

CITATION: *Woodward v Court* [2025] NTSC 62

PARTIES: WOODWARD, Richard

v

COURT, Michael

TITLE OF COURT: SUPREME COURT OF THE
NORTHERN TERRITORY

JURISDICTION: SUPREME COURT exercising Territory
jurisdiction

FILE NO: LCA 8 of 2024 (22424728)

DELIVERED: 26 August 2025

HEARING DATES: 16 April 2025

JUDGMENT OF: Blokland J

CATCHWORDS:

APPEAL FROM LOCAL COURT – whether Local Court was in error by excluding evidence of statements and literature amounting to pseudo law – whether a number of entities were responsible for trespass and breach of bail charges rather than complainant – whether error in findings of guilt – held, no error. Appeal dismissed.

Statutes

Bail Act, ss 34B, 37B

Caravan Parks Act 2012 (NT)

Criminal Code, ss 43AX, 43AY, 43AZ

Evidence (National Uniform Legislation) Act 2011 (NT), s 55(1)

Trespass Act, ss 3, 9, 10, 16

Victims of Crimes Assistance Act, s 61.

R v Clark (2001) 123 A Crim R 506; *Smith v R* (2001) 206 CLR 650 referred to.

REPRESENTATION:

Counsel:

Appellant:	Self represented
Respondent:	T. McKinney

Solicitors:

Appellant:	N/A
Respondent:	Director of Public Prosecutions

Judgment category classification:	C
Judgment ID Number:	BLO2510
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IN THE SUPREME COURT
OF THE NORTHERN TERRITORY
OF AUSTRALIA
AT DARWIN

Woodward v Court [2025] NTSC 62
No. LCA 8 of 2024 (22424728)

BETWEEN:

RICHARD WOODWARD
Appellant

AND:

MICHAEL COURT
Respondent

CORAM: BLOKLAND J

REASONS FOR JUDGMENT

(Delivered 26 August 2025)

Background

- [1] The appellant was found guilty of the following offences after a hearing in the Local Court at Alice Springs:

- Count 1: Trespass after warning to stay off. Offence date: 27 July 2024. Contrary to s 16 of the *Trespass Act*.
- Count 2: Breach of bail. Offence date: 21 September 2024. Contrary to s 34B of the *Bail Act*.
- Count 3: Trespass after warning to stay off. Offence date: 21 September 2024. Contrary to s 16 of the *Trespass Act*.

- [2] The contested hearing proceeded on 12 and 13 November 2024. After finding the appellant guilty, the Local Court Judge convicted him on each

count without further penalty, save that three victims levies were imposed, as required by the *Victims of Crimes Assistance Act*, s 61.

- [3] The appellant represented himself at the Local Court hearing and at this appeal.
- [4] The grounds of appeal are not expressed clearly, but some arguments were pursued during the course of the appeal hearing which together with the grounds appear to assert error because the Local Court Judge refused to consider or admit certain material into evidence.
- [5] The Court has reviewed the evidence and the appellant's various applications for the admission of the written material.
- [6] The grounds of appeal are as follows:

On day one of the hearing, 12/11/2024 my point of law ----- from Judge Earnest Wild who begged all Magistrates, "Try the criminal – not the crime" was blatantly rejected by Judges Ingles.

On day two, 13/11/2024 while giving evidence from the box, I quoted from my legal glossary, due process- the definition it was rejected as irrelevant – and my documents were rejected – they are included in this appeal application with more to be submitted next Monday. The documents help "tried the criminal – not the crime". More documents will be submitted Monday the 25th of November 2024.

- [7] Much of the text of the grounds was written in uppercase, which has not been used here.

Proceedings in the Local Court

- [8] Preliminary matters were dealt with by the Judge on the first day of the hearing. The appellant agreed with a prosecution application for amendment in order to allow all three charges to be heard together.¹
- [9] Among other queries, the appellant asked the Judge why he was not being dealt with for public indecency. This statement early in the proceedings reflects a grievance the appellant has expressed, namely that he was ‘trespassed’ on the complaints of people who were not called to give evidence.
- [10] The appellant requested recordings of 000 calls be played to the Court after the prosecutor explained to the Judge that she had assessed them as prejudicial to the appellant.² At the appellant’s request those calls were played and exhibited. The appellant said he wanted a statement in a book by Fiona Paisley to be read, titled ‘The Lone Protester’ and a statement by an English Judge who the appellant quoted as saying, among other statements “Try the criminal, not the crime”. The Judge explained she would follow the Local Court process.³
- [11] After a brief adjournment the appellant pleaded not guilty to the three charges.

1 AB 14-15.

2 The calls were likely made to the general police inquiry number, but for convenience are referred to as 000 calls throughout these reasons as they were in the Local Court.

3 AB 17.

Summary of evidence in the Local Court

- [12] Donella Guiseppe, Acting Manager of the Ti Tree Roadhouse on 26-27 July 2024 was called by the prosecution.⁴ Her evidence was that on 26 July 2024 she received a complaint from two staff members who said someone who was using the caravan park amenities, was masturbating in the bathroom. She said they pointed out the person. She approached the appellant and he denied it. She told the appellant coaches with schoolkids attended the premises and the Roadhouse could not have that kind of behaviour. She told the appellant she would serve him with a trespass notice.
- [13] Ms Guiseppe said she told the appellant he could leave at the end of the day (26 July 2024). The appellant told her he could not leave because he was old and he could not pack up within a few hours. She said she told him all caravan guests use the amenities, that she could not have that behaviour and would have to serve him with a trespass notice. She said she let it go into the next day, to the 27 July 2024. On that day the appellant still refused to leave so she told him she would call police, which she did. She said police officers who she knew as Constable Aaron and Sergeant Rudy served the appellant with a trespass notice. She said the appellant had paid for one week so she refunded him when police gave him the trespass notice.⁵

4 AB 19-27.

5 AB 20-21.

[14] A ‘Notice of Trespass Warning’⁶ on Ti-Tree Roadhouse letterhead, signed by Ms Guiseppe as the Assistant Manager, dated 26 July 2024 and given to the appellant reads:

This is a notice to inform you that you are NOT authorised, permitted or invited to enter or remain on property located at Ti-Tree Roadhouse, Lot 3 Stuart Highway, NT 0872 Date: 26/07/2024.

You are found on the property further actions will be taken intend to purse (sic) criminal charges through the NT Police for trespass. Any previous authorisations are hereby revoked.

