

Serial 4  
Criminal Code Amendment Bill (No. 4) 2001  
Dr Toyne

**A BILL  
for  
AN ACT**

to amend the Criminal Code



NORTHERN TERRITORY OF AUSTRALIA  
CRIMINAL CODE AMENDMENT ACT (NO. 4) 2001

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No. of 2001

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# NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

## AN ACT

to amend the Criminal Code

[Assented to 2001]  
[Second reading 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. 4) 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 –

*Criminal Code Amendment Act (No. 4) 2001*

'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."

*Criminal Code Amendment Act (No. 4) 2001*

**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."

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