

STRENGTHENING COMMUNITY SAFETY BILL 2023

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**Submission by
The Shop Distributive and Allied Employees Association (Queensland
Branch)**

To

**The Queensland Parliament
Economics and Governance Committee**

Date Submitted: 24 February 2023

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Introduction:

The Shop Distributive and Allied Employees Association (SDA) welcomes the opportunity to make a submission to the Queensland Parliament Economics and Governance Committee in relation to the ***Strengthening Community Safety Bill 2023***

The intention of our submission is to acknowledge and support the proposed legislative changes introduced by the draft bill whilst also requesting the committee to consider additional amendments to the ***Queensland Criminal Code*** and the ***Summary Offences Act 2005***.

These additional amendments relate specifically to Retail and Fast Food occupations where front line workers are particularly vulnerable to customer abuse and instances of assaults. As a consequence the SDA is seeking legislative intervention to establish more extensive penalties and punishment for offences perpetrated against such essential workers in the course of their duties.

The SDA is one of Australia's largest trade unions with over 215,000 members and being registered in both the State and Federal industrial relations systems. It is an Industrial Organisation of Employees under the *Industrial Relations Act 2016* (Qld) and a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (FWRO Act).

The Shop Distributive and Allied Employees Association - Queensland Branch (SDAQ) represents the interests of over 33,000 retail, fast Food, hairdressing, pharmacy, online retailing, modelling and general retail distribution employees; many acting in positions that require close physical contact and social interaction with customers and the general public. They are hard working frontline essential workers that kept the community fed, clothed and supported the pharmaceutical needs of the community through the Covid-19 pandemic in the face of the increasing scourge of customer abuse and violence.

A majority of members are women and young people that need specific protections when faced with increased violence and attacks. Consequently the SDA has a long history of advocating for protections of members and ensuring that workplaces are safe. It is a primary concern of the SDA to ensure frontline essential service workers are protected and for those that might consider or actually do breach those protections to be given the full extent of the law for violation of those protections.

The SDAQ has received a substantial increase of complaints by members recounting to the union details of physical assaults and verbal abuse that is occurring in the retail and fast food industry. This appears to have increased exponentially due to the pressures placed on the industry (and its workforce) by the Covid 19 pandemic.

Whilst historically our members have not been considered "*frontline or emergency service workers*" they were identified during the pandemic to be an 'essential service' and accordingly remain in a specialised category that should have the same protections and ramifications for others who perform front line roles and have protections and penalties already in place.

The SDA case for legislative change

The SDAQ has seen a substantial increase in incidents of abuse directed to retail and fast food workers. In recent years the SDAQ has received hundreds of calls by members in particular:

- being threatened with or actually physically assaulted
- being verbally abused during the pandemic by customers for enforcing public health directives (e.g. sanitisation requirements)
- being abused when doing bag checks or security checks (door greeting duties).
- being abused when stock or operational issues arise (cash register closures etc).
- being threatened with or actually assaulted via spitting or coughing.

- being repeatedly harassed (either verbally or physically) by specific customers to the point the employee seeks transfers of locations he employer or property owner not having sufficient power to ban them from the premises.

SDAQ - Union survey & impacts

Following the peak of Covid-19 in November 2022 the SDAQ surveyed members in relation to customer abuse. The union had more than 1200 responses with some 58% having had experienced abuse in the last 12 months. 89% said they had been verbally attacked and almost 10% had experienced both verbal and physical assault.

The survey allowed for written submissions. Out of the 460 written responses received a common thread was that customers in general were increasingly aggressive to the point that workers were being threatened and/or assaulted on an almost daily basis.

Some example comments by members from the surveys were as follows:

- “Price of fuel is too high so it was my fault, got yelled at by the customer and called me names”
- “Yelling at me because I have no control over what is not on the shelf. And no I don't know when it will be in.”
- “Customer would not show bag and started to yell and scream.”
- “The customers abuse me cause when his card declined he raged on me saying that I stole his money and that he is going to call the police, get me fired and try to kill me.”
- “Yelled at, called names, being boxed into a corner or against the online trolley, things shoved at you, hit with customer trolleys, sexually charged comments”

The impact of abuse on workers is significant. There are long term physical and psychological traumas that result in significant personal issues and/or work cover claims. A combined 88% response indicated the abuse is causing ongoing mental health concerns. Some 156 written responses specifically categorised that the events had a psychological impact.

Some example comments by members from the surveys were as follows:

- “Makes me angry because they feel it is OK to do it”
- “Really disillusioned for a few weeks, as I always try really hard to provide a positive experience for every customer. It really knocked my confidence in my ability to handle difficult customers effectively. This was exacerbated by the lack of a physical barrier between us.”
- “I was anxious she would come back. Just try to get on with my job. I told my manager, he said he knew who she was.”
- “Cut my hours so I didn't have to work on registers”

Generally the SDAQ have seen an increase in calls to the office and organisers or shop Stewards giving feedback how customer abuse, aggression and physical violence is on the rise. This is in combination with members indicating that “Theft” is increasing and as such this is a major contributor to abuse and /or violent incidents.

NODAS

The committee may be aware of the nationally recognised “***No One Deserves a Serve***” [NODAS] campaign initiated by the SDA to promote the plight of retail workers and to highlight that abuse (both verbal and physical) regularly occurs in the retail industry and that it is not to be condoned or ignored and should be recognised when holding perpetrators of such acts to account for their actions.

NODAS utilises national advertising and media to promote the cause and it has been recognised and acknowledged by workers, the general public, employers and by agencies such as Workcover Queensland to be a positive initiative in an effort to protect health and safety and eradicate workplace risks.

The SDAQ promotes the general proposition used by the Office of Industrial Relations – Workplace Health and Safety Queensland¹ that **Work-related violence and aggression** is any incident where a person is abused, threatened, intimidated or assaulted at work by another worker or member of the public. This definition covers a broad range of actions and behaviours that can create a risk to the health and safety of workers, including both physical and psychological harm, regardless of any intent to cause such harm.

It is suggested that this definition is adopted as a premise to introduce legislation that creates the basis for increased pecuniary and criminal offences for violence and actual or threatened verbal and physical abuse of retail and fast food workers.

Youth issues & impacts

The SDAQ has received increasing comments and feedback originally initiated by concerns about “**youth gangs**” in shopping centre carparks at night. Incidents generally related to issues of intimidation but has now escalated to property damage, vandalism and workers feeling threatened and scared to leave the stores – especially at night.

Whilst the union has been proactive when negotiating enterprise agreements that provide “safe escort” provisions this is not a panacea to resolve such issues. Operational barriers such centre security staff not responding to phone calls or taking long periods of time to show up.

There have been more reports of these concerns occurring during daylight hours, with youths actively going through carparks looking in cars. As an example; one of the SDAQ’s organisers was sitting in their car and a young person tried to forcibly open the car door (presumably to steal it) not realising the organiser was in the vehicle.

The union has received feedback of increased numbers of school children, in uniform, and unaccompanied, frequenting shopping centres through the day. Typically they are in groups, and will enter a store and disperse knowing it’s harder for them to be tracked that way. When they get approached by workers to see if they need assistance, they will react aggressively, accuse the workers of profiling and harassing them. We are seeing similar instances with door greeters when asking to check bags and/or receipts, despite it being a condition of entry.

Feedback from members has been that while the abuse comes from people of all ages and gender, it’s becoming far more common from young people. The SDAQ concerns were primarily focused on customers who enter stores and then become aggressive because of something that happens in store, or just has had a “bad day” and takes it out on a retail or fast food worker to individuals and groups who are entering stores with the intent to do a wrong or unlawful act and have little regard for consequences.

It is significant that those perpetrating these actions appear to accept that workers can do little to stop them, and they know that if security is present they also have limited ability. Of significant concern the perpetrators appear to now react with increased violence including the use of weapons when challenged.

The most recent abhorrent attack in Toowoomba where sadly a 75 year old man lost his life (See link <https://7news.com.au/news/qld/elderly-toowoomba-man-allegedly-attacked-by-teen-in-taxi-rank-to-have-life-support-turned-off-c-9699639>) It appears the youth was with a number of other youths which attacked the man without provocation

¹ Preventing and responding to work related violence, Office of Industrial Relations Workplace Health and Safety, July 2014

A 19 year old retail worker was violently attacked last weekend in a major retail supermarket (See link: <https://www.news.com.au/lifestyle/real-life/news-life/confronting-moment-woolies-worker-bashed/news-story/5f165163119206a71496a06079104a08>) The incident occurred in front of many customers who looked on in horror as the young worker struggled with the abusive customer. Whilst it is unclear what prompted the incident it is suggested that the worker had requested the customer to vacate the store moments prior to the incident. The incident is now a matter of police investigation but the reality in this is that there was a young worker placed at risk because of not having sufficient protections or powers to possibly ban an abusive person.

