



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 53 of 1984

An Act to amend the Police Offences Act, 1953.

[Assented to 24 May 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Police Offences Act Amendment Act, 1984". Short title.

(2) The Police 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 from subsection (1) the passage "One hundred dollars" and substituting the passage "Two thousand dollars". Amendment of s. 17—
Being unlawfully on premises.

3. The following sections are inserted after section 17 of the principal Act: Insertion of new ss. 17a and 17b.

17a. (1) Where—

(a) a person trespasses on premises;

(b) the nature of the trespass is such as to interfere with the enjoyment of the premises by the occupier;

and

(c) the trespasser is asked by an authorized person to leave the premises,

Trespassers to leave premises at the request of authorized persons.

the trespasser shall, if he fails to leave the premises forthwith or again trespasses on the premises within twenty-four hours of being asked to leave, be guilty of an offence.

Penalty: Two thousand dollars or imprisonment for six months.

(2) 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.

(3) In this section—

“authorized person”, in relation to premises, means—

- (a) the occupier, or a person acting on the authority of the occupier;
- (b) where the premises are the premises of a school or other educational institution, or belong to the Crown or an instrumentality of the Crown, the person who has the administration, control or management of the premises, or a person acting on the authority of such a person:

“occupier”, in relation to premises, means the person in possession or entitled to immediate possession of the premises:

“premises” means—

- (a) any building or structure;
 - (b) any land that is fenced or otherwise enclosed;
 - (c) any land (whether or not fenced or enclosed) that forms the yard, garden or curtilage of a building;
- or
- (d) any aircraft, vehicle, ship or boat.

Member of police force may order persons to leave premises in certain circumstances.

17b. (1) Where a member of the police force believes on reasonable grounds that a person has entered, or is present on, premises for the purpose of committing an offence, he may order the person to leave the premises.

(2) A person who fails to comply with an order under subsection (1) is guilty of an offence.

Penalty: Two thousand dollars or imprisonment for six months.

(3) In this section—

“premises” means—

- (a) any building or structure;
 - (b) any land that is fenced or otherwise enclosed;
 - (c) any land (whether or not fenced or enclosed) that forms the yard, garden or curtilage of a building;
- or
- (d) any aircraft, vehicle, ship or boat.

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

D. B. DUNSTAN, Governor