## Inclosed Lands Protection Act 1901

<table>
<thead>
<tr>
<th>Purpose</th>
<th>To provide Security Services personnel with the necessary skills to apply the Inclosed Lands Protection Act 1901</th>
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<tbody>
<tr>
<td>Guideline</td>
<td>The Inclosed Lands Act 1901 provides for dealing with the unlawful entry of an unauthorized person onto the lands of another, in this case the area occupied by Macquarie University. Predominantly, Security Officers will initiate action in connection with the following Sections within the Act.</td>
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### 3. Definition of Inclosed Lands.
(a) Prescribed premises; or
(b) any land, either public or private, inclosed or surrounded by any fence, wall or other erection, or partly by a fence, wall or other erection and partly by a canal or by some natural feature such as a river or cliff by which its boundaries may be known or recognized, including the whole or part of any building or structure and any land occupied or used in connection with the whole or part of any building or structure.

### 4. Unlawful entry upon Inclosed Lands.
(1) Any person who, without lawful excuse, enters into inclosed lands, without the consent of the owner, occupier or person apparently in charge of those lands, or who remains on those lands after being requested by the owner, occupier or person apparently in charge of those lands, is liable to a penalty not exceeding:
   a) 10 penalty units in the case of prescribed premises, or
   b) 5 penalty units in any other case.

### 4A. Offensive conduct while on Inclosed Lands
(1) Any person, who remains upon the inclosed lands of another person after being requested by the owner or occupier or the person apparently in charge of those lands to leave those lands and while remaining upon those lands conducts himself or herself in such a manner as would be regarded by reasonable persons as being, in all circumstances, offensive, is liable to a penalty not exceeding:
   a) 20 penalty units in the case of prescribed premises, or
   b) 10 penalty units in any other case.

(2) It is 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.

6. Offender may be apprehended

(1) Any person found committing any offence against this Act, and who refuses, when required to do so, to give his or her name and place of abode, may be apprehended by the owner, occupier, or person in charge of the inclosed lands upon or in relation to which the offence was committed, and delivered to the custody of the nearest constable to be taken before a Magistrate or an authorised officer within the meaning of the Criminal Procedure Act 1986 to be dealt with according to law.

(2) Any person who, upon being so required to give his or her name and place of abode, gives any false name or place of abode, shall be liable to a penalty not exceeding 0.5 penalty unit.

General Information

- The proof of the person being on the Inclosed Lands lawfully lies with the person themselves
- Security Services officers act in the capacity of “a person apparently in charge of” (the Macquarie University) for purposes of enacting this legislation
- A person considered to be unlawfully on the University Campus must be first directed to leave immediately, and only commits an offence if they refuse or fail to quit the Campus as instructed

Procedures

1. Verify the information surrounding the complaint about the POI being unlawfully on the Campus
2. Record the details of the Complainant, if any
3. Approach the POI in a safe manner, and call/wait for assistance if considered necessary
4. Advise the Security Control Centre of your exact location, and request them to observe your immediate area on the Campus CCTV system, if available
5. Obtain all relevant personal information from the POI including name, address, date of birth, contact telephone numbers and MQ ID number (if applicable)
6. Question the POI as to the reason that they are on the Campus
7. If considered to be unlawfully on the Campus, issue a direction for the POI to leave the Campus immediately, by the shortest practical route
8. Escort or closely follow the POI until they are removed off
9. Contact the Security Control Centre and inform them of the action that you have taken and a brief outline of the incident.

10. In the event that the POI acts in an Offensive Manner, and they refuse to quit the Campus, the POI should be apprehended and escorted to the Security Control Centre where the Eastwood Police Command should then be contacted to attend.

11. If the POI is unable to be taken back to the Security Control Centre for whatever reason, Control is to be requested via radio to contact the Eastwood Police Command and the Police should be requested to attend the on-Campus location.

12. If the POI was located within a Campus building, a search of the vicinity within that building should be conducted to ascertain if there were any signs of damage, graffiti or theft.

13. Complete an Incident Report, and forward to the Shift Control Room Operator for checking.