In a recent Town Hall meeting members of the Toowoomba community voiced their concerns and told of harrowing stories about the increase of youth crime and most importantly from the SDAQ perspective that such incidents were on the increase in workplaces and specifically in retail establishments (see link <https://www.abc.net.au/news/2023-02-16/youth-crime-forum-toowoomba-community-safety-police/101977706>)

Further, last year a retail supermarket worker was stabbed while she stocked shelves in the pet food aisle in a store at Perth. Last month, a woman was restrained and escorted from a Darwin Woolworths after allegedly verbally abusing and lunging at staff. Also last month, an Alice Springs store was locked down after a young boy entered wielding a machete.

These examples are evidence of the increasing violence being perpetrated against retail workers and the community in Queensland. The public (and retail and fast food workers in particular) face violence and in some cases life threatening situations and as a consequence it is the SDAQ's submission the measures taken by the government are warranted but we do seek to have stronger more focused measures targeted specifically for retail and fast food workers

Anecdotally, members have also stated that some retail centres have had Police Beats removed which limits any authoritative presence and diminishes the ability of having a police officer attend rapidly when an incident occurs or to even just deter negative behaviours.

Recommendation One (1)

The SDAQ strongly urges the government to increase police patrolling of shopping precincts to protect the community from the increasing violent incidents occurring in and around shopping precincts. The Police Beats if staffed appropriately can respond to escalating incidents within minutes and may save lives. They also provide an element community safety.

The SDAQ Recommendations for legislative change

As a consequence of the above mentioned surveys members have suggested:

- That offenders should be fined or face actual jail time (42%)
- That there should be more Police and Security presence (66%)
- That offenders should be banned from stores (72%)

The SDAQ submits that introducing the formal ability of employers, property owners or occupiers to ban persons from areas, stores and shopping centres and utilising increased penalties/punishment provisions will improve the situation for retail and fast food workers.

The committee may be familiar with the provisions introduced during the Covid 19 Pandemic where a public health direction was issued under the **Protecting Public Officials and Workers (Spitting, Coughing and Sneezing) Direction (No. 3)**.

Pursuant to **Section 362B** of the **Public Health Act 2005 (Qld)** the directive prohibited persons from intentionally spitting at, coughing or sneezing on public officials and workers. The definition of Worker includes, without limitation a *retail worker*. A person who fails, without reasonable excuse, to comply with the direction commits an offence under **Section 362D** that has a maximum penalty of 100 units currently equating to \$13,345.00

The above is just an example of what could be contemplated and legislated to ensure workers in retail and fast food are protected. The SDAQ whilst not presently providing a comprehensive list for consideration suggests discussion and amendment to legislation in the following terms:

Recommendation Two (2)

Changes to criminal code

The SDA asks that the committee to consider the imposition of an appropriate penalty with a corresponding extension of the application of Section 340 of the Criminal code to incorporate retail workers regarding them as essential / frontline workers and that any **work-related violence and aggression** (being any incident where a person is abused, threatened, intimidated or assaulted at work by another worker or member of the public. This definition covers a broad range of actions and behaviours that can create a risk to the health and safety of workers, including both physical and psychological harm, regardless of any intent to cause such harm) is to be regarded as an aggravated assault and appropriate penalties and punishment to be applied.

The SDAQ considers any assault committed in any setting as a serious matter. However a person performing a duty should be attributed with due respect and dignity and in particular those at the forefront face a vulnerability and higher degree of risk.

Whilst the nature and impact of an assault may be similar and may initially suggest similar laws and sentencing the SDAQ believes there should be specific and increased deterrents when the person is assaulted whilst in the performance of their role. There needs to be appropriate deterrents for those contemplating or committing such acts when there is a higher probability and accessibility to workers that allow such assaults to occur.

