

NORTHERN TERRITORY OF AUSTRALIA

POLICE ADMINISTRATION AMENDMENT ACT 2021

Act No. 8 of 2021

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 8 of 2021

An Act to amend the *Police Administration Act 1978* and to make consequential amendments to the *Firearms Act 1997*

[Assented to 13 April 2021]
[Introduced 18 February 2021]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Police Administration Amendment Act 2021*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 15 February 2023, it commences on that day.

Part 2 Amendment of Police Administration Act 1978

3 Act amended

This Part amends the *Police Administration Act 1978*.

4 Section 126 replaced

Section 126

repeal, insert

126 Power to enter and arrest under warrant

For the purpose of arresting a person, a member of the Police Force may enter a place if:

- (a) the member has the power to arrest the person under a warrant; and
- (b) the member believes on reasonable grounds that the person is at the place.

126A Power to enter and arrest without warrant

For the purpose of arresting a person, a member of the Police Force may enter a place, without a warrant, if the member believes on reasonable grounds that:

- (a) the person is at the place; and
- (b) the person has committed an offence punishable by a term of imprisonment exceeding 6 months.

126B Power to enter and remain to protect a person

- (1) For the purpose of protecting a person at a place, a member of the Police Force may enter the place if the member believes on reasonable grounds that:
 - (a) the person has suffered, is suffering or is in imminent danger of suffering personal injury at the hands of another person; or
 - (b) another person at the place has contravened, is contravening or is about to contravene an order under the *Domestic and Family Violence Act 2007*.
- (2) For the purpose of protecting a child at a place, a member of the Police Force may enter the place if the member believes on reasonable grounds that there is a serious and imminent risk to the welfare of the child.
- (3) No warrant is required to enter a place under this section.

- (4) The member may remain at the place entered under this section for the time needed to take any reasonable action the member considers necessary to do any of the following:
- (a) verify the grounds of the member's belief;
 - (b) ensure that, in the member's opinion, no one at the place is in danger or at risk;
 - (c) prevent a breach of the peace or a contravention of the order at the place;
 - (d) assist, or arrange assistance for, any injured person at the place.

126C Power to search and seize firearms or offensive weapons

- (1) A member of the Police Force who enters a place under section 126B may search the place for firearms or offensive weapons if the member believes on reasonable grounds that:
- (a) a firearm or offensive weapon is located at the place; and
 - (b) leaving the firearm or offensive weapon at the place could put a person in imminent danger of suffering personal injury or an aggravation of personal injury already suffered.
- (2) The member may seize any firearm, offensive weapon or other article capable of being used to inflict injury on a person found as a result of the search conducted under subsection (1).
- (3) Any firearm seized under subsection (2) must be dealt with in accordance with the *Firearms Act 1997*.
- (4) The power to search under subsection (1) authorises the member to use such reasonable force as is necessary to:
- (a) open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found at the place; and
 - (b) carry out a search of a person at the place.
- (5) No warrant is required to search a place or seize a firearm, offensive weapon or other article under this section.

126D Ancillary powers

- (1) For sections 126, 126A (subject to any limits in a warrant) and 126B, the member of the Police Force may:
 - (a) enter the place at any time of the day or night; and
 - (b) use such reasonable force as is necessary to enter the place; and
 - (c) obtain the assistance that the member thinks necessary to enter the place.
- (2) Sections 126, 126A and 126B do not limit or prevent the exercise of any other power to enter a place, whether with or without a warrant, that a member has under another law of the Territory.

Part 3 Consequential amendment of Firearms Act 1997**5 Act amended**

This Part amends the *Firearms Act 1997*.

6 Section 99 amended (Retention of certain seized firearms)

- (1) Section 99(1)

omit

Where a firearm is seized under section 126(2AA)

insert

If a firearm is seized under section 126C(2)

- (2) Section 99(1)(b), after "it"

insert

for the longer of the following periods

- (3) Section 99(1)(b)(i)

omit

or

(4) Section 99(1)(b)(ii)

omit

offence;

insert

offence.

(5) Section 99(1)

omit

whichever is the longer period.

7 Section 99A amended (Storage of certain firearms)

Section 99A(1)(a), after "Part 8A,"

insert

or seized under section 126C(2) of the *Police Administration Act 1978*

Part 4 Repeal of Act

8 Repeal of Act

This Act is repealed on the day after it commences.