

[Extract from *Commonwealth of Australia Gazette*, No. 79, dated 10th November, 1932.]

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 20 of 1932.

AN ORDINANCE

Relating to Trespass on Lands belonging to, or in the occupation of, the Commonwealth within the Territory.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1931*, as follows:—

1. This Ordinance may be cited as the *Trespass on Commonwealth Lands Ordinance 1932*. Short title.

2. The Ordinances set out in the Schedule to this Ordinance are repealed. Repeal.

3. In this Ordinance, unless the contrary intention appears— Definitions.

“animal” means any horse, mare, gelding, colt, filly, foal, ass, mule, bull, cow, ox, heifer, steer, calf, ram, ewe, wether, sheep, lamb, goat or pig;

“City Area” means the City Area as defined in the *City Area Leases Ordinance 1924-1929*;

“road” means any street, road, lane, thoroughfare, or footpath, open to, or used by, the public.

4.—(1.) The Minister may cause to be placed on any lands belonging to, or in the occupation of, the Commonwealth a notice prohibiting trespass thereon. Trespass on Commonwealth lands.

(2.) Any person who, without lawful excuse (proof whereof shall lie upon him) trespasses or goes upon—

(a) any land belonging to, or in the occupation of, the Commonwealth—

(i) as to which any notice is posted thereon prohibiting trespass; or

(ii) which is in the City Area and is delineated on any of the subdivisional plans in the Department of the Interior, and has thereon a dwelling house; or

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(b) any garden or plantation in the City Area belonging to, maintained by, or under the control of, the Commonwealth,
shall be guilty of an offence.

Penalty: Ten pounds.

Damage to
fences.

5. Any person who without lawful excuse (proof whereof shall lie upon him) damages any fence shall be guilty of an offence.

Penalty: Ten pounds.

Leaving gates
open.

6. Any person who without lawful excuse (proof whereof shall lie upon him) leaves open any gate—

(a) upon which the words "Shut gate—By order Minister of State for the Interior" or words to the like effect appear; or

(b) which is adjacent to any unleased land belonging to the Commonwealth or any road, thereby permitting or causing any animal to trespass on such land or road,

shall be guilty of an offence.

Penalty: Ten pounds.

Damaging
trees, &c.

7. Any person who, without lawful excuse (proof whereof shall lie upon him), damages or destroys any trees, plant, garden or plantation which—

(a) is in the City Area; and

(b) belongs to, or is maintained by or under the control of the Commonwealth,

shall be guilty of an offence.

Penalty: Ten pounds.

Persons
authorized to
prevent
trespassing, &c.

8. Any person thereto authorized in writing by the Minister may, if need be by force and with such assistance as he deems necessary—

(a) prevent any person, animal or vehicle from trespassing or going upon any land, garden or plantation referred to in sub-section (2.) of section four of this Ordinance without lawful excuse;

(b) prevent any person from damaging or destroying any tree, plant, garden or plantation referred to in section seven of this Ordinance; and

(c) remove any person found so trespassing or going upon any such land.

Persons
reasonably
suspected to
give name and
address.

9.—(1.) A member of the Police Force of the Territory, or any forest overseer employed by the Commonwealth or any person thereto authorized in writing by the Minister, may require any person reasonably suspected of having committed, or of being about to commit an offence against this Ordinance to give his name in full and place of abode.

(2.) Any person who, after being so required and on production of the necessary authority, refuses or fails to give his real name or place of abode, shall be guilty of an offence.

Penalty: Ten pounds.

(3.) Any such member of the Police Force or any such overseer or person may arrest without warrant any person reasonably suspected of having acted in contravention of this section, and may keep him in custody until he can be taken before a Court of Petty Sessions to be tried for the offence of which he is suspected.

Dated this second day of November, One thousand nine hundred and thirty-two.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

J. A. PERKINS

Minister of State for the Interior.

THE SCHEDULE.

- Trespass on Commonwealth Lands Ordinance* 1922 (No. 1 of 1922).
Trespass on Commonwealth Lands Ordinance 1923 (No. 2 of 1923).
Trespass on Commonwealth Lands Ordinance 1923 (No. 2) (No. 9 of 1923).
Trespass on Commonwealth Lands Ordinance 1924 (No. 2 of 1924)
Trespass on Commonwealth Lands Ordinance 1925 (No. 7 of 1925).
Trespass on Commonwealth Lands Ordinance 1926 (No. 20 of 1926).
Trespass on Commonwealth Lands Ordinance 1927 (No. 18 of 1927).
Trespass on Commonwealth Lands Ordinance 1928 (No. 3 of 1928).

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.