

NORTHERN TERRITORY OF AUSTRALIA

JUSTICE AND OTHER LEGISLATION AMENDMENT ACT 2009

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Act No. 12 of 2009

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 12 of 2009

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An Act to amend various Acts administered by the Minister for Justice and Attorney-General and to amend the *Police Administration Amendment Act 2007*

[Assented to 26 May 2009]  
[Second reading 18 February 2009]

**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 2009*.

### **2                    Commencement**

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

## **Part 2                    Amendment of Construction Contracts (Security of Payments) Act**

### **3                    Act amended**

This Part amends the *Construction Contracts (Security of Payments) Act*.

**4 Amendment of section 27 (Who can apply for adjudication)**

Section 27(a)

*omit*

section

*substitute*

sections 31(6A) and

**5 Amendment of section 31 (Disqualification of adjudicator on grounds of conflict of interest)**

Section 31(6)

*omit, substitute*

- (6) If a notice (a **disqualification notice**) is given by or to an appointed adjudicator under subsection (2) or (5), the adjudicator's appointment ends 5 working days after the date of the disqualification notice unless, before the end of that period, each party gives the adjudicator written authority to continue as the appointed adjudicator.
- (6A) If the appointment of an appointed adjudicator ends under subsection (6):
- (a) the applicant may make a further application for adjudication under section 28; and
  - (b) in calculating the period within which the application may be made, the period from the date on which the previous application was served under section 28(1)(c) to the date on which the appointment ends is not counted.
- (6B) However if, as calculated under subsection (6A)(b), the applicant does not have at least 14 days to make the further application, the further application may be made within 14 days after the date on which the appointment ends.

**Part 3 Amendment of Legal Profession Act****6 Act amended**This Part amends the *Legal Profession Act*.

**7 Amendment of section 11 (Suitability matters)**

After section 11(1)(g)

*insert*

(ga) whether the person has been found to have engaged in academic dishonesty (including, for example, plagiarism);

**Part 4 Amendment of Police Administration  
Amendment Act 2007**

**8 Act amended**

This Part amends the *Police Administration Amendment Act 2007*.

**9 Repeal of Part 4**

Part 4

*repeal*

**Part 5 Amendment of Prisons (Correctional Services)  
Act**

**10 Act amended**

This Part amends the *Prisons (Correctional Services) Act*.

**11 New Part XVII, Division 3**

After section 65K, in Part XVII

*insert*

**Division 3 Leave of absence to give evidence at foreign  
proceeding or assistance in foreign investigation**

**65L Director may authorise release and grant leave**

(1) This section applies if, under section 26 or 27 of the *Mutual Assistance in Criminal Matters Act 1987* (Cth), the Commonwealth Attorney-General makes arrangements for a prisoner to travel to a foreign country to:

(a) give evidence at a proceeding relating to a criminal matter; or

- (b) give assistance in relation to an investigation relating to a criminal matter.
- (2) The Director may, in writing, authorise the release of the prisoner from prison and grant leave of absence to the prisoner:
- (a) for the purpose of travelling to the foreign country to give evidence at the proceeding or assistance in relation to the investigation; and
  - (b) on any other conditions the Director thinks fit.

**65M Variation or revocation of leave**

The Director may, at any time, vary or revoke any leave of absence granted under section 65L(2).

**65N Effect of absence**

During a prisoner's absence from prison under a leave of absence granted under section 65L(2):

- (a) the prisoner is taken to be in lawful custody; and
- (b) the term of the prisoner's sentence of imprisonment continues to run.

**Part 6 Amendment of Public Trustee Act**

**12 Act amended**

This Part amends the *Public Trustee Act*.

**13 Amendment of section 14 (Accounts of Public Trustee)**

Section 14(3)

*omit*

all the words after "Dividend"

*substitute*

Account:

- (a) any fees received under section 24A; and
- (b) any levies received under section 28.

**Part 7                    Amendment of Summary Offences Act**

**14            Act amended**

This Part amends the *Summary Offences Act*.

**15            Amendment of section 68A (False reports to police)**

Section 68A(1), penalty provision

*omit, substitute*

Maximum penalty:     \$11 000 or imprisonment for 2 years.

**Part 8                    Expiry of Act**

**16            Expiry**

This Act expires on the day after it commences.