[15] When cross examined by the appellant Ms Guiseppe agreed she had met the appellant on 24 July. After various interventions by the Judge to ensure questions were properly put, Ms Guiseppe agreed she told the appellant in the bar on the same date that “If it happens again, you’ll be charged with trespass.”⁷ The questions in the form of assertions put to her by the appellant also included an assertion that Ms Guiseppe approached the appellant after some Aboriginal people in the bar spoke to her. It is not entirely clear from transcript if Ms Guiseppe agreed with that proposition but it is likely she did. Nothing turns on that point and nothing was said about it in the appeal hearing in this Court.

6 Exhibit P3.

7 AB 22.

[16] After she was shown a note apparently from the appellant during cross examination Ms Guiseppe was asked if she had read it.⁸ Ms Guiseppe was asked what she thought of it and she said “Not much”.⁹

[17] Eventually the note was tendered and marked Exhibit P1 and labelled: ‘Two cardboard notes with handwriting of defendant, one addressed to Donella and with a Canberra Times article’. The original handwritten note reads in capital letters:

Dear Denella (sic),

[A further notation to the top right hand corner included is ‘Richard’ with a phone number, presumably the appellant’s]. As stated to me yesterday you are basically judge, jury and executioner on these premises, I give you this book to help you be a fair judge. Any complaints within the Roadhouse demanding execution can be put in writing and signed; as I said to you yesterday all defendants have a right of reply, and a right to know who their accusers are.

Common law is based on the principle of “put up or shut up”. If complainants are not prepared to put up --- they can shut up. --- No accusation in secret. “Secrecy is the enemy of freedom” Ghandi.

[a signature appears above the words ‘Ngunnawal Prosecutor’] followed by: PS. should you need any legal advice I offer my card and I remain at your service. [a signature appears again].

[18] The article from the Canberra Times is dated 25 September 2009 with the headline ‘Lawyer wins right to criticise ‘unhelpful’ bureaucrats’.¹⁰ It was attached to the handwritten note and became part of Exhibit P1. The article

8 AB 24.

9 Ibid.

10 AB 5-6.

appears to refer to the appellant as ‘Ngunnawal Prosecutor, Richard Woodward’ and that he ‘may have set a new precedent for how far prosecutors can go in criticising legal institutions and the practices of bureaucrats who work within them.’

[19] The article refers to the appellant having been initially found guilty of potentially harassing and violent conduct by the ACT Magistrates Court. It reports the decision was overturned by the ACT Supreme Court. There is a quote apparently from the judgement which states “the mere fact that the accusation is made robustly” was not a valid cause for complaint. The copy of the article tendered is highlighted. After the words ‘Mr Woodard’s bureaucratic nightmare began on June second’ the following phrase is highlighted: ‘unconstitutional mandatorily sentenced to banishment in absentia.’ Reference is made to the appellant issuing ‘strongly worded letters’ to Deputy Registrars and describing his treatment as a continuation of ‘months of malpractice and dereliction of duty and maladministration by the court staff’.¹¹

[20] A response is reported in the same article from a Deputy Registrar concerning the welfare of staff and that the rights of the appellant were not absolute. Various statements of victory against court personnel are attributed to the appellant in the article and an observation attributed to members of the Supreme Court who were reported to have ‘noted that Mr Woodward’s honesty in making his complaints were never impugned.’

11 AB 5.

The article states that costs were awarded against the ACT Magistrates Court.¹²

[21] The article also includes a difficult to understand discussion about the issue of lawyers' practising certificates, the alleged unconstitutional nature of the *Family Law Act* and Family Court as well as 'modern incursions against the rule of law' resulting 'in the complete breakdown of the social structure, tyranny, anarchy and rebellion'.¹³

[22] The 'Warning To Stay Off' Notice served on the appellant under s 10 of the *Trespass Act* by police was tendered.¹⁴ The Notice, dated 27 July 2024 at 16:30 hrs relevantly states it was issued by a police officer acting at the request of an occupier, the Ti Tree RH/ Caravan Park.

[23] Further, the line containing the alternatives in the 'Warning To Stay Off' reads: 'You are Trespassing/ have Trespassed/ Suspected Likely Trespass'. [None are struck out, and the following is included]:

I warn you have no permission to enter.

I warn you to stay off the place.

You are banned from entering the place for a period of 12 months.

[24] The Warning To Stay Off states that failure to comply is a criminal offence which may result in arrest and a fine. It suggests legal advice be obtained if

¹² AB 6.

¹³ AB 6.

¹⁴ AB 7. Exhibit P2.

the Notice is not understood. The police officer who was authorised and signed the Notice was Constable Aaron Haberman.

[25] Constable Habermann read his statement of 27 July 2024 to the Local Court.¹⁵ He said he was informed at the start of his shift of 27 July 2024 there was a male who was refusing to leave Ti-Tree Roadhouse Caravan Park. He attended the Roadhouse and spoke to Ms Guiseppe who informed him the appellant had been disrespecting employees and patrons at the caravan park by masturbating in the caravan park's public toilet. As above, Ms Guiseppe served the appellant on 26 July 2024. Police located the appellant and informed him of the trespass and his requirement to leave the premises but he refused. He stated he was a prosecutor from the Australian Capital Territory and that he was a sovereign citizen.¹⁶

[26] Constable Haberman said the appellant told police he suffers from schizophrenia and bipolar. Given the mental disturbance and his conditions, Constable Haberman stated he 'sectioned' the appellant for the purpose of a mental health examination. He was later informed by Ti-Tree clinic nurses that a doctor had considered his mental health normal and he would be released.

[27] At 4:30pm on the same day, Constable Haberman said the appellant was served with the Section 10 Trespass Act Notice, (the 'Warning to Stay

15 AB 28-29.

16 AB 29.

Off).¹⁷ When served with the ‘Warning to Stay Off’ he said the appellant understood the notice and agreed, but stated he would be going back to the caravan park and then refused to leave. Constable Haberman then attended the caravan park and observed Ms Guiseppe give the appellant his refund for the remaining days. Sergeant Jamieson told the appellant he had a two-hour timeline in which to leave.

[28] At 7:40pm Constable Haberman returned to the Ti-Tree Caravan Park and observed the appellant asleep at the site. The appellant replied when his name was called. He was arrested for breaching the Warning to Stay Off and taken to the Ti Tree Watchhouse. Constable Haberman confirmed the document, Warning to Stay Off, Section 10 Trespass Act issued under s 10 of the *Trespass Act*¹⁸ and that receipt had been acknowledged by the appellant who had signed it.

[29] A bail undertaking was also tendered through Constable Haberman.¹⁹ A condition of the undertaking is ‘Not to enter or remain at Ti Tree Caravan Park unless under Police escort to retrieve personal property.’

