

House of Assembly—No 250

As laid on the table and read a first time, 18 October 2017

South Australia

Civil Liability (Trespass) Amendment Bill 2017

A BILL FOR

An Act to amend the *Civil Liability Act 1936*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Civil Liability Act 1936*

- 4 Insertion of Part 9 Division 12B
 - Division 12B—Exclusion of liability for trespass—authorised officers
 - 75B Exclusion of liability for trespass—authorised officers
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Civil Liability (Trespass) Amendment Act 2017*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Civil Liability Act 1936*

4—Insertion of Part 9 Division 12B

After section 75A insert:

Division 12B—Exclusion of liability for trespass—authorised officers

15 **75B—Exclusion of liability for trespass—authorised officers**

- (1) No action for trespass arises by reason only of an authorised officer carrying out official duties to which this subsection applies on another person's premises.
- (2) Subsection (1) applies to the following official duties of an authorised officer:
 - (a) executing any civil or criminal process, including issuing or giving to, or serving on, a person a summons, notice or other document required or authorised to be issued or given to, or served on, the person under an Act or law;

20

(b) observing and carrying out any direction of a court.

(3) In this section—

authorised officer includes—

- 5
- (a) a police officer; and
- (b) a protective security officer appointed under the *Protective Security Act 2007*; and
- (c) the sheriff, deputy sheriffs and sheriff's officers appointed under the *Courts Administration Act 1993*; and
- 10
- (d) a person appointed under section 7 of the *Sheriff's Act 1978* to carry out the duties of a sheriff in relation to any matter; and
- (e) a Public Service employee (within the meaning of the *Public Sector Act 2009*); and
- 15
- (f) any other person engaged by or on behalf of the Crown to execute any civil or criminal process; and
- (g) a person of a class included in the ambit of this definition by the regulations,

but does not include a person of a class excluded from the ambit of this definition by the regulations;

20 **premises** means—

- (a) land; or
- (b) a building or structure on land other than a residential building or structure;

25 **residential building or structure** means a building or structure used as a place of residence but does not include a carport, verandah or other similar structure attached to or associated with such a building or structure.