



Approved Defence Projects Protection Act 1947

Act No. 47 of 1947 as amended

This compilation was prepared on 23 December 2003
taking into account amendments up to Act No. 135 of 2003

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to provide for the protection of Approved Defence Projects, and for other purposes

1 Short title [see Note 1]

This Act may be cited as the *Approved Defence Projects Protection Act 1947*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Definitions

In this Act, unless the contrary intention appears:

approved defence project means any work or undertaking for the testing of long range weapons which is approved by the Minister by notice in the *Gazette* as an immediate defence project and includes any other work or undertaking, being carried out or to be carried out either within or outside Australia for the defence of Australia or any Territory, which is so approved as an immediate defence project.

3A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

4 Prevention etc. of carrying out of defence projects

- (1) A person is guilty of an offence if:
 - (a) the person boycotts or threatens to boycott any person, property, work or undertaking; and
 - (b) by doing so the first-mentioned person:
 - (i) prevents, hinders or obstructs the carrying out of an approved defence project; or

- (ii) endeavours to prevent, hinder or obstruct the carrying out of an approved defence project.

(1A) A person is guilty of an offence if:

- (a) the person publishes a declaration of a boycott or threat of a boycott; and
- (b) as a result, the carrying out of an approved defence project is prevented, hindered or obstructed.

(1B) A person is guilty of an offence if, by speech or writing, the person advocates or encourages the prevention, hindrance or obstruction of the carrying out of an approved defence project.

(1C) Subsections (1), (1A) and (1B) do not apply if the person has a reasonable cause or excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (1C). See subsection 13.3(3) of the *Criminal Code*.

(1D) A person is guilty of an offence if:

- (a) the person uses violence or a threat of violence to a person or property, or engages in any other unlawful conduct; and
- (b) by doing so the first-mentioned person:
 - (i) prevents, hinders or obstructs the carrying out of an approved defence project; or
 - (ii) endeavours to prevent, hinder or obstruct the carrying out of an approved defence project.

(2) An offence against this section may be prosecuted summarily or upon indictment, but an offender shall not be punished more than once in respect of the same offence.

(3) The punishment for an offence against this section shall be:

- (a) if the offence is prosecuted summarily—a fine of not more than One thousand dollars or imprisonment for not more than six months; and
- (b) if the offence is prosecuted upon indictment—a fine of not more than Ten thousand dollars or imprisonment for not more than twelve months, or both.

(4) A prosecution for an offence against this section shall not be instituted except by the Attorney-General or with the consent of the Attorney-General or of a person thereto authorized in writing by the Attorney-General.

Table of Acts

Notes to the *Approved Defence Projects Protection Act 1947***Note 1**

The *Approved Defence Projects Protection Act 1947* as shown in this compilation comprises Act No. 47, 1947 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Approved Defence Projects Protection Act 1947</i>	47, 1947	12 June 1947	12 June 1947	
<i>Statute Law Revision (Decimal Currency) Act 1966</i>	93, 1966	29 Oct 1966	1 Dec 1966	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	—
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part LXXVII (s. 280): Royal Assent	S. 280(1) and (2)
<i>Defence Legislation Amendment (Application of Criminal Code) Act 2001</i>	141, 2001	1 Oct 2001	S. 4: Royal Assent Schedule 1 (items 1, 2): 15 Dec 2001	S. 4 S. 2(2) (am. by 135, 2003, Sch. 2 (item 28))
as amended by <i>Defence Legislation Amendment Act 2003</i>	135, 2003	17 Dec 2003	Schedule 2 (item 28): (a)	—

Act Notes

(a) Subsection 2(1) (item 9) of the *Defence Legislation Amendment Act 2003* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
9. Schedule 2, item 28	Immediately after the commencement of section 2 of the <i>Defence Legislation Amendment (Application of Criminal Code) Act 2001</i>	1 October 2001

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 3	am. No. 216, 1973; No. 80, 1982
S. 3A	ad. No. 141, 2001
S. 4	am. No. 93, 1966; No. 141, 2001

Table A

Table A

Application, saving or transitional provisions

Defence Legislation Amendment (Application of Criminal Code) Act 2001
(No. 141, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.