[30] In answer to the appellant’s questions in cross examination Constable Habermann said he believed he heard the appellant say he was a sovereign citizen and he had recorded the same in his statement. Constable Habermann acknowledged he did not have statements from persons named ‘Josh and

17 Exhibit P2.

18 Exhibit P2.

19 Exhibit P4, AB 10.

Stan' who stated the appellant was masturbating because there were no such statements; he acknowledged there was no evidence to substantiate the claims. The appellant suggested they could have given statements, and Constable Habermann agreed.²⁰ Constable Haberman agreed he spoke to them but said they did not want to give statements.

[31] In re-examination he explained Josh and Stan were not present when he arrested the appellant. After the Judge patiently advised the appellant about how to ask relevant questions, Constable Habermann agreed with the proposition that he had thanked the appellant for teaching him about *habeas corpus*. The Judge disallowed the question 'do you know the law or do you just follow orders?' as not being relevant to the elements of the offence. The Judge was correct to make the ruling and tell the appellant he could make submissions on the law later in the hearing.

[32] Sergeant Jamieson read his statement made on 8 November 2024 to the Local Court.

[33] After introductory matters, Sergeant Jamieson said he was the officer in charge of Ti Tree Police Station. He was allocated a task to attend an incident at the Ti Tree Roadhouse. He attended with Constable Habermann. He spoke to the complainant Donella Giuseppe and recorded the interaction with her. She informed him of a patron's concerning behaviour, allegedly masturbating in the men's amenity block toilets in the vicinity of the budget rooms. It was not an isolated incident and that two male staff members had

20 AB 33.

heard similar sounds in the past. The male staff members were Josh and Stan. They resided in the budget rooms opposite the amenity block and regularly used the facility.

[34] Sergeant Jamieson stated Ms Giuseppe told them that at about 10:00am that same morning, other caravan customers booking out the facility also expressed the same concerns and she identified the appellant. She informed police that she approached him the previous day (26 of July 2024) at about 4:00pm; that she put the allegations to him; that he denied the allegations and became verbally abusive; and that she issued him with an in-house trespass notice and advised him to leave before 10:00am on 27 July 2024.

[35] Sergeant Jamieson stated that he and Constable Habermann attended a powered site in the corner of the caravan park. The campsite contained a dark blue four-door sedan and trailer, with a tent, a mattress and bedding on the ground, as well as scattered camp cooking utensils and equipment. They located the appellant at the bar. It was Constable Habermann who mostly conducted the conversation to confirm his identity.

[36] During the conversation Sergeant Jamieson thought, as did Constable Habermann, that the appellant was not of sound mind. They decided to take him to the health clinic for a mental health assessment. During the interaction his demeanour fluctuated, and his ramblings were about his sovereign citizens' rights and legal fights to defend his rights. Health clinic staff determined he was not a danger to himself and did not warrant being

sectioned. He confirmed that the appellant did have other medical issues as was apparent from a stoma bag.

[37] Constable Habermann issued the Warning to Stay Off (s 10 *Trespass Act*) at about 4:30pm and the appellant was taken by police back to his campsite to give him time to pack up his belongings and leave the facility. The appellant indicated he had no intention of complying with the Warning to Stay Off. Sergeant Jamieson liaised with Ms Giuseppe and facilitated the handover of the appellant's refund which took place in the presence of police.²¹ The appellant repeated his intention not to comply, but he was left to give him time to pack up and he was told that he would be given two hours to pack up and leave.

[38] At 7:40pm Sergeant Jamieson and Constable Habermann returned. The appellant had made no attempts to pack up his belongings. He was located asleep on the mattress. He was arrested and informed what he was arrested for. He was charged and refused police bail, due to his non-compliance and to prevent the repetition or continuation of the offence. A bail review before an on-call duty Magistrate (sic) was arranged, he was refused bail and remanded in custody to 29 July.

[39] At the end of his evidence, the statements allegedly made by Josh and Stan to Constable Habermann appeared to be excluded by the hearing Judge as constituting hearsay. After some discussion, the Judge admitted the evidence

21 AB 38.

after being told it was ‘conveying concerns’ and they were not direct statements.²²

[40] In cross-examination by the appellant Sergeant Jamieson was asked how he knew the appellant had a stoma. It was suggested to him that he told the appellant at the time that he said he knew because “I’m a policeman”. Sergeant Jamieson said he could not recall. Sergeant Jamieson was asked whether he could be sure that the appellant trespassed as he only had the word of the Donella. Sergeant Jamieson said he was “pretty sure” that the appellant had trespassed.

[41] Constable Timothy White read his statement.²³ He stated that on 20 September 2024 he was made aware the appellant would be travelling to Ti Tree to collect his vehicle and belongings from the Ti Tree Roadhouse caravan park. As he was advised the appellant had been trespassed, he travelled to the Roadhouse to assess the state of his belongings. He assessed that the majority of the appellant’s belongings had been packed into his car and trailer. The car had a flat tyre, which could be inflated and he would be able to drive his vehicle from the site without incident.

[42] On 21 September 2024 Constable White went to Ti Tree in answer to a report that a male was trespassing. He recognised the appellant and spoke with him. He noted that a large number of his belongings had been unpacked

22 AB 39.

23 AB 42-45.

and he was sitting at his table, not attempting to pack up the site. Constable White said he was aware of the previous trespass and bail conditions that he not attend, except in the presence of police to collect his belongings. The appellant was complaining to police about how his belongings had been left as he had been away for seven weeks. Prior to police arrival, there were no other police present and Constable White assessed the appellant was in breach of bail. He advised the appellant he was under arrest and he was placed in handcuffs. Other attending police packed up the appellant's belongings and put them into the appellant's vehicle and trailer. They drove back to the police station and called for nursing assistance given the appellant's medical conditions. Nurses who attended deemed he was fit for custody. He was bailed later from an on-call Judge.

[43] Constable White agreed in cross-examination that he had said he “carefully” packed up the appellants’ belongings, had noted a flat tyre and noted there was “a lot of stuff”.²⁴ Constable White said the trailer and car were considerably full.

[44] The prosecutor advised the Local Court Judge that she was not intending to play a 000 calls made by the appellant as she thought they were prejudicial. The appellant wanted them played. The calls were made on 21 September 2024. As part of the appeal process I have listened to the recordings of the calls since the appeal hearing.

24 AB 45.

[45] In exhibit P5, the 000 call on 21 September 2024, the appellant advised that he cannot go into the Ti Tree Roadhouse without police assistance and that he was waiting outside the Roadhouse. He said he “just broke the law because I just went in there to get some water. I went into the shop. So I just broke the law, so you better get one of those policemen to come up here to get me to get my camp packed up”.