It is submitted that the definitions in section 340 of the Criminal Code be expanded to incorporate retail workers being defined as essential workers/front line workers and that an assault will be regarded as an offence and subject to appropriate and equality of sentencing for all occupations.

The SDAQ holds a position that retail workers should be regarded in a special category of particularly vulnerable service personnel that are subject to a greater possibility of assault (in particular verbal/physical abuse).

Recommendation Three (3)

Changes to the Summary Offences Act 2005

The SDAQ submits that to further protect workers the ability of occupiers to have a legislated right to formally prevent and ban perpetrators who threaten or actually abuse and assault workers must be enacted. The failure to then comply with such orders can result in appropriate penalties or summary offences .

It is suggested that the appropriate legislative instrument to insert such additional legislative change would be the Summary Offences Act 2005.

The SDAQ is aware that the Northern Territory Government recently introduced a Bill to parliament called – **Trespass Act 2023**. It is submitted that this piece of legislation is a particular pertinent example of the type and content of legislation that the SDAQ would envisage to protect Retail and Fast Food workers in Queensland regarding the matters outlined. (see link <https://legislation.nt.gov.au/en/LegislationPortal/Bills/~/link.aspx?id=C2622B9B06FB48A48D4729CF2B823E82&z=z>)

The intent would be that employers/occupiers and relevant state authorities have increased ability backed by appropriate legislation to remove and ban perpetrators.

In Summary

The reason for which the SDAQ has presented a submission in this matter is an increasing need for retail and fast food workers to have formal protections in place and this should extend to criminal sanctions and more comprehensive penalties. Our members are some of the most vulnerable in the Australian workforce, a large majority are female and young.

Any abuse and or assault on a vulnerable retail/fast food worker can and generally does have a significant impact – it may result in physical or psychological injury, it may require time off work that may not be recuperated. Retail/fast food workers have become or are now regarded as essential to the fabric of a normal society from an economic and cultural viewpoint.

Any assault should be viewed as a serious issue, the assault of a person when simply doing their job in a service industry should be regarded as a serious offence.

It is our submission that the inclusion of the “*retail worker*” which incorporates retail, fast Food, hairdressing, pharmacy, online retailing, modelling workers into the definitions of the criminal code and having appropriate sentencing for the nature and/or aggravation of these incidents would we believe be a definite deterrent to those who threaten, contemplate or actually do assault a retail worker. The SDAQ supports the premise that all workers in any occupation must be protected from threats of abuse and/or violence. This will also make the community safer.

The advent of the Strengthening Community Safety Bill is an opportune moment to support the changes the draft bill has announced and to seek further amendments to other areas to ensure specific vulnerable workers who are subject to the youth justice issues are more protected.

My organisation (and I personally) are resolute in the dedication to promote a safe working environment for all retail and fast food workers, to this end I submit the above for the committees review. I am more than happy to discuss or expand on the matters I have raised should the committee require.

No one deserves a serve!

Chris Gazenbeek
State Secretary

Serial 79
Trespass Bill 2023
Mrs Worden

A Bill for an Act to provide for offences related to trespass and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

TRESPASS ACT 2023

Act No. [] of 2023

Table of provisions

Part 1 Preliminary matters

1	Short title	1
2	Commencement	1
3	Definitions.....	1
4	Authority to enter and remain	2
5	Effect on other laws and agreements	3
6	No discrimination or other prohibited conduct.....	3
7	Traditional rights in land	3
8	Application of Criminal Code	4

Part 2 Enforcement provisions

9	Direction to leave.....	4
10	Warning to stay off.....	4
11	Manner of giving direction or warning.....	5
12	Court order to stay off.....	5

Part 3 Trespassing offences

13	Trespass – entering or remaining without authority	6
14	Trespass on Crown or other land	6
15	Trespass after direction to leave.....	7
16	Trespass after warning to stay off.....	7
17	Trespass – contravention of court order	8
18	Severe hardship defence.....	8

Part 4 Police and procedural matters

19	Police power of removal	9
20	Exercise of powers	9
21	Multiple offences.....	9
22	Averment	9

Part 5	Repeals and transitional matters for Trespass Act 2023	
Division 1	Repeals	
23	Acts repealed.....	10
Division 2	Transitional matters	
24	Definitions.....	10
25	Direction to leave.....	10
26	Warning to stay off.....	10
27	Offences	11
Part 6	Consequential amendments	
Division 1	Criminal Code	
28	Act amended	11
29	Section 220 amended (Entering building with intention to commit offence)	11
30	Section 223 amended (Alternative verdict)	11
Division 2	Housing Act 1982	
31	Act amended	11
32	Section 5 amended (Definitions).....	12
Division 3	Public Transport (Passenger Safety) Act 2008	
33	Act amended	12
34	Section 4 amended (Offences warranting arrest)	12
Division 4	Repeal	
35	Repeal of Part.....	12



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2023

An Act to provide for offences related to trespass and for related purposes

[Assented to [] 2023]
[Introduced [] 2023]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Trespass Act 2023*.

2 Commencement

- (1) This Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 13 February 2025, it commences on that day.

3 Definitions

In this Act:

Crown land means all Crown land, including reserved or dedicated land, that is not leased or occupied under a licence or an agreement.

direction means a direction to leave a place given under section 9(1) or (2).

occupier, in relation to a place, means:

- (a) if the place is Crown land or land occupied by the Territory, the Commonwealth or a statutory corporation – a person in charge of the land; or
- (b) if the place is not Crown land or land occupied by the Territory, the Commonwealth or a statutory corporation:
 - (i) a person in lawful occupation of the place and any employee or other person acting under the authority of an occupier of the place; or
 - (ii) if there is no person in lawful occupation of the place – the owner of the place.

order means an order to stay off a place issued by a court under section 12.

place means any of the following:

- (a) a building or structure, whether permanent or temporary and whether fixed or capable of being moved;
- (b) land, whether enclosed or not;
- (c) a motor vehicle;
- (d) a trailer or caravan;
- (e) an aircraft;
- (f) a boat or other vessel;
- (g) a train or rolling stock on or for use on a railway.

warning means a warning to stay off a place given under section 10(1) or (2).

Note for section 3

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

4 Authority to enter and remain

- (1) In this Act, the following persons are taken to be authorised to enter or remain in, on or at a place:
 - (a) an occupier of the place;

- (b) an individual who has express consent from the occupier of the place to enter or remain in, on or at the place;
 - (c) an individual who has implied consent from the occupier of the place to enter or remain in, on or at the place;
 - (d) an individual who is authorised to enter or remain in, on or at the place under a law in force in the Territory.
- (2) For this Act, a direction or a warning given to a person in respect of a place is taken to be the withdrawal of any express or implied consent for that person to enter or remain in, on or at the place.

5 Effect on other laws and agreements

This Act does not affect anything that a person is authorised to do by or under:

- (a) any other law in force in the Territory; or
- (b) any legally enforceable agreement.

6 No discrimination or other prohibited conduct

- (1) A person must not use a power under this Act to engage in prohibited conduct or otherwise contravene the *Anti-Discrimination Act 1992*.
- (2) In this section:

prohibited conduct, see section 4(1) of the *Anti-Discrimination Act 1992*.

7 Traditional rights in land

To avoid doubt, this Act does not affect the existence, enjoyment or exercise of:

- (b) any native title rights and interests, within the meaning of the *Native Title Act 1993* (Cth), or any other rights under that Act; or
- (b) any rights under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

8 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 8

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Enforcement provisions

9 Direction to leave

- (1) An occupier of a place may direct a person in, on or at the place to leave the place.
- (2) A police officer may direct a person in, on or at a place to leave the place:
 - (a) at the request of an occupier of the place; or
 - (b) on the officer's own initiative in relation to Crown land or land occupied by the Territory, the Commonwealth or a statutory corporation.
- (3) A direction may specify that the person is banned from returning to and entering the place for a period of up to 7 days from the day the direction is received by the person.
- (4) If no period is specified in the direction, the person is banned from returning to and entering the place for a period of 72 hours from the time the direction is received by the person.
- (5) Unless otherwise authorised, a person who is directed to leave a place must leave the place as soon as reasonably practicable and not return to or enter the place within the period applicable under subsection (3) or (4).

10 Warning to stay off

- (1) An occupier of a place may warn a person that the person does not have permission to enter the place and must stay off the place if:
 - (a) the person is trespassing, or has trespassed, in, on or at the place; or
 - (b) the occupier has reasonable grounds to suspect that the person is likely to trespass in, on or at the place.

- (2) A police officer may warn a person that the person does not have permission to enter the place and must stay off the place:
 - (a) at the request of an occupier of the place; or
 - (b) on the officer's own initiative in relation to Crown land or land occupied by the Territory, the Commonwealth or a statutory corporation.
- (3) A warning may specify that the person is banned from entering the place for a period not exceeding 12 months from the day the warning is received by the person.
- (4) If no period is specified in the warning, the person is banned for a period of 3 months from the day the warning is received by the person.
- (5) Unless otherwise authorised, a person who is warned to stay off a place must not enter the place during the period applicable under subsection (3) or (4).

11 Manner of giving direction or warning

- (1) A direction or a warning may be given to a person orally or in writing.
- (2) A direction or warning may be given orally to members of a group by addressing the group as a whole and making it clear that each member is included in the direction or warning.

12 Court order to stay off

- (1) A court of competent jurisdiction may order a person found guilty of a trespassing offence in relation to a place to stay off and not enter that place for a period of up to 12 months.

- (2) In this section:

trespassing offence means any of the following:

- (a) an offence against this Act;
- (b) an offence against the *Trespass Act 1987*.

Part 3 Trespassing offences

13 Trespass – entering or remaining without authority

(1) A person commits an offence if the person:

- (a) intentionally enters a place; and
- (b) is not authorised to enter the place.

Maximum penalty: 20 penalty units or imprisonment for
6 months.

(2) A person commits an offence if the person:

- (a) intentionally remains in, on or at a place; and
- (b) is not authorised to remain in, on or at the place.

Maximum penalty: 20 penalty units or imprisonment for
6 months.

(3) Strict liability applies to subsections (1)(b) and (2)(b).

14 Trespass on Crown or other land

(1) A person commits an offence if:

- (a) the person intentionally enters land; and
- (b) the land is Crown land or is land occupied by the Territory, the Commonwealth or a statutory corporation; and
- (c) a notice is posted on the land clearly warning that trespassing on the land is prohibited.

Maximum penalty: 20 penalty units.

(2) Strict liability applies to subsection (1)(b) and (c).

(3) It is a defence to a prosecution for an offence against subsection (1) if:

- (a) the defendant was not aware of, and could not reasonably be assumed to have been aware of, the notice posted on the land; or

- (b) the defendant:
 - (i) did not know the land was Crown land, or land occupied by the Territory, the Commonwealth or a statutory corporation; and
 - (ii) entered the land while hunting or in the pursuit of game.

Note for subsection (3)

The defendant has an evidential burden in relation to this defence (see section 43BU of the Criminal Code).

15 Trespass after direction to leave

- (1) A person commits an offence if the person:
 - (a) is in, on or at a place; and
 - (b) is directed under section 9 to leave the place; and
 - (c) does not leave the place as soon as reasonably practicable.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person:
 - (a) is directed under section 9 to leave a place; and
 - (b) returns to and enters the place contrary to section 9(5).

Maximum penalty: 20 penalty units.

- (3) An offence against subsection (1) or (2) is an offence of strict liability.

16 Trespass after warning to stay off

- (1) A person commits an offence if the person:
 - (a) is warned under section 10 to stay off and not enter a place; and
 - (b) enters the place contrary to section 10(5).

Maximum penalty: 20 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the person by whom, or on whose behalf, the warning was given is no longer an occupier of the place entered.

Note for subsection (3)

The defendant has an evidential burden in relation to this defence (see section 43BU of the Criminal Code).

17 Trespass – contravention of court order

- (1) A person who is ordered under section 12 to stay off a place must not enter the place within the period specified in the order, unless the person is authorised to enter despite the order.
- (2) A person commits an offence if:
- (a) the person is ordered under section 12 not to enter a place; and
 - (b) the person intentionally enters the place; and
 - (c) the entry contravenes the order.

Maximum penalty: 20 penalty units or imprisonment for 6 months.

- (3) Strict liability applies to subsection (2)(a) and (c).

18 Severe hardship defence

It is a defence to a prosecution for an offence against section 15(1) or (2), 16(1) or 17(2) if the conduct was reasonable in the circumstances to prevent or mitigate severe hardship to the defendant or others.

