



ANNO DECIMO QUINTO

GEORGI VI REGIS.

A.D. 1951.

No. 39 of 1951.

An Act to make further and better provision for the prevention of trespassing on land, and for purposes incidental thereto.

[Assented to 6th December, 1951.]

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

Short title.

1. This Act may be cited as the " Trespassing on Land Act, 1951 ".

Repeal of
Trespassing on
Land Act, 1928.

2. The Trespassing on Land Act, 1928, is repealed.

Areas where
Act applies.

3. (1) This Act shall apply only within such parts of the State as are specified in proclamations made under this section.

(2) The Governor may by proclamation—

(a) declare the parts of the State in which this Act shall apply :

(b) revoke or vary any such proclamation.

Interpretation.

4. (1) In this Act " enclosed field " means an area of land which is enclosed by fences, hedges or walls and

(a) has sheep or cattle grazing thereon ; or

(b) has a cultivated crop thereon ; or

(c) is an orchard or vineyard

(2) An area shall be deemed to be enclosed by fences, hedges, or walls, notwithstanding any gap or break in such fences, hedges or walls.

5. A person who unlawfully enters or remains on an enclosed field shall be guilty of an offence. Penalty for trespassing.

Penalty : For a first offence, a fine not exceeding ten pounds ; for a subsequent offence, a fine not exceeding twenty pounds.

6. A person who unlawfully remains on an enclosed field after being requested, in accordance with this Act, to leave it shall be guilty of an offence. Remaining on field after request to leave.

Penalty : For a first offence, a fine not exceeding twenty pounds ; for a subsequent offence, a fine not exceeding forty pounds.

7. A person who, being on an enclosed field and being requested in accordance with this Act, to state his name and address refuses to state his name and address to the person making the request, or states a false name and address to that person shall be guilty of an offence. Duty to state name and address.

Penalty : A fine not exceeding twenty pounds.

8. (1) A request under this Act may be made to any person on an enclosed field by the owner or occupier of that field or a person in the employment of such owner or occupier. Requests to state name and address.

(2) When making a request under this Act the person making it shall state that he is the owner or occupier of the field or an employee of such owner or occupier, as the case may be.

(3) A person shall not, when making a request, falsely state that he is the owner or occupier of any enclosed field or an employee of such owner or occupier.

Penalty : A fine not exceeding twenty pounds.

9. In proceedings for an offence against this Act— Evidentiary provisions.

(a) the allegation in the complaint that any specified enclosed field is within the portion of this State to which this Act applies shall be *prima facie* evidence of that allegation ;

(b) the entry by the defendant upon any enclosed field in respect of which it is alleged that an offence has been committed by the defendant shall be deemed to be unlawful in the absence of proof to the contrary.

Savings.

10. This Act shall not restrict or take away any liability of any person under any other enactment or at common law.

Proceedings.

11. Proceedings for offences against this Act shall be disposed of summarily.

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

C. W. M. NORRIE, Governor.