



# NORTHERN TERRITORY OF AUSTRALIA

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No. 44 of 1991

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## AN ACT

to amend the *Law Reform (Miscellaneous Provisions) Act*

[Assented to 26 September 1991]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Law Reform (Miscellaneous Provisions) Amendment Act (No. 2) 1991*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. NEW PART

The *Law Reform (Miscellaneous Provisions) Act* is amended by inserting after Part VIII the following:

"PART VIIIA - LIABILITY FOR DAMAGE TO  
PROPERTY CAUSED BY CHILDREN

"29A. LIABILITY FOR DAMAGE TO PROPERTY CAUSED BY CHILDREN

"(1) In this section, 'child' means a person who has not attained the age of 17 years.

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*Law Reform (Miscellaneous Provisions)*  
*Amendment (No. 2)*

"(2) Where, after the commencement of this section, a child intentionally causes damage to property, a parent of the child is, subject to this section, jointly and severally liable with the child for the damage caused to the property where, at the time the damage was caused, the child was -

- (a) ordinarily resident with that parent; and
- (b) not in full time employment.

"(3) Where, after the commencement of this section, a detainee, within the meaning of the *Juvenile Justice Act*, intentionally causes damage to property, the Territory is, subject to this section, jointly and severally liable with the detainee for the damage caused to the property.

"(4) The maximum amount that may be recovered from any parent or parents under subsection (2) (whether sued individually or jointly) or the Territory under subsection (3) is \$5,000 in respect of damage caused by a child or detainee referred to in those subsections, as the case may be.

"(5) Nothing in this section shall be construed as -

- (a) affecting or limiting a cause of action which may otherwise lie in or in relation to damage caused to property by a child or detainee; or
  - (b) imposing liability on a parent under subsection (2) in respect of damage caused by a detainee referred to in subsection (3)."
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