Examples for section 18

- 1 *Substantial difficulty in obtaining groceries, medication or health related services.*
- 2 *Unreasonable risk to health or safety.*
- 3 *Other hardship that the court considers severe in all of the circumstances.*

Note for section 18

The defendant has an evidential burden in relation to this defence (see section 43BU of the Criminal Code).

Part 4 Police and procedural matters

19 Police power of removal

A police officer may, without arrest, remove a person and any of the person's property from a place if the officer believes on reasonable grounds that the person has committed, is committing or is about to commit an offence against this Act.

Notes for section 19

- 1 *Section 123 of the Police Administration Act 1978 authorises a member of the Police Force to, without warrant, arrest and take into custody any person where the member believes on reasonable grounds that the person is committing, has committed or is about to commit an offence.*
- 2 *Section 23 of the Youth Justice Act 2005 requires a police officer to take all reasonable steps to notify a responsible adult of the arrest or charging of a youth for an offence.*

20 Exercise of powers

- (1) A police officer may use reasonable force and assistance in exercising a power under this Act.
- (2) To avoid doubt, a police officer who gives a direction or warning at the request of an occupier of a place is acting in the course of the police officer's duties.

21 Multiple offences

A person may be charged with and found guilty of more than one offence against this Act for a sequence of conduct that constitutes those separate offences.

22 Averment

- (1) An averment may be made regarding facts specified in subsection (2) in a complaint for an offence against any of the following:
 - (a) section 14(1);
 - (b) section 15(1) or (2);
 - (c) section 16(1).
- (2) The averment is taken to be evidence in respect of the following facts:
 - (a) that a person is, or was at the relevant time, an occupier of a place;

- (b) that a person is, or was at the relevant time, a police officer;
- (c) that a direction was given to or received by a person and the contents of the direction;
- (d) that a warning was given to or received by a person and the contents of the warning.

Part 5 Repeals and transitional matters for Trespass Act 2023

Division 1 Repeals

23 Acts repealed

The following Acts are repealed:

- (a) *Trespass Act 1987* (Act No. 7 of 1987);
- (b) *Trespass Amendment Act 2000* (Act No. 51 of 2000).

Division 2 Transitional matters

24 Definitions

In this Division:

commencement means the commencement of Part 2.

repealed Act means the *Trespass Act 1987*.

25 Direction to leave

Any direction to leave given under section 7 of the repealed Act, that is in effect immediately before the commencement, continues in effect in accordance with its terms and is taken to be a direction under this Act.

26 Warning to stay off

Any warning to stay off given under section 8 of the repealed Act, that is in effect immediately before the commencement, continues in effect in accordance with its terms and is taken to be a warning under this Act.

27 Offences

- (1) The provisions of the repealed Act, as in force immediately before the commencement, continue to apply to offences against that Act committed before the commencement.
- (2) For subsection (1), an offence is taken to have been committed before the commencement if any of the conduct constituting the offence occurred before the commencement.

Part 6 Consequential amendments

Division 1 Criminal Code

28 Act amended

This Division amends the Criminal Code.

29 Section 220 amended (Entering building with intention to commit offence)

Section 220(1)(b)

omit

Trespass Act 1987

Insert

Trespass Act 2023

30 Section 223 amended (Alternative verdict)

Section 223(b)

omit

Trespass Act 1987

Insert

Trespass Act 2023

Division 2 Housing Act 1982

31 Act amended

This Division amends the *Housing Act 1982*.

32 Section 5 amended (Definitions)

Section 5, definition *prescribed offence*, paragraph (d)

omit, insert

(d) section 13(1) or (2), 14(1), 15(1) or (2), 16(1) or 17(2) of the *Trespass Act 2023*.

Division 3 Public Transport (Passenger Safety) Act 2008

33 Act amended

This Division amends the *Public Transport (Passenger Safety) Act 2008*.

34 Section 4 amended (Offences warranting arrest)

Section 4(1)(b)

omit

5, 7 or 8 of the *Trespass Act 1987*

insert

13(1) or (2), 14(1), 15(1) or (2), 16(1) or 17(2) of the *Trespass Act 2023*

Division 4 Repeal

35 Repeal of Part

This Part is repealed on the day after it commences.