



# NORTHERN TERRITORY OF AUSTRALIA

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No. 65 of 1983

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## AN ACT

To amend the *Summary Offences Act*

[Assented to 28 November 1983]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Summary Offences (Criminal Code) Amendment Act 1983*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Criminal Code Act 1983*.

3. PRINCIPAL ACT

In this Act the *Summary Offences Act* is referred to as the Principal Act.

4. NEW SECTIONS

The Principal Act is amended by inserting in Part VII, before section 47, the following:

"46. DISTURBANCE IN LEGISLATIVE ASSEMBLY, &c.

"A person who creates or joins in a disturbance -

(a) in the Legislative Assembly, or within its precincts, while the Assembly is not sitting; or

(b) in or at or within the precincts of the office or residence of -

(i) the Administrator; or

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(ii) a member of the Legislative Assembly,  
is guilty of an offence.

Penalty: \$500.

"46A. FORCIBLE ENTRY

"A person who, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, enters, whether or not he is so entitled to enter, land which is in the actual and peaceable possession of another is guilty of an offence.

Penalty: Imprisonment for 12 months.

"46B. FORCIBLE DETAINER

"A person who, being in actual possession of land without being entitled by law to possession, holds possession of it in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace against a person entitled by law to the possession of the land is guilty of an offence.

Penalty: Imprisonment for 12 months.

"46C. DISTURBING RELIGIOUS WORSHIP

"A person who wilfully and without authorization, justification or excuse, proof of which is on him -

- (a) interrupts or disturbs a meeting of persons lawfully assembled for religious worship;
- (b) assaults a person lawfully officiating or a person assembled at such a meeting,

is guilty of an offence.

Penalty: Imprisonment for 6 months."

5. NEW SECTIONS

The Principal Act is amended by inserting after section 47 the following:

"47AA. AFFRAY

"A person who takes part in a fight in a public place of such a nature as to alarm a person of reasonable firmness and courage, is guilty of an offence.

Penalty: Imprisonment for 12 months.

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"47AB. THREATENING VIOLENCE

"A person who -

- (a) with intent to intimidate or annoy a person, threatens to damage a dwelling-house; or
- (b) with intent to alarm a person in a dwelling-house, discharges a firearm or commits a breach of the peace,

is guilty of an offence.

Penalty: Imprisonment for 12 months or, where the offence is committed at night, 2 years."

6. ILLEGAL INTERFERENCE WITH VEHICLE, &c.

Section 49A of the Principal Act is amended by omitting from paragraph (a) "drives, uses,".

7. REPEAL

Sections 63 and 64 of the Principal Act are repealed.

8. NEW SECTION

The Principal Act is amended by inserting after section 68A the following:

"68B. ADVERTISING A REWARD FOR THE RETURN OF STOLEN PROPERTY, &c.

"A person who -

- (a) publicly offers a reward for the return of property that has been stolen, and in the offer makes use of words purporting that no questions will be asked or that the person producing such property will not be seized or molested;
- (b) publicly offers to return to a person who may have brought or advanced money by way of loan on stolen property the money so paid or advanced or any other sum of money or reward for the return of such property; or

- (c) prints or publishes such an offer,

is guilty of an offence.

Penalty: \$500."

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9. PENALTY FOR OFFENCES WHERE NO SPECIAL PENALTY IS PRESCRIBED

Section 69 of the Principal Act is amended by omitting "misdemeanour or other".

10. NEW SECTIONS

The Principal Act is amended by inserting after section 69 the following:

"69A. DISOBEDIENCE TO LAWS OF THE TERRITORY

"A person who, without lawful excuse, proof of which is on him -

(a) does an act that he is forbidden to do; or

(b) omits to do an act that he is required to do, by a law in force in the Territory, unless a penalty intended to be exclusive of all other punishment is expressly provided by such a law, is guilty of an offence.

Penalty: Imprisonment for 3 months.

"69B. INCITING TO THE COMMISSION OF OFFENCES

"A person who -

(a) incites to, urges, aids or encourages; or

(b) prints or publishes any writing which incites to, urges, aids or encourages,

the commission of an offence or the carrying on of an operation for or by the commission of an offence, is guilty of an offence.

Penalty: \$2,000 or imprisonment for 12 months."

11. REPEAL

Section 70 of the Principal Act is repealed.

12. NEW SECTION

The Principal Act is amended by inserting in Part IX, before section 92, the following:

"91A. TRESPASSING ON PROHIBITED LAND

"(1) A person who, without lawful excuse -

(a) trespasses or goes on prohibited land of the Territory; or

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(b) trespasses or enters on premises of the Territory,  
is guilty of an offence.

Penalty: \$200.

"(2) In this section -

'premises of the Territory' means a building, part of a building or other permanent structure of any kind occupied by the Territory or by a statutory corporation;

'prohibited land of the Territory' means -

- (a) unalienated Crown land;
- (b) land occupied by the Territory; or
- (c) land occupied by a statutory corporation,

upon which is posted a notice in the English language to the effect that trespassing on the land is prohibited, but does not include premises of the Territory.

"(3) It is a defence to a charge of an offence against sub-section (1)(a) if the person charged proves that he did not see and could not reasonably be assumed to have been able to see a notice referred to in sub-section (2).".

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