

NORTHERN TERRITORY OF AUSTRALIA

JUSTICE AND OTHER LEGISLATION AMENDMENT ACT 2011

Act No. 25 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 25 of 2011

An Act to amend various Acts administered by the Minister for Justice and Attorney-General and Minister for Police, Fire and Emergency Services

[Assented to 31 August 2011]
[Second reading 23 February 2011]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Justice and Other Legislation Amendment Act 2011*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Bail Act

3 Act amended

This Part amends the *Bail Act*.

4 Section 3 amended

(1) Section 3(1), definition *Judge*

omit, insert

Judge means:

- (a) a Judge of the Supreme Court; or
- (b) if the Rules of Court made under the *Supreme Court Act* permit the Master of the Supreme Court to exercise the powers of the Supreme Court under this Act – the Master of the Supreme Court.

(2) Section 3(1), definition *Supreme Court*

omit

of that Court

Part 3 Amendment of Business Tenancies (Fair Dealings) Act

5 Act amended

This Part amends the *Business Tenancies (Fair Dealings) Act*.

6 Section 5 amended

Section 5(1)

insert (in alphabetical order)

accountant means:

- (a) a member of the Institute of Chartered Accountants in Australia who holds a current Certificate of Public Practice issued by the Institute; or
- (b) a member of CPA Australia Ltd ACN 008 392 452 who holds a current Public Practice Certificate in accordance with the by-laws of CPA Australia Ltd; or
- (c) a person registered as an auditor under the Corporations Act 2001.

7 Section 26 amended

Section 26(4), after "practitioner,"

insert

or accountant,

8 Section 64 amended

(1) Section 64(1) and (2), after "practitioner" (*all references*)

insert

, accountant

(2) Section 64(4), after "practitioner"

insert

or accountant

Part 4 Amendment of Consumer Affairs and Fair Trading Act**9 Act amended**

This Part amends the *Consumer Affairs and Fair Trading Act*.

10 Section 29 amended

Section 29, definition *regulator*

omit, insert

regulator means the following:

- (a) for Part 3-3 – the Commissioner or the Australian Competition and Consumer Commission (**ACCC**) established by section 6A of the *Competition and Consumer Act 2010* (Cth);
- (b) for Parts 5-1 and 5-2:
 - (i) in relation to the enforcement of Part 3-3 – the ACCC; or
 - (ii) otherwise – the Commissioner;
- (c) for the remaining provisions – the Commissioner.

Part 5 Amendment of Firearms Act

11 Act amended

This Part amends the *Firearms Act*.

12 Section 3 amended

- (1) Section 3(1), definition *order to keep the peace*
omit
- (2) Section 3(1)
insert (in alphabetical order)
personal violence restraining order means:
(a) a personal violence restraining order made under Part IVA,
 Division 2 of the *Justices Act*, or
(b) a similar order made in a State or another Territory.
student of arms, see section 35C(2).
- (3) Section 3(1), definitions *ammunition*, paragraphs (a) and (b) and
firearm, paragraph (a), at the end
insert

or
- (4) Section 3(1), definition *category H sports shooter*, paragraph (a),
at the end
insert

and
- (5) Section 3(1), definition *corresponding*
omit

of the Commonwealth
- (6) Section 3(1), definitions *firearm part*, *machine-gun*, paragraph (b)
and *silencer*, paragraph (b)
omit

referred to

insert

mentioned

- (7) Section 3(1), definition *shooting member*

omit

the period of probation (if any)

insert

any period of probation

- (8) Section 3(1), definition *working day*

omit

within the meaning of the *Public Holidays Act*

- (9) Section 3(1A), (3), (3A) and (4)

omit

the purposes of

- (10) Section 3(2)(a) to (c), at the end

insert

and

13 Section 10 amended

- (1) Section 10(2A)(a)(i)

omit

referred to

insert

mentioned

- (2) Section 10(2A)(a)(ii)

omit

imposed,

insert

imposed;

- (3) Section 10(3)(a) to (fa)

omit

; or

insert

; and

- (4) Section 10(3)(g)

omit, insert

(g) does not have a final domestic violence order in force against him or her and has not, within the period of 5 years before the application for the licence was made, had a final domestic violence order in force against him or her; and

(ga) does not have a personal violence restraining order in force against him or her; and

- (5) Section 10(4)(a), at the end

insert

or

- (6) Section 10(5)

omit

all words from "referred" to "(if any)"

insert

mentioned in subsection (2) if the applicant was, at the time of making the application, the holder of a shooter's licence and the prescribed checks

- (7) Section 10(8B)

omit

referred to

insert

mentioned

14 Section 20 amended

(1) Section 20(1)(b)

omit

business,

insert

business;

(2) Section 20(3), definition *prescribed person*, paragraph (e)

omit, insert

(e) has a final domestic violence order in force against him or her or has, within the preceding 5 years, had a final domestic violence order in force against him or her; or

(ea) has a personal violence restraining order in force against him or her; or

(3) Section 20(3), definition *prescribed person*, paragraphs (a), (b)(ii), (c), (d) and (f), at the end

insert

or

15 Section 33 amended

(1) Section 33(1)(d)

omit, insert

(d) does not have a final domestic violence order in force against him or her and has not, within 5 years before the application for the permit was made, had a final domestic violence order in force against him or her; and

(da) does not have a personal violence restraining order in force against him or her; and

- (2) Section 33(1)(a)(ii) and (b) to (cb), at the end

insert

and

- (3) Section 33(1A)(a), at the end

insert

or

- (4) Section 33(1A)(b)

omit

Territory of the Commonwealth

insert

Territory

- (5) Section 33(2)(a), at the end

insert

or

- (6) Section 33(3B)

omit

referred to

insert

mentioned

16 Section 40 amended

- (1) Section 40(1)(a), after "violence order"

insert

, a personal violence restraining order

- (2) Section 40(2)

omit

the purposes of

- (3) Section 40(3)(c)
omit
of the Commonwealth
- (4) Section 40(5)(b) and (6)(a) and (b)
omit
member of the Police Force
insert
police officer

17 Section 58 amended

- (1) Section 58(3)
omit
, if any,
- (2) Section 58(4)
omit
referred to
insert
mentioned
- (3) Section 58(5)
omit
the purposes of
- (4) Section 58(5)(ba)
omit, insert
(ba) who has or has had a final domestic violence order in force against him or her may not possess or use a firearm:
(i) while the order is in force; and
(ii) for a further period of 5 years from the date the order expires or ceases to have effect; or

- (bb) who has a personal violence restraining order in force against him or her may not possess or use a firearm while the order is in force; or

18 Act further amended

Schedule 1 has effect.

Part 6 Amendment of Weapons Control Act

19 Act amended

This Part amends the *Weapons Control Act*.

20 Section 15 amended

- (1) Section 15(2)(a) and (b), at the end

insert

and

- (2) Section 15(2)(c)

omit, insert

- (c) does not have a final domestic violence order in force against him or her and has not, within the period of 5 years before the application for the approval was made, had a final domestic violence order in force against him or her; and

- (ca) does not have a personal violence restraining order in force against him or her; and

- (3) After section 15(3)

insert

- (4) In this section:

final domestic violence order, see section 3(1) of the *Firearms Act*.

personal violence restraining order means:

- (a) a personal violence restraining order made under Part IVA, Division 2 of the *Justices Act*, or

- (b) a similar order made in a State or another Territory.

21 Act further amended

Schedule 2 has effect.

Part 7 Expiry of Act

22 Expiry

This Act expires on the day after it commences.

Schedule 1 Firearms Act further amended

section 18

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, at the end		matters
section 4(1)(a)	all words from "referred" to "Commonwealth"	mentioned in Part 3, Division 1 of the <i>Defence Act 1903</i> (Cth)
section 4(1)(a) to (d), at the end		or
section 4(1)(f)	referred to	mentioned
section 4(2)(a) and (b), at the end		and
section 4(4)(a)	whole paragraph	(a) a police officer; or
section 4(4)(c)	of the Commonwealth	; or
section 4(4)(f)	whole paragraph	(f) an officer as defined in section 5 of the <i>Prisons (Correctional Services) Act</i> ,
section 4(4)(b) and (d), at the end		or
section 4(5)(a) and (b)	whole paragraph	(a) a public sector employee; or (b) an APS employee as defined in section 7 of the <i>Public Service Act 1999</i> (Cth);
section 4(5)	or officer	
section 4(6)(b)	periods,	periods;

section 5(1)	(1) The all words from "member" to "Act,"	The police officer or public sector employee
section 5(2) to (4)	whole subsection	
section 6(1)	notice in the Gazette	<i>Gazette</i> notice
section 7(2)(a), at the end		and
section 7(2)(c)	manner,	manner;
section 7(2)	the purposes of paragraph (b), a medium includes but is not limited to:	paragraph (b), a medium includes but is not limited to any of the following:
section 7(2)(e)	or	
section 7(3)(b)	of the Commonwealth	
section 8(1)	notice in the Gazette	<i>Gazette</i> notice
section 9(1)(a), at the end		and
section 9(2)(a)	a natural person,	an individual –
section 9(2)(a), at the end		and
section 9(2)(b)	of the Commonwealth	(Cth)
section 9(2)(c)	, if any,	
section 9(3)(a), at the end		or
section 9(3)(b)	Territory of the Commonwealth	Territory
section 9(4)(b)	names and addresses of persons	name and address of each person
section 9(4)(b)(i), at the end		or

section 9(5)(b)	names and addresses of persons	name and address of each person
sections 10AA(a), 10AC(a), 11(1)(a), 13(1)(a) and (b) and 13(2)(aa), at the end		and
section 13(1)(c)	member of the Police Force	police officer
section 13(1)(d)	, if any,	
sections 14(1)(a)(i) to (iii) and 15B(2)(a), at the end		and
section 15B(3)(a), at the end		or
section 16A(2) and (3)(b)(i)	(if any)	
section 16A(4), penalty provision	a natural person	an individual
section 17(1)(b)	, if any,	
section 17(2)(b)	supervision,	supervision;
section 18(4)	member of the Police Force	police officer
section 18(4)(a) and (b)	member (<i>all references</i>)	officer
section 19	member of the Police Force	police officer
section 22(3)(b)	, if any,	
section 23, heading	, records, &c.	and records
section 23(1) and (2)	member of the Police Force	police officer
section 23(2)(a)	referred to in subsection (1);	mentioned in subsection (1); and

section 23(2)(c)	member	officer
section 24(1A)	within the meaning of section 35C(2)	
section 24(2)(b)	, if any,	
section 25A(2)(b)	(if any)	
section 26(2)(a), at the end		or
section 26(2), penalty provision	a natural person	an individual
section 30A(1)(a), at the end		and
section 30A(1)(c)	49(2),	49(2);
section 30B(1)(a) and (b), at the end		and
section 30B(1)(c)	in respect of	for
section 30B(2)	member of the Police Force	police officer
	the member	the officer
section 30B(3)	member of the Police Force	police officer
section 30B(3)(a), at the end		and
section 30B(3)(c)	member	officer
sections 31(2)(a)(i) and 32(1)(a), at the end		and
section 33A(1)(b)	permit,	permit;
section 34(5) and (6)	member of the Police Force	police officer
section 35(5)	referred to	mentioned
section 35(5)(b)	(if any)	

section 35A(4)(a)(i) and (iii), (b) and (c), at the end		and
section 35B(1)(b) and (2)(b)	shooting,	shooting;
section 35C(1)(a)	within the meaning of subsection (2)	
section 35C(2)	all words from "A person" to "the person"	A <i>student of arms</i> is a person who
sections 35C(2)(a) to (c) and 36(1)(a), at the end		and
section 36(4)	member of the Police Force	police officer
section 37(1)(a)	in the case of	for
section 37(1)(a) and (b), at the end		or
section 37(2)	deemed	taken
section 39(2)(a) and (b)	member of the Police Force	police officer
section 40A(2)	referred to	mentioned
section 40B(1)(a) and (b), at the end		or
section 40B(1)(d)	40A,	40A;
sections 40B(2) and 42(1)	member of the Police Force	police officer
section 42(1)(b)	of the Commonwealth	
section 42(1)(c) and (e)	member	officer
section 42(1)(a) to (c), at the end		or

section 42(2)	member of the Police Force	police officer
	member:	police officer:
section 43(1)(a)	the conditions, if any,	any conditions
section 43(2)	member of the Police Force	police officer
	member:	police officer:
section 43(2)(a)	(if any)	
section 46(1)(a)(i), at the end		and
section 46(1), penalty provision	a natural person	an individual
section 47	member of the Police Force	police officer
	member	officer
section 49(5)	or fail to comply with	
section 50(4)(a) and (b)	referred to	mentioned
section 50(4)(b)	(2)(b),	(2)(b);
section 55(2)(b)	member of the Police Force	police officer
sections 55(2)(a), 56(1)(a) to (c) and 58A(1)(a), at the end		and
section 58A(2)(a), at the end		or
section 62(1), penalty provision	a natural person	an individual
section 62(2)(b)(ii)	member of the Police Force	police officer
sections 62(2), penalty provision	a natural person	an individual

section 63(1)(b)(ii)	member of the Police Force	police officer
section 63(1), (2) and (4), penalty provision	a natural person	an individual
section 63(3)(a), at the end		or
section 63A(1) to (3), penalty provision	a natural person	an individual
section 64(6)(a), at the end		or
section 64(6)(c)	member of the Police Force	police officer
	Police Station	police station
section 65(2)(a) and (b) and (3)(a), (b), (d) and (e), at the end		and
section 66	, if any	
section 67(1)	member of the Police Force	police officer
section 68A(1), (2) and (3), penalty provision	a natural person	an individual
section 71(a), at the end		or
section 75, heading	, &c.	
section 77(4)(a) to (d), at the end		and
section 78(1), definition <i>public place</i>	has the same meaning as in	, see section 5 of
section 78(1), definition <i>town</i>	means a town within the meaning	, see section 3
section 79(1)(a), at the end		or
section 79(2)	referred to	mentioned

section 80, heading	, &c.,	
section 80(1)(a), (b) and (c)(ii), at the end		or
section 80(2)	referred to	mentioned
section 81, heading	use, &c.,	possession and use
section 81(1)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 82, heading	, &c.	etc.
section 83(b)	firearm,	firearm;
section 84, heading	, &c.	etc.
section 85	or fail to comply with	
section 90, heading	Changes, &c.,	Matters
section 91, heading	, &c.,	and directions
section 91	member of the Police Force	police officer
Part 12, heading, at the end		matters
section 92	of the Commonwealth	
section 92(b)	prescribed,	prescribed;
section 93(1) and (3)	of the Commonwealth	
section 93(4)	referred to	mentioned
section 93(4)(b)	period,	period;
section 93B(1)	referred to	mentioned
section 93B(2), definition		or
<i>circumstance of aggravation,</i> paragraph (a), at the end		
sections 93D(1) and (2) and 93F(b)	referred to	mentioned

section 94(2)	or fail to comply with	
section 95	member of the Police Force	police officer
section 95(a), at the end		or
section 95(b) and (c)	member	officer
section 96, heading	, &c.	and permits
section 96(1)(c)	member of the Police Force	police officer
	member	officer
section 96(2)	member of the Police Force	police officer
	member or another member	officer or another police officer
	member specifies	officer specifies
section 96A(1)	member of the Police Force	police officer
section 96A(2)(a)(i)	a natural person	an individual
section 96A(4)	referred to	mentioned
section 96A(5)(b)	with,	with;
section 97(1), (2) and (3)	member of the Police Force	police officer
section 97(1)(b), (c) and (d) and (1)	the member <i>(all references)</i>	the officer
section 97(1)(b)	committed,	committed;
section 97(1)(d)(ii)	be,	be;
section 97(4)	referred to	mentioned
section 98	member of the Police Force	police officer
	member or another member	officer or another police officer

section 99(1)(b)(ii)	offence,	offence;
section 99(3)	, if any,	
section 99(4)	member of the Police Force	police officer
section 99A(1)(b)	registration,	registration;
section 99A(2)(a)	member of the Police Force;	police officer; and
section 99A(2)(c)	owner,	owner;
section 100, heading	whole heading	100 Protection from liability
sections 100 and 101(1)	member of the Police Force (<i>all references</i>)	police officer
section 104(a) to (e), at the end		or
section 104(g)	person,	person;
section 105(1)(a), at the end		or
section 106, heading	, &c.	and documents
section 106(1)(a) and (b), at the end		or
section 106(2)	referred to	specified
section 106(3)	member of the Police Force	police officer
section 107A(1)	or fails to comply with or failed to comply with or failure to comply	
section 110(1), (3) and (4)(a)	member of the Police Force	police officer
section 110(2), (3) and (4)	referred to	mentioned

section 110(4)(b)	2003,	2003;
sections 110A(1) and 111(3)(b) and Schedule 1, item 7	referred to	mentioned
Schedule 7, clause 4(3), penalty provision	a natural person	an individual

Schedule 2 Weapons Control Act further amended

section 21

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, at the end		matters
section 3	, unless the contrary intention appears	
section 3, definition <i>body armour</i>	the purpose of	
section 3, definition <i>firearm</i>	has the same meaning as in	means a firearm as defined in section 3(1) of
section 3, definition <i>night-time</i>	9 o'clock in the evening and 6 o'clock in the morning	9 pm and 6 am
section 3, definition <i>offensive weapon</i> , paragraph (b)	person,	person;
section 3, definition <i>public place</i>	has the same meaning as in	, see section 5 of
section 3, definition <i>school</i>	has the same meaning as in	, see section 4(1) of
section 5	all words from "member" to "Act"	police officer or public sector employee
section 6(a) to (c), at the end		or
section 6(e)	carry,	carry;
sections 6 and 7(1) and (2), penalty provision	a natural person	an individual
section 7(2A)	referred to	mentioned
section 7(3)	, as the case may be	

section 7(4), definition <i>lawful excuse</i> , paragraph (a), at the end		and
section 7(4), definition <i>lawful excuse</i> , paragraph (c)	weapons,	weapons;
section 7A(1)	referred to	mentioned
section 8(1), penalty provision	a natural person	an individual
section 8(3), definition <i>lawful excuse</i> , paragraph (a), at the end		and
section 8(3), definition <i>lawful excuse</i> , paragraph (c)	weapons,	weapons;
section 9(a) and (b), at the end		or
section 9(d)	armour,	armour;
sections 9 and 10(1) and (5), penalty provision	a natural person	an individual
section 11(1)(a), at the end		and
section 11(1), (2) and (4), penalty provision	a natural person	an individual
section 11(4)	member of the Police Force member	police officer officer
sections 11A and 11B(1), (3) and (5), penalty provision	a natural person	an individual

section 11B(6), definition <i>prescribed weapon</i> , paragraph (c)	referred to	mentioned
section 12(1)	the purposes of	
section 12(1)(a)	within the meaning	as defined in section 5
section 12(1)(b)	all words from "referred" to "Commonwealth"	mentioned in Part 3, Division 1 of the <i>Defence Act 1903</i> (Cth)
section 12(1)(c)	member of the Police Force of the Commonwealth	police officer
section 12(4)(a), at the end		and
section 12(5) and (6)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 13(2)(a) and (b), at the end		and
sections 13(3) to (5), 14(5) and 17, penalty provision	a natural person	an individual
section 19(1)(a), (2) and (3)	member of the Police Force	police officer
section 19(1)(b) and (2)(c)	member	officer
sections 19(2)(a) and 20(2)(a), at the end		and
section 21(1)	member of the Police Force	police officer
section 22(2)	A notice for the purposes of subsection (1) is to	The notice must
section 22(5)	A notice for the purposes of subsection (4) is to	The notice must

Part 5, heading, at the
end

matters

section 23(1)

notice in the *Gazette*

Gazette notice
