

# CONCURRENCE COPY

## INCLOSED LANDS PROTECTION (AMENDMENT) BILL, 1983

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### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Offences in Public Places (Amendment) Bill, 1983.

The object of this Bill is to amend section 4A of the Inclosed Lands Protection Act, 1901, so as—

- (a) to make it an offence for a person, who remains upon inclosed lands after being requested to leave, to conduct himself or herself in such a manner as would be regarded by reasonable persons as being, in all the circumstances, offensive; and
  - (b) to cast expressly on a person accused of such an offence the onus of establishing that the person had a reasonable excuse.
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**INCLOSED LANDS PROTECTION (AMENDMENT) BILL, 1983**

No.           , 1983.

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**A BILL FOR**

An Act to amend the Inclosed Lands Protection Act, 1901, with respect to  
offensive conduct upon certain inclosed land.

[MR WALKER—30 *November*, 1983.]

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*Inclosed Lands Protection (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**5 Short title.**

1. This Act may be cited as the "Inclosed Lands Protection (Amendment) Act, 1983".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 33, 1901.**

3. The Inclosed Lands Protection Act, 1901, is amended in the manner 15 set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE INCLOSED LANDS PROTECTION ACT, 1901.

(1) Section 4A—

20 Omit "behaves, without reasonable excuse, in such a manner as would be likely to cause reasonable persons justifiably in all the circumstances to be seriously alarmed or seriously affronted", insert  
25 instead "conducts himself or herself in such a manner as would be regarded by reasonable persons as being, in all the circumstances, offensive".

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*Inclosed Lands Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE INCLOSED LANDS PROTECTION ACT, 1901—  
*continued.*

(2) Section 4A (2)—

5 At the end of section 4A, insert:—

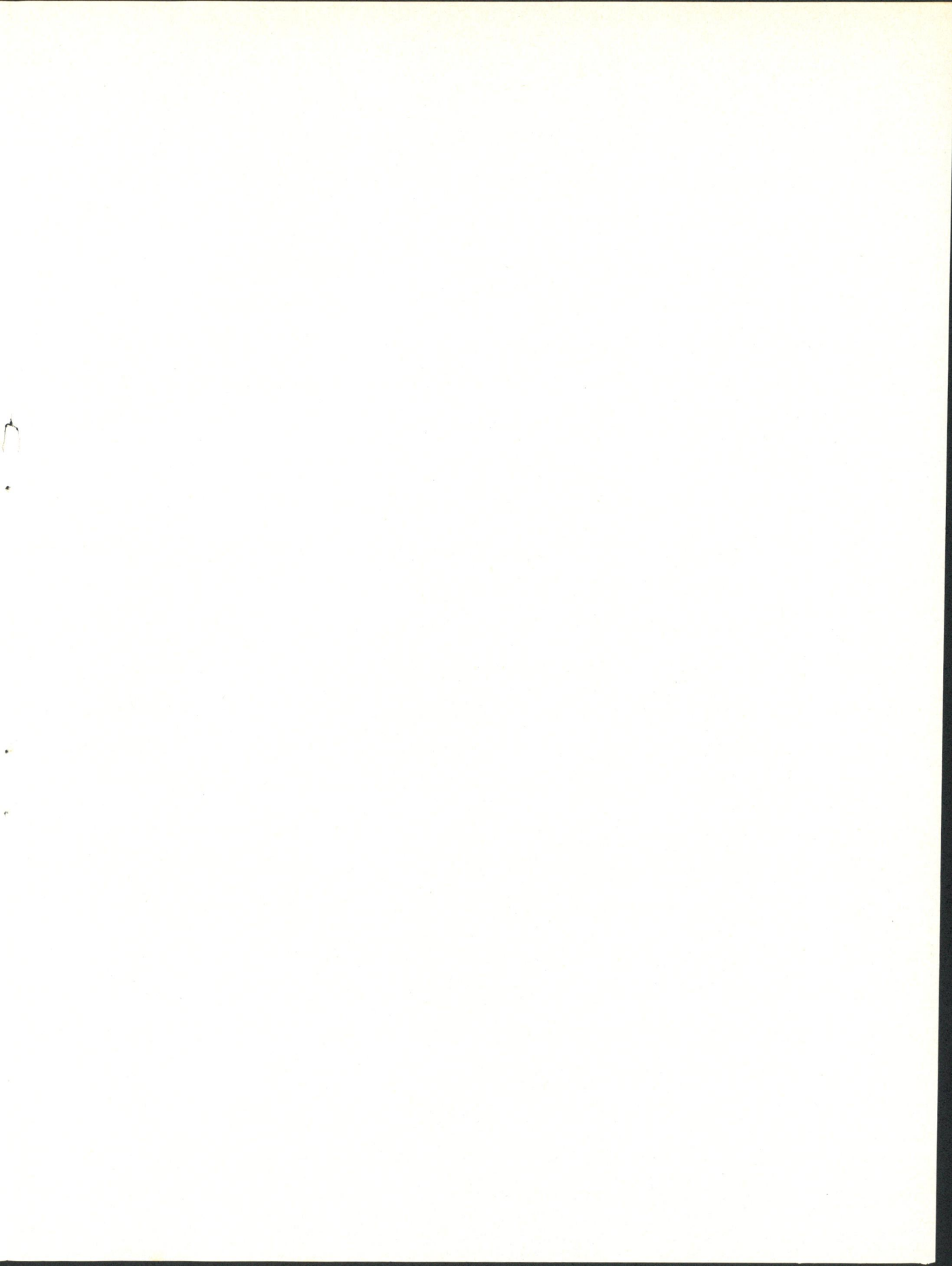
(2) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

