

Let's talk trespass

Know your
rights +
find help



What is trespass?

Trespass is like sneaking into someone's yard or house without asking. Not cool unless they say it's okay!

Trespass can include walking on or staying on someone's property without permission. Even leaving backpacks or a bike on someone's property, or throwing something through a doorway, can be trespass.

Even if you are somewhere where lots of people go, like a supermarket or shopping centre, you might still be trespassing if you have been told to leave and you don't.

Is trespassing a crime?

In NSW, trespass is usually a 'civil' law issue. This means the person responsible for the property might be able to take you to court and make you pay money, or stop you from coming back.

If it's serious, trespass can also be a crime. You could be fined, or you might be charged and have to go to court. You could even face gaol time. If you are convicted of a trespass offence in court, it will appear on your criminal record.

If police want to talk to you about trespass, you should get legal advice straight away.

What if I have a good reason for being here?

The law says that sometimes it is okay for you to be somewhere, even if you didn't ask permission first – for example, if you needed to help in an emergency, like putting out a fire. Or there might be legal reasons that make it okay, like when police officers have a 'warrant'.

What's a 'trespass notice'?

A trespass notice is a warning that says you aren't allowed to be somewhere. If you are given a trespass notice, and you come back anyway, you could be fined or arrested. These notices are given by places like stores or schools to keep everyone safe. A trespass notice can be written or spoken.

Sometimes the notice will be called a 'termination of licence' notice.

Can security guards question or search me?

If a security guard approaches you at a shopping centre, you have rights. They can ask questions, but you don't have to answer. They can only search your bag if you agree. If you say no, they might ask you to leave. Remember shopping centres are private property, so security guards can tell you to leave, or even ban you. Stay calm, be polite, and if you're unsure, ask to call a parent or guardian.

What if I get a trespass notice from a security guard?

If you get a trespass notice at a shopping centre, you can't go back there. If you do, you could be fined or even arrested. It's important to stay away and avoid any trouble. If you're under 18 and you want to complain about a security guard's behaviour or about being banned by a shopping centre, you can call the Legal Aid NSW Youth Hotline on 1800 10 18 10 and speak to a lawyer.

Where can I go for help?

Under 18? Call the Legal Aid NSW Youth Hotline: **1800 10 18 10**

Central Coast Community Legal Centre: **(02) 4353 4988**

Central Coast Community Legal Centre Aboriginal Youth & Community Navigator: **0492 865 273**

LawAccess NSW: **1300 888 529**

Aboriginal Legal Service (NSW/ACT): **1800 765 767**

This brochure is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation. The information is correct at the time of printing, however it may change. For more information contact LawAccess NSW on 1300 888 529.



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