

Trespass Act – information for business owners

Differences between a direction to leave and warning to stay off

The following table sets out the differences between a direction to leave and a warning to stay off.

Read more about changes to the Trespass Act¹.

	Direction to leave	Warning to staff off
What is it?	A tool that allows you to: <ul style="list-style-type: none">require a person to leave the place andban them from returning for up to 7 days.	A tool that allows you to: <ul style="list-style-type: none">keep a person who is trespassing or has trespassed on your place off andban them from returning for up to 12 months.
Length of ban	Up to 7 days A default 72 hour ban applies if no period is specified when given the direction.	Up to 12 months A default 3 month ban applies if no period is specified when giving the warning.
What is required before a direction or warning can be given	The person must be on or in your place.	Trespass is required. The person: <ul style="list-style-type: none">must be trespassing or has trespassed in, on or at your place oryou have reasonable grounds to suspect that the person is likely to trespass in, on or at your place.
How a direction or warning be given	Verbally or in writing.	Verbally or in writing.
Who can give direction or warning?	An occupier or a police officer acting at the request of an occupier.	An occupier or a police officer acting at the request of an occupier.
Offences	It is an offence to: fail to leave the place as soon as reasonably practicable after being given a direction or return to and enter the place within the ban period.	It is an offence to enter the place within the ban period.
Maximum penalty for contravening a direction or warning	A fine of up to \$3,240.	A fine of up to \$3,240.

¹ <https://nt.gov.au/law/crime/changes-to-the-trespass-act>