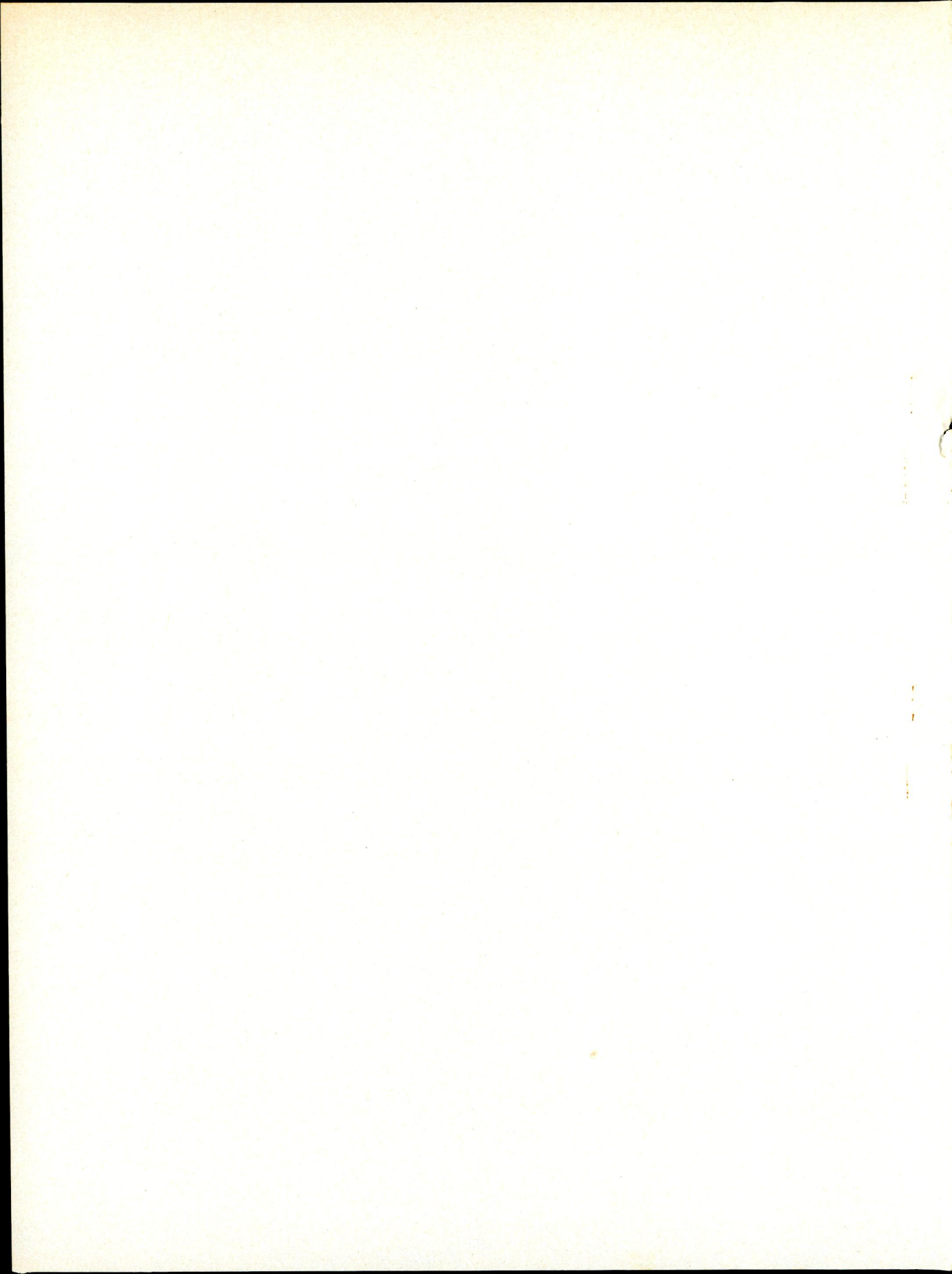
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983









**INCLOSED LANDS PROTECTION (AMENDMENT) ACT,  
1983, No. 188**

**New South Wales**



**ANNO TRICESIMO SECUNDO**

**ELIZABETHÆ II REGINÆ**

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**Act No. 188, 1983.**

An Act to amend the Inclosed Lands Protection Act, 1901, with respect to offensive conduct upon certain inclosed land. [Assented to, 31st December, 1983.]

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*Inclosed Lands Protection (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Inclosed Lands Protection (Amendment) Act, 1983".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 33, 1901.**

3. The Inclosed Lands Protection Act, 1901, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE INCLOSED LANDS PROTECTION ACT, 1901.

(1) Section 4A—

Omit "behaves, without reasonable excuse, in such a manner as would be likely to cause reasonable persons justifiably in all the circumstances to be seriously alarmed or seriously affronted", insert instead "conducts himself or herself in such a manner as would be regarded by reasonable persons as being, in all the circumstances, offensive".

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*Inclosed Lands Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE INCLOSED LANDS PROTECTION ACT, 1901—  
*continued.*

(2) Section 4A (2)—

At the end of section 4A, insert:—

(2) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

*In the name and on behalf of Her Majesty I assent to this Act.*

L. W. STREET,  
*By Deputation from*  
*His Excellency the Governor.*

*Government House,*  
*Sydney, 31st December, 1983.*

