

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Friday, the 15th Day of November 1968

(CRIMINAL) TRESPASS BILL

Proposed Motions

Hon. Mr HANAN, in Committee, to move:

Clause 4, subclause (a): To omit from line 38 on page 3 the words "dog or firearm", and substitute the words "dog, firearm, or vehicle".

Clause 5: That the clause be reinstated, and stand part of the Bill.

Clause 6: To omit paragraphs (a) and (b), and substitute the following paragraphs:

(a) Wilfully trespasses on any private land, and opens and leaves open a shut gate, or unfastens and leaves unfastened a fastened gate, on or leading to any land used for the farming of domestic animals; or

(b) With intent to cause loss, annoyance, or harm to any other person, opens and leaves open a shut gate, or unfastens and leaves unfastened a fastened gate, or shuts an opened gate, on or leading to any land used for the farming of domestic animals.

New clause 6A: To insert, after clause 6, the following new clause:

6A. Obligation to give name—(1) Where any person is found trespassing on any private land, the owner or any person in lawful occupation of the land, or the wife or husband or employee or agent of the owner or of any person in lawful occupation of the land, may demand particulars of that person's name and address. If there is reasonable ground to suppose that any particulars so given by him are false, the person demanding the particulars may require him to supply satisfactory evidence of the correctness thereof.

(2) If any such person refuses to give his name and address, or satisfactory evidence as to the correctness thereof, on being required to do so under this section, any member of the Police may caution him and, if he persists in such refusal, may arrest him without warrant.

(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars who, being required under this section to give particulars of his name and address, fails to give those particulars, or supplies any false evidence with respect thereto.

Clause 7: To omit the clause, and substitute the following clause:

7. Proceedings under sections 4, 5, and 6, and 6A (3)—

(1) Proceedings under sections 4, 5, and 6, and subsection (3) of section 6A, of this Act shall be taken only on the information of the occupier of the land in respect of which the offence was committed.

(2) Notwithstanding anything to the contrary in section 37 of the Summary Proceedings Act 1957, where an information has been laid by the occupier of any land pursuant to subsection (1) of this section, any constable may appear at the hearing of the charge and conduct the proceedings on the informant's behalf.

EXPLANATORY NOTE

Clause 4: Clause 4 (a) of the Bill makes it an offence for a person to go on to any private land without the authority of the owner or occupier and by means of dog or firearm disturb any domestic animal thereon. The amendment proposed in the Supplementary Order Paper prohibits disturbance by means of a vehicle also.

Clause 5: It is proposed that the clause be reinstated.

Clause 6: The amendment rewrites paragraphs (a) and (b) so as to prohibit interference with gates on or leading to any land used for the farming of domestic animals.

New Clause 6A: The new clause imposes an obligation on a trespasser to give his name.

Clause 7: The clause is being rewritten so as to provide that proceedings under sections 4, 5, and 6 and subsection (3) of the new section 6A shall be taken only on the information of the occupier of the land; also that the Police may prosecute in cases where the owner is required to lay the information.
