

# Application of Criminal Law to Environmental Protest

Magistrate David Heilpern



## Outline

- Introduction
- The Way We Were
- Recent Developments in Penalties
- Compensation
- Costs
- Conclusion

## Introduction

- Background
- Judicial Officers and Public Speaking: “Stimulation not Stipulation”



## The Way We Were



## Recent Developments

- FORESTRY REGULATION 2004
- 67 Offence to approach or interfere with certain operations
- (1) A person who:
- (a) approaches within 100 metres of timber harvesting or hauling equipment being operated by a person in a forestry area, or
- (b) interferes with timber harvesting or hauling equipment in a forestry area,
- "interfere with" timber harvesting or hauling equipment includes obstruct, deface, climb onto, or attach to, the equipment.
- Maximum penalty: 20 penalty units.

## The Lock On



FORESTRY REGULATION 2004

12 Removal of persons from forestry area

(1) An authorised officer may remove from a forestry area a person:

- (a) who has entered or is remaining in the area in contravention of the Act or this Regulation, or
- (b) who is causing annoyance or inconvenience to other persons in the area, or
- (c) who otherwise contravenes the Act or this Regulation,

and who fails to leave the area after being requested to do so by the officer.

(2) The removal of a person under this clause does not prevent the person from being charged with an offence under clause 11.

Forestry Act 1916

38A Requirement to state name and address

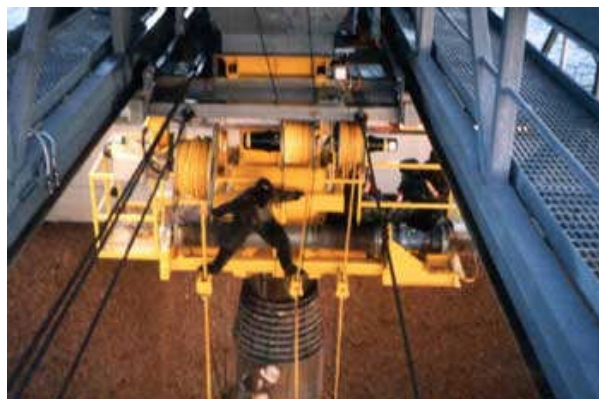
(2) Any person authorised by the commission in writing to act under this section may require a person whom the person so authorised suspects on reasonable grounds to be offending against this Act or the regulations to state the person's full name and place of abode.

(4) A person shall not:

(a) fail or refuse to comply with a requirement under subsection (2) or (3), or

(b) in purported compliance with such a requirement, state a name that is not the person's name or a place of abode that is not the person's place of abode.

Penalty for an offence against this section: 20 penalty units.



## Conclusion

