



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 104 of 1986

An Act to amend the Summary Offences Act, 1953; and to repeal the Trespassing on Land Act, 1951.

[Assented to 18 December 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Summary Offences Act Amendment Act (No. 2), 1986". Short title.

(2) The Summary Offences Act, 1953, is in this Act referred to as "the principal Act".

2. Section 17 of the principal Act is amended by striking out subsection (4) and substituting the following subsection:

(4) In this section—"premises" means—

Amendment of
s. 17—
Being on premises
for an unlawful
purpose.

(a) any land;

(b) any building or structure;

or

(c) any aircraft, vehicle, ship or boat.

3. Section 17a of the principal Act is amended—

Amendment of
s. 17a—
Trespassers on
premises.

(a) by striking out subsections (2) and (2a) and substituting the following subsections:

(2) A person who, while trespassing on premises, uses offensive language or behaves in an offensive manner is guilty of an offence.

Penalty: \$1 000.

(2a) A person who trespasses on premises shall, if asked to do so by an authorized person, give his or her name and address to the authorized person.

Penalty: \$1 000.

(2b) An authorized person, on asking a trespasser to leave premises or to give a name and address, must, if the trespasser so requests, inform the trespasser of—

(a) the authorized person's name and address;

and

(b) the capacity in which the person is an authorized person under this section.

(2c) A person shall not falsely pretend, by words or conduct, to have the powers of an authorized person under this section.

Penalty: \$500.;

(b) by striking out from subsection (3) the definition of "premises" and substituting the following definition:

"premises" means—

(a) any land;

(b) any building or structure;

or

(c) any aircraft, vehicle, ship or boat.

and

(c) by inserting after subsection (3) the following subsection:

(4) In proceedings for an offence against this section, an allegation in the complaint that a person named in the complaint was on a specified date an authorized person in relation to specified premises shall be accepted as proved in the absence of proof to the contrary.

4. The following sections are inserted after section 17a of the principal Act:

Insertion of new sections 17b and 17c.

Interference with gates.

17b. (1) A person who, without the authority of the occupier of land on which animals are kept in the course of primary production—

(a) opens and leaves open a gate on or leading to the land;

(b) unfastens and leaves unfastened a gate on or leading to the land;

or

(c) on finding a gate on or leading to the land open, closes it and leaves it closed,

is guilty of an offence.

Penalty: \$500.

(2) It is a defence to a charge of an offence against subsection (1) to prove that the defendant's act was not intended to cause loss, annoyance or inconvenience and was not done with reckless indifference to the interests of the owner of the animals.

17c. (1) A person who, while trespassing on land on which animals are kept in the course of primary production, disturbs any animal and thus causes harm to the animal or loss or inconvenience to the owner of the animals is guilty of an offence.

Disturbance of farm animals.

Penalty: \$500.

(2) It is a defence to a charge of an offence against subsection (1) to prove that the disturbance was not intentional and did not arise from recklessness on the part of the defendant.

5. The Trespassing on Land Act, 1951, is repealed.

*Repeal of
Trespassing on
Land Act, 1951.*

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor