

Factsheet: New Offences for Blockading Roads and Major Facilities

Background

NSW Parliament recently changed laws related to protest. Both the *Crimes Act 1900* (NSW) and the *Roads Act 1993* (NSW) have been amended so that it is now an offence to cause damage or disruption to major roads and major facilities. The changes commenced on 1 April 2022.

Disruption of major roads

Section 144G of the *Roads Act 1993* (NSW) has been expanded. Previously, it was a crime to damage, disrupt or obstruct a major bridge or tunnel only. Now, the offence has been expanded to include major roads.

Is it an offence to blockade a road?

Yes. It is now an offence to enter, trespass, climb on, jump from, or remain on, any part of any major bridges, tunnels and roads if that conduct:

- causes damage to the major bridge, tunnel or road, or
- seriously disrupts or obstructs vehicles or pedestrians attempting to use the major bridge, tunnel or road.

Definitions

'Major bridges, tunnels and roads' include:

- main roads, highways, freeways and tollways,
- bridges or tunnels that connect to these roads, and
- bridges or tunnels in the Greater Sydney Region, the City of Newcastle, or the City of Wollongong.
- The definition of 'serious disruption' has not changed. A person seriously disrupts vehicles or pedestrians if they cause:
 - the major bridge, tunnel or road to close, or
 - vehicles or pedestrians to be redirected (i.e. moved away).

Disruption of major facilities

Is it an offence to blockade railways, ports, airports and other major facilities?

Yes. Under section 214A of the *Crimes Act 1900* (NSW) it is now a new offence to enter, trespass, climb on, jump from, remain on or near, or block entry to, any part of a major facility if that conduct:

- causes damage to the major facility,
- seriously disrupts or obstructs people attempting to use the major facility,
- causes some or all of the major facility to close, or
- causes people attempting to use the major facility to be redirected.

Definitions

Major facilities are defined to include, for example:

- railway stations,
- public transport facilities, e.g. ferry wharves,
- public and private ports,
- airports, and
- infrastructure facilities, e.g., water, sewerage, energy, manufacturing, distribution.

The NSW Government has indicated that it intends to expand this list over time.

Are there any exceptions to these offences?

A person will not be committing an offence if:

- they had a reasonable excuse for the damaging or disruptive conduct (e.g. your car breaking down),
- if the disruptive conduct was part of the workplace, or part of an industrial action, dispute or campaign, or
- consent was obtained from Transport for NSW, the NSW Police Force or another public authority.

What are the penalties for these offences?

The maximum penalty for this offence is 200 penalty units (\$22,000) or imprisonment for 2 years, or both.

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