[46] He said he needed to pack up his camp and go and he would be coming back because he had to go to Tennant Creek on 10 October for court. He gave his date of birth and was told by the operator that local officers would be told. He said he told the “other lady”, presumably referring to an earlier call, that his car had been sitting there for seven or eight weeks while he had been in prison; that the battery was dead and he had bought a new battery. He said he needed to get a police officer to go there. He said that the officers who arrested him, Sergeant Jamieson and Habermann were not there at the moment. He said he would need to go in and get water and probably have to go to the toilet. He said he was going to ask Donella “the lady who banished me from this place.” He said, “I’m gonna tell her I’m going in and I’m gonna start packing up my camp. Well is the policeman here or not, that will be in about half an hour”. The operator said “Yep, no worries, I’ll let them know.”

[47] He then said he wanted to synchronise watches with the operator and reiterated that he was going to tell Donella that he was going in. He said he was going in at 9:45 because it can take him all day to pack up and he

wanted to get out of there. He said he had to go to Victoria and the ACT and get back for court.

[48] In the second call, (Exhibit P6) made on the same day the appellant asked to speak to the previous police woman that he spoke to. He again advised the operator he was at the Ti Tree Roadhouse. He said he was not supposed to be there without police and his conditions were that he pack the camp and leave.

[49] He said he came there because police did not phone and he had arranged with them yesterday that he would ring the buzzer at the police station between eight and nine that morning. He said he was packing up his camp; that he was nearly 65 and going to retire and that “they just threw my electronics in the back there, uncaringly. I saw them burrowing away in the trailer”. He said he would not be packed up until tonight but had been given an ultimatum and said they can ring police. He said he had rung the buzzer on the door of Ti Tree police that morning.

[50] The operator told him she could give police his phone number as police may be on the road. The appellant said “no you ring them, you tell them to get down here to arrest me, I have been here without them”. He said text messages were sent by Kiana, who he had previously spoken to telling police that he was going there at 9:45. He said he would be there tonight and he conveyed that he wanted the operator to call police.

[51] When asked by the operator, he gave his name and date of birth, but would not give his phone number. He said he was not allowed back at the Roadhouse unless under police supervision and was told that he should leave. He asked the operator to ask the Ti Tree police to ring Donella and her sister and that he would cook a reconciliation meal and they should bring a six pack of beer. He would be going to sleep at around seven or eight. He said he would see them in court on October 10, and “I’m gonna take them for everything right, bye.” He also referred to Sergeant Jamieson and the *Privacy Act* as he said Sergeant Jamieson knew something about his medical history which he does not have access to. Sergeant Jamieson told him that when they went for psychiatric assessment “because I claim corpus. Tell everyone about corpus. I’m gonna tell everyone in the country to claim sovereign corpus”. Asked if he was a sovereign citizen, he said he was not. He said “I am a sovereign nation” and he said that he was a lawyer.

[52] The final recording of a call played to the Local Court, but was identified as likely to be the first recording on the day was exhibit P7. The appellant told police in that recording that he made arrangements to come to the police station and pressed the button at about 8:30 or 9:00. He complained the button only lasts about a minute. He said he was going to move his camp and it was going to take all day and that he had just bought a new battery because his car had been sitting there for seven weeks. He was informed by the operator that the officers had been sent an email to see when they would be available to come back. He was told when the officers were available,

they would get back to him. The appellant said he was at the Roadhouse and not at the police station and he would be sitting at the table right outside the Roadhouse and technically he was not allowed to go in, but to tell the police he was sitting on the tables.

[53] Although the prosecutor did not have a copy of another call, she accepted as an agreed fact that the appellant had made another call at 9:45am. That call could not be located.

[54] After the Local Court Judge patiently explained procedure and the appellant's rights at the close of the prosecution case, the appellant gave evidence.²⁵

[55] The appellant's evidence began with pointing out the headline and article from the Canberra Times²⁶ detailed above. He said he would contend the same as was said in the article which read:²⁷

The Court contended that Mr Woodward's right to freedom to subpoena was not absolute and needed to be balanced against the indolence of court staff to frustrate him in due process.

[56] He said this was relevant as he had issued subpoenas to police four weeks ago and none had turned up. He said they were subpoenas to certain high profile individuals. The appellant said he wanted to give the documents to the Court. He summonsed former prime Minister John Howard, a statement from retired Air Marshall Angus Houston and the Registrar of the High

25 AB 51-54.

26 Exhibit P1. Discussed at [15]-[19] above.

27 AB 56.

Court.²⁸ He referred again to a quote from ‘Judge Earnest’ who pleaded with all Magistrates to ‘try the criminal, not the crime.’ The prosecutor objected to the material on the basis of relevance. The appellant said it was “precedent to Donella charging me with trespass – all of these documents – I’ve given to the police prosecutor.”²⁹ The Judge reviewed a variety of documents produced by the appellant and declared none relevant and that they were inadmissible.

[57] The appellant then asked the Judge to listen to what he said about due process from a legal dictionary.³⁰ He said:

Due Process. A legal principle which states that no-one should be deprived of life, liberty or property except by proper legal proceeding. The principle is enshrined in C139 of the Magna Carta which provides that ‘No freeman shall be arrested or imprisoned or deprived of his freehold or outlawed or banished or in any way ruined. Nor will we take – nor will we take out order – nor will we take or order action against him except by the lawful judgement of his equals and according to the law of the land.

[58] The Judge found that quote irrelevant and inadmissible.³¹ The prosecutor did not cross examine the appellant as she told the court there had been no relevant evidence from the appellant about the charges. After the prosecutor submitted that the elements of the charges had been proven, that the witnesses were reliable and were not cross examined on material matters,

28 AB 56-57.

29 AB 57.

30 AB 58-59.

31 AB 59.

the appellant made submissions. The submissions were mostly in the form of evidence from the bar table.

[59] The appellant told the Court he said to Kiana (in a call to police) “Right, I was going in” and she said nothing and that he said “No-one is here, no-one’s turned up. It’s going to take me all day to pack up my camp” and “I went in, right.”

[60] He submitted with respect to Donella giving back a refund that you “can’t just give someone a refund and say, now that you haven’t paid , you’re out”. He submitted that was a breach of a common-law agreement with the Roadhouse. He said he had paid the money and would stay until Tuesday. Donella handed him the notice on Friday night and gave him a couple of hours to get out. He told her he would be there until the morning and he had packed up a bit of stuff and thought, “No, I’m paid till Tuesday. She can’t kick me out”.³²

[61] He submitted that in conversation with police he told them Donella was breaching a common-law agreement and was going to throw him out when he was paid up until the Tuesday. He said he was told by the officer that if he was kicked out, he had to go. The appellant said it was a breach of a common law agreement and that she could not refuse to serve him on the basis of race, religion or any other reason, or just for her own whim.³³

32 AB 62.

33 AB 63.

- [62] He said at about 11:30 on the Saturday morning Donella drove by, abused him and told him that she was going to get the police. Police turned up at 1:30 on the 27th and proceedings started until midnight. He said police took him for a psychiatric assessment, dislocated his finger and breached his human rights under Article 17 of the Universal Declaration of Human Rights. He said they stripped the sandals off his feet, wrestled him to a bed and dislocated his finger. He said everyone has the right to own sandals, either alone or in association with others. No one shall be arbitrarily deprived of their sandals. He was held in custody but passed the psychiatric report with flying colours and that he claimed *habeas corpus* on the phone.
- [63] The appellant then recounted some procedural matters and made a number of submissions about his treatment while in custody. The Judge tried to bring him back to submissions which were relevant to the charges.³⁴ He said he had rung police on 20 September after he was out of prison and told them it was going to take him all day the next day to make camp because he'd organised a bus ticket to get to Ti Tree. He paid for a new battery and walked to the police station where he had arranged to be between 8:30 and 9:00, to be escorted by police but they did not attend until 1:30 or 2:00pm in the afternoon. He told the Court he wanted to read from a document but the Judge said he could not, unless it was an exhibit.³⁵

34 AB 63-64.

35 AB 64.

[64] He submitted that police interfered with his property; they put him in a paddy wagon and packed up his property. He referred to Constable White's statement that he did that "carefully". The appellant submitted "it was a shambles". He said Donella had taken his fridge and left rotten meat in there while he was in prison. The whole car stank. He said he was offered bail a number of times but could not accept the conditions because he could not go back to the Roadhouse to get statements from supposed witnesses who had seen him masturbating. He could not accept the bail conditions. He made a number of submissions about not being able to arrange for his sister to be present at a bail hearing.³⁶

Reasons for the findings of guilt

[65] The Judge referred to the witnesses who had been called, the 000 calls which were relevant to the charges of 21 September 2024, the breach of the condition of bail and the charges under the *Trespass Act*. She summarised the evidence received and remarked that there was a Notice of Trespass Warning completed on 26 July 2024, signed by the assistant manager of Ti Tree Roadhouse, directed to the appellant. The Judge also mentioned the s 10 Trespass Notice served by Officer Habermann on 27 July 2024. She also recalled the bail undertaking which had a condition not to enter or remain at the Ti Tree caravan park unless under police escort to retrieve personal property.

36 AB 65-66.

[66] The Judge recalled there were calls made to police by the appellant in which he discussed he was in Ti Tree and made admissions in the course of those phone calls to having entered the Ti Tree Roadhouse, first to get some water, then he warned he was going to enter the Ti Tree Roadhouse without a police escort to pack up his camp because police were not present at the police station when they said they would be. There was a further telephone call in which he said he wanted to cook a reconciliation dinner for Donella and her sister; that he was going to tell her that he would start packing up the camp whether police were there or not and that police should ring Donella and her sister to let them know he would cook a reconciliation meal and that they should bring a sixpack of Carlton Light.

[67] The Judge noted that none of the appellant's evidence was relevant or admissible. She remarked that in submissions he conveyed that he believed it was unfair that he should be trespassed, because he was a paid up customer and there was no right to trespass him and so he was only acting within his legal right by remaining on those premises. The Judge read out s 16 of the *Trespass Act*³⁷ and section 43AX of the *Criminal Code* providing for offences of strict liability.³⁸

[68] The Judge found that where Donella Giuseppe had given a clear written notice on 26 July 2024 and had explained her reasons for not wanting the appellant to be present and had clearly told him and directed him to get off

37 AB 67.

38 AB 68.

the premises and given him until the following day, she had acted reasonably. She said the appellant could have been under no mistaken belief about permission to be on the premises. The Judge also found that Donella Giuseppe as the acting manager at the time was the proper lawful occupier. She cited s 10 of the *Trespass Act*, which grants the power to an occupier to warn a person that they do not have permission to enter the place, or have trespassed or the occupier has reasonable grounds to suspect the person is likely to trespass. The Judge highlighted s 10(2) of the *Trespass Act* which gives a police officer the power to warn a person at the request of an occupier.

[69] The Judge found the Trespass Notice was clearly expressed, previous authorisations were revoked and that if the appellant was found on the property further action would be taken with police. A further clear warning was given by police but the appellant remained on the property and after being given two hours to remove himself he was found at 7:40pm, sleeping and not having picked up his belongings. Consequently, it was found he was guilty of count one.

[70] In relation to the trespass charged in count three, the Judge said she had turned her mind as to whether or not the appellant had an honest and reasonable belief that he had the right to remain at the property to pack up his belongings, given police were not present. She noted that by agreement there was evidence that a call had been made by the appellant to police at about 9:45, but there was nothing agreed about the content of the call, or

whether there may have been a belief on his part that he could be on the premises to pack up his belongings. She found the appellant was not acting reasonably. She said he made it clear in the calls to police that he knew he was not to be on the property without a police escort and in any event when he was found his belongings were not unpacked. His conversation about cooking a reconciliation meal indicated that he intended to stay the night and not just be present to pack up his belongings. She found that he could not have honestly and reasonably believed that he was permitted to remain there to sleep overnight.³⁹ The Judge reasoned that had the appellant been present to just pack up his belongings and had police approached him at a time when he was in the middle of doing so, she may have found that charge was not proven but the evidence was against the appellant on that point.

[71] In relation to the breach of the bail condition, the Judge said the calls to the police station made it clear the appellant was intending to go into the Roadhouse. Although there is a defence of reasonable excuse available, she found the appellant's behaviour was not reasonable and could not amount to a reasonable excuse. Even though the appellant had made attempts to have police attend and they were not available at the time he was expecting to pack up his possessions, when police did arrive they found him with his belongings all set up. Along with the evidence of the admissions that, it could not be found that he was there simply to pack up his belongings. The

39 AB 69.

breach of bail charge was proved beyond reasonable doubt as were the trespass charges.

Consideration of arguments on appeal

- [72] The grounds of appeal are set out above at [6]. It is difficult to know with precision what they mean or whether they set out errors of the kind that can genuinely form the basis of appeal. At the hearing of the appeal, the appellant summarised some of the evidence.⁴⁰ He pointed out the initial trespass warning and a spelling mistake.⁴¹ He pointed out the note he gave to Donella Guiseppe⁴², and emphasized the quote from Mahatma Ghandi.
- [73] In terms of what error he was submitting the Local Court made, he said the Judge did not accept certain documents.⁴³ Those documents are a letter from the appellant to the High Court of Australia,⁴⁴ and a reply from (according to the appellant) the Registrar of the High Court.⁴⁵ The letter dated 22 July 2024 refers to a number of unanswered emails previously said to be sent by the appellant to the High Court. The letter purports to “make my plea-bargain one and only offer for the fraud perpetrated against me by the ACT Magistrates Court over the period June – September 2009)”. It refers to a payout to Brittney Higgins, his own ‘unconstitutional banishment’ for

40 Transcript, 16 April 2025 at 5.

41 “Purse” instead of what should have been “Pursue” criminal charges.

42 Exhibit P1.

43 Transcript, 16 April 2025 at 6.

44 AB 102.

45 AB 103.

15 years from the family home and a demand of \$1 million from the ACT Magistrates Court. The appellant's bank details are included in the letter.⁴⁶

- [74] The letter refers to his seven-day incarceration on charges of trespass and the subsequent dropping of charges, counter charges, collusion and 'obscurantism' which he states he will deal with when he comes to Canberra. The letter ends by stating 'citizens of Australia, will go to the mid-east to secure the signing of the Armistice by the Palestinian and Israeli authorities. The letter is signed by the appellant, with the title 'Ngunnawal Prosecutor'.
- [75] A part of a letter in reply, apparently on High Court letterhead dated 22 July 2024⁴⁷ refers to correspondence received by the High Court. The author writes 'It is not clear what case you wish to bring to the High Court' and recommends the appellant seek legal advice before seeking to commence proceedings. The letter refers the appellant to helpful websites, Forms and Rules of the High Court.
- [76] The complaint to this Court was that the hearing Judge would not allow the tender of that material. Even taking a broad approach to relevance, understanding the concept of relevance embraces material which is indirectly relevant there is simply no way that this material is relevant to the charges.

46 AB 102.

47 AB 103.

[77] At the hearing of the appeal the appellant referred me to a follow-up email sent on 24 July 2004.⁴⁸ It is addressed to the High Court of Australia and the Australian Government Solicitor. It asks whether the appellant has heard from those entities, and references are made to the government holding the CFMEU to account; questioning whether ‘Haydon’ had ever been held to account and that the appellant was holding the High Court to account for Kirby ‘who’s whole life was in breach of the Universal Declaration of Human Rights’ and that it was two strikes which ‘You do not want me to be accounting to three.’ The letter is again signed by the appellant, as ‘Ngunnawal Prosecutor’ with a ‘PS’: ‘Do you not yet know who I am’.

[78] In submissions on appeal the appellant said he sent the letter by email on 24 July 2024 and it was on that date, when he got home, that Ms Giuseppe gave him the warning to stay off. The High Court found out where he was living and he believed it was the High Court who told Ms Giuseppe to charge him with trespass and kick him out. It was on the afternoon of 24 July 2024⁴⁹ that she came out and accused him of all sorts of obscenities.⁵⁰

[79] The appellant drew attention to a letter he wrote to the High Court of Australia on 26 July 2024. It states:⁵¹

Before I go to strike 3 and declare the High Court ‘out’, this is your last chance. I pitch! I’m going to tell you something and I want you

48 AB 104.

49 Transcript, 16 April 2025 at 7-8.

50 Transcript, 16 April 2025 at 10.

51 AB 105.

to listen tight. It may sound like I'm talking about me, but I'm not. I'm talking about you. As a matter of fact, I'm talking about all people everywhere. When I came down here to Texas I was lookin' for something. I didn't know what. It seems like you add up my life, and I spent it all either stomping other men, or in some cases getting stomped. I had me some money, and I had me some medels (sic), yet none of it worth a lifetime of pain or the mother that bore me, like I was empty. Well, I'm not empty anymore. That's what's important, I feel useful in this old world, to hit a lick against what's wrong or to say a word for what's 'right', even though you get walloped for saying that word. I may sound like a Bible beater yellin' up a revival at a river crossing camp meeting; but that don't change the truth none.

“There's right and there's wrong, you got to do one or the other - - you do the one and you're living, you do the other, and you may be walking around – but you're dead as a beaver hat”. Congressman Davey Crockett, 1836. What do you know? That pitch was from before baseball was invented. An oldie but a goodie. It's your call High Court. Let me give you a hint – Haydon and Kirby are still walking around.

[Again, signed the 'Ngunnawal Prosecutor'] with a “PS have I heard from you yet? 2023, July 26, “We in theatre want Stormin Norman”.

[80] The appellant then pointed out a notation of “one hour later” of 26 July 2024,⁵² when he stated that was when Donella phoned him and said she needed to speak with him and that she was kicking him out and charging him with trespass. He asked the Court to note that after Donella rang him and told him she was charging him with trespass, he sent that next letter out.⁵³

[81] The letter begins with a quotation from Matthew 26:40 “Couldn't you men keep watch with me for one hour?” It then refers to a cargo plane to land on

52 AB 106.

53 AB 106.

Ti Tree airstrip and that he is flying to Darwin. He referred to a statement on that document. “You men will arrange for her Excellency Carolyn Kennedy, the Ambassador to meet me at RAAF Fairbairn with Lee Usher – Clark.” As I had asked the appellant whether he had a solicitor, he said, referring to that quote, that was his solicitor. He said that was why he was being persecuted and that they told Donella to kick him out.

- [82] The appellant referred this Court to a section, which if I understand him correctly is a re-working of a speech by President Kennedy:

We the people of the AUKUS alliance, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our prosperity, do ordain the mission for independence and freedom.

- [83] Further quotes were referred to by the appellant referring to alleged inalienable rights: let both sides join in creating a new endeavour, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved’.⁵⁴

- [84] The grounds of appeal and the submissions thus far summarised were the only matters agitated on appeal. The appellant filed a substantial number of documents. He did not address them at the appeal hearing. Aside those which were exhibits in the Local Court, it is unclear whether they were all referred to the Local Court Judge. I have read the following documents in

54 AB 106.

the Appeal Book which are all of the same character as those already summarised. They are all irrelevant:

9.1	The Canberra Times;	25/09/09	(83-84)
9.2	Letter to Ministers of Education;	30/07/22	(85)
9.3	Letter to The Prime Minister and others;	20/01/23	(86)
9.4	Letter to Minister and others and attachments;	26/07/23	(87-101)
9.5	Letter to High Court Australia	22/07/24	(102)
9.6	Response High Court Australia	22/07/24	(103)
9.7	Letter to High Court Australia	24/07/24	(104)
9.8	Letter to High Court Australia	26/07/24	(105-106)
9.9	'The appeal to the higher power'	18/11/24	(107)
9.10	'The Addendum' and attachments;	24/11/24	(108-115)
9.11	'The appeal to the higher power' and attachments;	25/11/24	(116-126)
9.12	'The appeal to the higher power'	02/12/24	(127-139).
9.13	'Spruance...'	07/12/24	(140-141)
9.14	'This is 'Midway';	08/12/24	(142)
9.15	'Now to Walker and Ingles..'	09/12/24	(143)
9.16	'This 6 th index...' and attachments	10/12/24	(144-152)
9.17	'The appeal to the higher power' and attachments;	16/12/24	(153-161)
9.18	'To Nathaniel, Kevin, Anna'	20/12/24	(162)
9.19	'The appeal to the higher power'	23/12/24	(163)
9.20	'The appeal to the higher power'	30/12/24	(164)
9.21	'The appeal to the higher power'	06/01/25	(165-170)
9.22	'To Nathaniel, Kevin, Anna'	06/01/25	(171)
9.23	'Master of ceremonies, Barak speaks'	20/01/25	(172-176)
9.24	'The appeal to the higher power' and attachments	Undated	(177-191)
9.25	'And the last shall be first'	Undated	(192)

[85] The hearing Judge was correct to rule the letters and associated material irrelevant and inadmissible. Under s 55(1) *Evidence (National Uniform Legislation) Act 2011* (NT) evidence is relevant in a proceeding '*if it were accepted, could rationally affect (directly or indirectly) the assessment of the probability of the existence of a fact in issue in the preceding*'. Further, under s 55(2) *evidence is not taken to be irrelevant only because it relates*

only to (a) the credibility of a witness; or (b) the admissibility of other evidence; or (c) a failure to adduce evidence.'

[86] Evidence that is relevant in a proceeding is admissible in the proceeding and evidence that is not relevant in the proceeding is not admissible.⁵⁵

[87] In determining relevance, it is fundamentally important to identify what are the issues at the trial.⁵⁶

[88] The issues here were whether the appropriate notice had been issued and served lawfully in accordance with the *Trespass Act* and for charge 2, the *Bail Act*. Put another way, the issues were whether the prosecution could prove the elements of each charge beyond reasonable doubt and whether it had negatived any defence or excuse arising fairly on the evidence beyond reasonable doubt.

[89] It is plainly not relevant what the appellant's views were of any institution or entity which had nothing to do with the facts to be proven. To be relevant, evidence must be 'reasonably capable' of rationally affecting the assessment of the probability of the existence of a fact in issue in the proceeding.⁵⁷

[90] On the appellant's case before this Court, the relevance of the documents was effectively suggested to be proof that there was some kind of set up

⁵⁵ Section 56 *Evidence (National Uniform Legislation) Act*.

⁵⁶ *Smith v R* (2001) 206 CLR 650 at [7].

⁵⁷ *R v Clark* (2001) 123 A Crim R 506.

between the Ti Tree Roadhouse, Northern Territory police, the High Court of Australia, the Australian Government Solicitor and other entities. On the appellant's case, the thread which pulled this disparate cluster of institutions or entities together was suggested to be the dates on letters, one of which was sent just before the Ti Tree Roadhouse's acting manager gave notice to the appellant and in one instance, one hour later.⁵⁸

[91] There was no evidence Ms Guiseppe had any contact with the High Court or any other entity mentioned. Those documents show no link directly or indirectly between any witness or any institution the appellant seemed intent on drawing into a bizarre conspiracy. The attempt by the appellant to escape responsibility for non-compliance with *Trespass Act* notices is utterly misguided and a waste of public resources. Those public resources affect the community generally, particularly by increasing the burden on taxpayers. The appeal was conducted on the basis of resort to pseudo law, a tactic well know to courts generally.

[92] As the appellant was not represented and expressed grievances beyond those captured by the grounds of appeal, the evidence has been reviewed here to determine whether there has been error in the assessment of the evidence or the finding that the charges were made out.

58 Transcript, 16 April 2025 at 10,11,13.

Were the elements of the charges proven beyond reasonable doubt?

[93] Both trespass charges were charged under s 16 of the *Trespass Act*, the first on 27 July 2024, the second on 21 September 2024.

[94] Section 16 provides:

16 Trespass after warning to stay off

- (1) A person commits an offence if the person:
 - (a) is warned under section 10 to stay off and not enter a place; and
 - (b) enters the place contrary to section 10(5).

Maximum penalty: 20 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the person by whom, or on whose behalf, the warning was given is no longer an occupier of the place entered.

[95] To prove the charge under s 16, it must be proven beyond reasonable doubt a defendant received a warning under s 10 of the *Trespass Act*. Section 10 provides:

10 Warning to stay off

- (1) An occupier of a place may warn a person that the person does not have permission to enter the place and must stay off the place if:
 - (a) the person is trespassing, or has trespassed, in, on or at the place; or
 - (b) the occupier has reasonable grounds to suspect that the person is likely to trespass in, on or at the place.
- (2) A police officer may warn a person that the person does not have permission to enter the place and must stay off the place:
 - (a) at the request of an occupier of the place; or
 - (b) on the officer's own initiative in relation to Crown land or land occupied by the Territory, the Commonwealth or a statutory corporation.
- (3) A warning may specify that the person is banned from entering the place for a period not exceeding 12 months from the day the warning is received by the person.
- (4) If no period is specified in the warning, the person is banned for a period of 3 months from the day the warning is received by the person.
- (5) Unless otherwise authorised, a person who is warned to stay off a place must not enter the place during the period applicable under subsection (3) or (4).

[96] In this instance, in terms of s 16(1)(a) and s 10 the prosecution was required to prove a police officer warned the appellant that he did not have permission to enter the caravan park and must stay off it at the request of 'an occupier'. As above the 'Warning to Stay Off' was completed and served by Constable Habermann. Ms Giuseppe was clearly 'an occupier' in the

terms of the *Trespass Act* which relevantly defines ‘occupier’ as ‘a person in lawful occupation of the place and any employee or other person acting under the authority of an occupier of the places.’⁵⁹ As the acting manager, Ms Giuseppe was in lawful occupation or she was an employee, thus she was an ‘occupier’.

[97] Indeed the Notice of Trespass Warning served by Ms Giuseppe also constituted a ‘Warning to Stay Off’ in the terms of s 10(1)(a) and (b). effectively the appellant received two ‘Warnings to Stay Off’.

[98] Ms Giuseppe had directed the appellant to leave the premises in accordance with s 9 of the *Trespass Act*. Once the appellant refused to leave as the evidence summarised above proves, he was properly warned by Ms Giuseppe that he was trespassing or likely to trespass on the caravan park. In any event, in terms of the s 16(1), the appellant was warned under s 10 by both the occupier and police and on both occasions, 27 July 2024 and 21 September 2024. He failed to leave the premises on 27 July 2024 and returned to the premises after being removed and returned to the premises on 21 September 2024 in contravention of both the *Trespass Act* and the *Bail Act*.

