

NORTHERN TERRITORY OF AUSTRALIA

EVIDENCE LEGISLATION (AUTHORISED PERSONS) AMENDMENT
ACT 2009

Act No. 4 of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 4 of 2009

An Act to amend provisions about authorised persons in the *Evidence Act* and
Evidence Regulations

[Assented to 12 March 2009]
[Second reading 11 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 *Evidence Legislation (Authorised Persons) Amendment Act 2009*.

2 Commencement

- (1) The provisions of this Act (except sections 3 and 4(1)) commence on the day on which the Administrator's assent to this Act is declared.
- (2) Sections 3 and 4(1) are taken to have commenced on 16 October 2007.

Part 2 Amendment of Evidence Act

3 Act amended

This Part amends the *Evidence Act*.

4 Amendment of section 21A (Evidence of vulnerable witnesses)**(1) Section 21A(1), definition *authorised person***

omit, substitute

authorised person means any of the following:

- (a) a police officer with the rank of constable or above;
- (b) a member of the Australian Federal Police who is appointed as a special constable under the *Police Administration Act*;
- (c) a member of a police force of a State or another Territory who is appointed as a special constable under the *Police Administration Act*;
- (d) a person who is an authorized person under section 4(1) of the *Community Welfare Act*;
- (e) a person who is an authorised officer under section 304(1)(a) of the *Care and Protection of Children Act*.

(2) Section 21A(1), definition *authorised person*, after paragraph (e)

insert

- (f) a member of a police force of a State or another Territory with the rank of constable or above;
- (g) a person prescribed by regulation.

5 New Part IX

After section 65

insert

**Part IX Transitional matters for Evidence Legislation
(Authorised Persons) Amendment Act 2009****66 Savings – authorised officers**

- (1) An act of a person purportedly done as an authorised person because of an approval mentioned in the repealed regulation is taken to have been validly done by an authorised person for Part IIA of this Act.

(2) The amendments made to this Act by the *Evidence Legislation (Authorised Persons) Amendment Act 2009* do not affect any decision of a court made before the commencement of this section.

(3) In this section:

repealed regulation means regulation 4 of the *Evidence Regulations* as in force before its repeal by section 7 of the *Evidence Legislation (Authorised Persons) Amendment Act 2009*.

Part 3 Amendment of Evidence Regulations

6 Regulations amended

This Part amends the *Evidence Regulations*.

7 Repeal of regulation 4

Regulation 4

repeal