
LEGISLATIVE ASSEMBLY

Crimes Amendment (Obstructing a Railway) Bill 2024

First print

Proposed amendments

No. 1 **Defences and exemptions from offence**

Page 3, Schedule 1. Insert after line 13—

- (3) Subsection (1) does not apply in relation to—
 - (a) a tramway, or
 - (b) tracks that form part of a light rail system, within the meaning of the *Transport Administration Act 1988*.

No. 2 **Defences and exemptions from offence**

Page 3, Schedule 1. Insert after line 13—

- (4) 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.
- (5) 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.
- (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 railway line—the owner or operator of the railway line.

No. 3 **Review**

Page 3, Schedule 1. Insert after line 13—

[2] Schedule 11 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Provision consequent on Crimes Amendment (Obstructing a Railway) Act 2024

Review of operation of s 213

- (1) The Minister must review the amended provision to determine whether—
 - (a) the policy objectives of the amended provision remain valid, and
 - (b) the terms of the amended provision remain appropriate for securing the objectives
- (2) The review is to be undertaken as soon as possible after the period of 12 months from the commencement.
- (3) The review must include—
 - (a) consultation with the public about the matters mentioned in subsection (1)(a) and (b), including an invitation to make submissions about the matters, and
 - (b) publication of any submission made about the review, with the consent of the person making the submission,
- (4) A report on the outcome of the review must be tabled in each House of Parliament within 18 months after the commencement.
- (5) In this section—

amended provision means section 213 as amended by the *Crimes Amendment (Obstructing a Railway) Act 2024*.

commencement means the commencement of the *Crimes Amendment (Obstructing a Railway) Act 2024*, Schedule 1[1].