[99] Section 37B of *Bail Act* (NT) provides:

BAIL ACT 1982 – SECT 37B

⁵⁹ *Trespass Act*, s 3.

Offence to breach bail

(2) A person commits a bail offence if:

- (a) the person is granted bail for an offence; and
- (b) the person intentionally engages in conduct; and
- (c) the conduct results in a breach of a condition of the grant of bail for the original offence and the person is reckless in relation to the result.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(3) Strict liability applies to subsections (1)(a) and (2)(a).

(5) It is a defence to a prosecution for a bail offence if the defendant has a reasonable excuse.

(6) A penalty imposed for the bail offence must not exceed the maximum penalty that may be imposed for the original offence.

[100] The appellant entered a bail undertaking⁶⁰ which was in force on 21

September 2024. The condition was: 'Not to enter or remain at Ti tree

Caravan Park unless under Police escort to retrieve personal property.'

[101] On 21 September 2024, as above, the appellant tried to contact police at the police station but was unable to. He called police as set out in the summary of the calls. He made it clear he would attend without police if they were not available. He was advised local police would be contacted. When police attended the appellant was present at the Caravan Park with his belongings which had been unpacked. Prior to the police arrival, no other police were

60 Exhibit P4.

present. As he was on bail conditions not to attend the premises without police, he was arrested for breach of that condition.

[102] As above, the prosecutor was not intending to play the 000 calls, but at the insistence of the appellant, they were played. The content of those calls inculcates the appellant for the offending on 21 September 2024.

Potential defences and grievances raised by the appellant

Lack of procedural fairness given the witnesses who told Ms Giuseppe about the appellant masturbating in the toilets were not called to give evidence

[103] It is the case that certain patrons gave Ms Giuseppe information about the appellant which caused her concern in relation to the well-being of customers and visitors including potentially children. As the occupier and owner of the business it was a matter for Ms Giuseppe about whether she could risk the presence of the appellant, having been given a complaint or report.

[104] Ms Giuseppe was not required to conduct a hearing, nor did the proof of the charges rely on the truth of any such allegation. Ms Giuseppe was an occupier of a private commercial business which does not have the supposed Magna Carta obligations submitted by the appellant. Evidence of the allegations in the Local Court hearing were principally raised by the appellant. When the prosecution raised those allegations it was said to show

that certain concerns had been conveyed to Sergeant Jamieson,⁶¹ not to prove the truth of the allegations. The evidence was that the two people identified as giving that information did not want to give statements.

[105] It is difficult to see how production of the two potential witnesses would have helped the appellant's case. Once the decision had been made by Ms Giuseppe to withdraw the appellant's permission to be on the premises and her decision had been actioned by police, the underlying reason became irrelevant to proof of the charge. Any direct evidence about the appellant masturbating in the Roadhouse toilets would more likely than not be prejudicial to the appellant. Aside from context, the allegation of masturbation was largely irrelevant. It was the appellant who was intent on agitating that fact before the Local Court.

[106] The fact Ms Giuseppe received complaints about the appellant is relevant to counter the appellant's assertion that Ms Giuseppe may have given him the notice on the basis of race, religion or on a 'whim'. There is no evidence of any other reason save the complaints received by her.

Payment made for the caravan site

[107] As above the evidence was that Ms Giuseppe refunded the balance due to the appellant, likely payment for 4-5 days. The appellant claimed he had a common law right to remain as he had previously paid for the week. The Ti Tree Roadhouse caravan facility was not a tenancy situation which may have

61 AB 39.

attracted particular notice requirements. Nor was it a circumstance covered by the *Caravan Parks Act 2012* (NT) which protects certain long-term caravan park residents from exploitation. From what is known of the appellant's arrangement, the *Caravan Parks Act* does not apply to his circumstances.⁶²

[108] The arrangement between Ti Tree Roadhouse and the appellant was purely contractual and in accordance with the nature of the contract, the appellant was refunded monies owed. If he has experienced loss, his remedies lie elsewhere. The fact there was such an arrangement does not exclude the operation of the *Trespass Act*.

Reasonable excuse for the offence of breach of bail

[109] As above, it is a defence to a charge of breach of bail if there is a reasonable excuse. It is a reasonable possibility the appellant attended Ti Tree police station and rang the bell as arranged on the morning of 21 September 2024 and police were not in attendance. In those circumstances, had the appellant been under time pressure to pick up his belongings and had simply attended the Ti Tree Roadhouse to collect his car and belongings, he may have established he had a reasonable excuse. Unfortunately for him, he made it clear in the 000 calls summarised above he would attend the Roadhouse regardless of police presence and was intent on cooking a reconciliation meal with Ms Giuseppe and her sister attending with a sixpack of beer.

62 Section 10(3) and see definition of 'caravan' in s 5.

Honest mistake of fact – strict liability

[110] Section 43AX of the *Criminal Code* provides a person is not criminally responsible for a physical element for which there is no fault element if:

- (a) At or before the time of the conduct constituting the physical element, the person considered whether or not facts existed and was under a mistaken but reasonable belief about those facts; and
- (b) Had those facts existed, the conduct would not have constituted an offence.

[111] As the offences of both trespass and breach of bail are strict liability offences, s 43AX governs ‘mistake’. As there is no fault element, ‘mistake or ignorance’ under s 43AY(2)(b) does not apply; nor does ‘claim of right’ under s 43AZ which requires the asserted existence of the right to negate a fault element.

[112] Mistakes made about legal authority or rights are generally considered mistakes of law, not fact.⁶³ A mistake about a right of occupancy should be regarded a mistake of law, unless the mistake of law follows as a direct result of a mistake of fact. In my view, no such mistake of fact arose given the two s 10 ‘Warning to Stay Off’ Notices issued by both the occupier and by police.

[113] As the Local Court Judge correctly found, there was no mistake. The appellant knew he was under restrictions not to go to the Ti Tree Roadhouse as he made clear in the 000 calls.

⁶³ *Power v Huffa* (1976) 14 SASR 337, 345 (Bray CJ).

[114] The Judge was not in error in finding charges proven beyond reasonable doubt.

[115] Assessing the evidence on appeal I have not experienced a reasonable doubt with respect to any of the charges.

[116] **Orders**

1. The appeal is dismissed.
2. The findings of guilt by the Local Court on 13 September 2024 are confirmed.
3. The convictions and victim levies imposed by the Local Court on 13 September 2024 are confirmed.
4. These reasons are published.
5. The parties will be heard as to costs.
