28, subclause (1), paragraph (b), subparagraph (ii).

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Leave out "premises; or".

Insert instead "premises."

Second amendment

Page 28, subclause (1), paragraph (c).

Leave out the paragraph.

CLAUSE 9

First amendment

Page 29, subclause (1), penalty provision, paragraph (a).

Leave out "not exceeding".

Insert instead "not more than".

Second amendment

Page 29, subclause (1), penalty provision, paragraph (b).

Leave out "not exceeding".

Insert instead "not more than".

CLAUSE 10

Invite defeat.

CLAUSE 11

First amendment

Page 31, subclause (1), after "this Act,".

Insert "or a contravention of section 6(1), (2) or (3),".

Second amendment

Page 31, subclause (2), penalty provision.

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Leave out "not exceeding \$2 000".

Insert instead "not less than \$500 and not more than \$2 000".

CLAUSE 12

First amendment

Page 32, subclause (1), after "this Act,".

Insert "or a contravention of section 6(1), (2) or (3),".

Second amendment

Page 32, subclause (2), after "this Act, ".

Insert "or a contravention of section 6(1), (2) or (3),".

Third amendment

Page 32, subclause (3).

Leave out the subclause.

Fourth amendment

Page 32, after subclause (3).

Insert the following subclauses:

- (3A)** A police officer may not issue to a person who is a business operator in relation to business premises a direction under subsection (1) or (2) in relation to the business premises or a business access area in relation to the premises.
- (3B)** A police officer may direct a person who is a business operator in relation to business premises to cease to carry out an activity that, if the person were not such a business operator, may

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constitute an offence against a provision of this Act, or a contravention of section 6(1), (2) or (3), on or in relation to the business premises or the business access area in relation to the premises.

- (3C) A natural person must not contravene, or fail to comply with, a direction issued under subsection (3B), including a requirement included in the direction under subsection (3D).

Penalty: Fine not less than \$5 000 and not more than \$10 000.

- (3D) A direction issued under this section to a person may include a requirement that the person must not, in the period of 3 months after the date on which the direction is issued –

- (a) commit an offence against a provision of this Act; or
- (b) except in the case of a direction issued under subsection (3B), contravene section 6(1), (2) or (3).

CLAUSE 14

First amendment

Page 34, subclause (3).

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Leave out the subclause.

Second amendment

Page 35, subclause (5).

Leave out the subclause.

Third amendment

Page 35, subclause (6).

Leave out ", (2) or (3)".

Insert instead "or (2)".

Fourth amendment

Page 35, subclause (6).

Leave out "or (5)".

CLAUSE 16

First amendment

Page 37, subclause (3), paragraph (a).

Leave out "\$10 000".

Insert instead "10 penalty units".

Second amendment

Page 37, subclause (3), paragraph (b).

Leave out "\$2 000".

Insert instead "2 penalty units".

CLAUSE 17

First amendment

Page 38.

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Leave out "An offence".

Insert instead "(1) An offence".

Second amendment

Page 38, after "this Act".

Insert ", other than section 11(2),".

Third amendment

Page 38, at the end of the clause.

Insert the following subclauses:

- (2) Despite subsection (1), an offence against a provision of this Act may, with the consent of the prosecutor, be heard and determined by a court of summary jurisdiction.
- (3) If an offence against a provision of this Act is dealt with by a court of summary jurisdiction under subsection (2), the court may impose –
 - (a) if the offence is an offence, committed by a body corporate, against –
 - (i) section 6(6) – a fine of not less than \$2 500 and not more than \$25 000; or
 - (ii) section 7(1) or (2) – a fine of not less than \$2 500 and not more than \$25 000; or

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- (iii) section 7(3) – a fine not exceeding \$25 000; or
 - (iv) section 8 or 9 – a fine not less than \$2 500 and not more than \$10 000; or
- (b) if the offence is an offence committed by an individual against –
 - (i) section 6(6) and section 19(2)(a) applies in relation to the individual – a fine of not less than \$1 000 and not more than \$5 000; or
 - (ii) section 6(6) and section 19(2)(b) applies in relation to the individual – a fine of not less than \$2 000 and not more than \$5 000 or a term of imprisonment of not more than 12 months, or both; or
 - (iii) section 7(1) or (2) – a fine of not less than \$1 000 and not more than \$5 000 or imprisonment for a term not exceeding 12 months, or both; or

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- (iv) section 7(3) – a fine not exceeding \$5 000 or a term of imprisonment not exceeding 12 months, or both; or
- (v) section 8 or 9 – a fine not less than \$1 000 and not more than \$5 000; or
- (vi) section 12 – a fine not less than \$1 000 and not more than \$5 000.

CLAUSE 20

First amendment

Page 41, subclause (5), paragraph (b).

Leave out "premises; or".

Insert instead "premises – ".

Second amendment

Page 41, subclause (5), paragraph (c).

Leave out the paragraph.