

Serial 258
Trespass Amendment Bill 2000
Mr Burke

**A BILL
for
AN ACT**

to amend the *Trespass Act*



NORTHERN TERRITORY OF AUSTRALIA

TRESPASS AMENDMENT ACT 2000

No. of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

AN ACT

to amend the *Trespass Act*

[Assented to 2000]
[Second reading 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Trespass Amendment Act 2000*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Trespass Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 4 of the Principal Act is amended –

- (a) by omitting from subsection (1) the definition of "enclosed premises";
- (b) by omitting from the definition of "place" in subsection (1) "enclosed";
- (c) by inserting after the definition of "place" in subsection (1) the following:
" 'premises' means –

Trespass Amendment Act 2000

- (a) a building or structure whether permanent or temporary and whether fixed or capable of being moved;
 - (b) a dwelling-place;
 - (c) any part of a yard, garden or area (whether enclosed or not); or
 - (d) a vehicle (including a caravan), vessel, aircraft or hovercraft";
- (d) by omitting from the definition of "prohibited land" in subsection (1) "prohibited;" and substituting "prohibited."; and
- (e) by omitting from subsection (1) the definition of "unlawful".

5. Evidence

Section 12 of the Principal Act is amended –

- (a) by omitting "The statement on oath of any person" and substituting "In proceedings for an offence against this Act, an averment in a complaint or information"; and
- (b) by omitting all the words after "section 9," and substituting "is evidence of the fact so averred".

6. Defences

Section 13 of the Principal Act is amended by inserting before subsection (1) the following:

"(1A) It is a defence to a charge of committing an offence against section 5 if the defendant proves that the trespass was a result of an honest and reasonable mistake of fact."

7. Further amendments

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 7

Provision	Amendment	
	Omit	substitute
Section 5	"unlawfully"	
	"enclosed"	
	"\$2,000"	"20 penalty units"
Section 6	"unlawfully"	
	"\$2,000"	"20 penalty units"
Section 7(1)	"\$2,000"	"20 penalty units"
Section 8(4)	"unlawfully"	
	"\$2,000"	"20 penalty units"
Section 10	"unlawfully"	

ALTERATION TO SECTION HEADING

On the day on which the *Trespass Act* is amended by this Act, the heading to section 5 of the *Trespass Act* is altered by omitting "enclosed".

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