

NORTHERN TERRITORY OF AUSTRALIA
CRIMINAL CODE AMENDMENT ACT (NO. 2) 2001

No. 52 of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. 52 of 2001

AN ACT

to amend the Criminal Code

[Assented to 19 October 2001]
[Second reading 17 October 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment Act (No. 2) 2001*.

2. Commencement

This Act comes into operation on 22 October 2001.

3. Principal Act

The Criminal Code is in this Act referred to as the Principal Act.

4. New Division

Part VII of the Principal Act is amended by inserting after Division 1 the following:

"Division 1A – Home invasion and invasion of business premises

"226A. Interpretation

"(1) In this Division –

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'business premises' means a building or part of a building used for a business, profession, occupation, calling, trade or undertaking, whether engaged in or carried on –

- (a) by a person or by the Crown in right of the Territory or in any of its other capacities; or
- (b) for profit or not;

'damages' includes defaces, despoils, vandalises and interferes with, whether or not the relevant conduct causes damage of a permanent nature or that results in monetary loss.

"(2) For the purposes of section 226B(3) –

- (a) the following matters are relevant in determining whether damage is of a serious nature:
 - (i) any physical, psychological or emotional harm suffered by a person as a result of the damage;
 - (ii) any apprehension, fear, distress or revulsion caused to a person as a result of the damage; and
- (b) the amount of loss is determined by adding the following amounts:
 - (i) the loss that results directly from the damage;
 - (ii) any loss incurred as a consequence of restoring the dwelling-place or business premises to the condition it was in before the crime was committed, including cleaning costs and economic loss in respect of time spent in the restoration.

"226B. Home invasion and invasion of business premises

"(1) Any person who unlawfully enters a dwelling-house and unlawfully damages the dwelling-house or property in the dwelling-house is guilty of a crime and is liable to imprisonment for 7 years.

"(2) Any person who unlawfully enters business premises and unlawfully damages the business premises or property in the business premises is guilty of a crime and is liable to imprisonment for 7 years.

"(3) If a person who commits a crime referred to in subsection (1) or (2) causes damage of a serious nature or that results in a loss greater than \$5 000, he or she is liable to imprisonment for 10 years."

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5. Criminal damage in general

Section 251 of the Principal Act is amended –

(a) by omitting from subsection (2)(c) "\$500; or" and substituting "\$5 000;";

(b) by inserting after subsection (2)(c) the following:

"(ca) the property in question is a motor vehicle and the loss caused by the damage is not greater than \$5 000 but the damage is of a serious nature; or"; and

(c) by adding at the end the following:

"(5) For the purposes of subsection (2)(ca), damage is of a serious nature if the loss caused by the damage is 50% or more of the value of the motor vehicle immediately before the damage was caused."