

NORTHERN TERRITORY OF AUSTRALIA

POLICE LEGISLATION AMENDMENT ACT 2023

Act No. 2 of 2023

Table of provisions

Part 1	Preliminary matters	
1	Short title	1
2	Commencement	1
Part 2	Amendment of Police Administration legislation	
Division 1	Amendment of Police Administration Act 1978	
3	Act amended	2
4	Section 4A amended (Application of Criminal Code).....	2
5	Section 15B inserted	2
	15B Eligibility for appointment to Police Force	
6	Section 19 amended (Aboriginal Community Police and auxiliaries)	2
7	Section 157A inserted	3
	157A Disarming member	
8	Section 167 amended (Regulations)	3
9	Act further amended	3
Division 2	Amendment of Police Administration Regulations 1994	
10	Regulations amended.....	3
11	Regulation 4 repealed	3
Part 3	Amendment of Police (Special Investigative and Other Powers) Act 2015	
12	Act amended	4
13	Section 95 amended (Delegation – chief officers other than ICAC).....	4
Part 4	Repeal of Act	
14	Repeal of Act.....	4

**Schedule Police Administration Act 1978 further
amended**



NORTHERN TERRITORY OF AUSTRALIA

Act No. 2 of 2023

An Act to amend the *Police Administration Act 1978*, the *Police Administration Regulations 1994* and the *Police (Special Investigative and Other Powers) Act 2015*

[Assented to 2 March 2023]
[Introduced 24 November 2022]

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 Legislation Amendment Act 2023*.

2 Commencement

- (1) Parts 1 and 3 of this Act commence on the day after the day on which the Administrator's assent to this Act is declared.
- (2) Subject to subsection (3), the remaining provisions of this Act commence on the day fixed by the Administrator by *Gazette* notice.
- (3) If a provision mentioned in subsection (2) does not commence before 21 November 2023, it commences on that day.

Part 2 Amendment of Police Administration legislation

Division 1 Amendment of Police Administration Act 1978

3 Act amended

This Division amends the *Police Administration Act 1978*.

4 Section 4A amended (Application of Criminal Code)

Section 4A

omit

147FV or 155.

insert

147FV, 155 or 157A.

5 Section 15B inserted

After section 15A

insert

15B Eligibility for appointment to Police Force

- (1) The Commissioner may determine the criteria for eligibility of a person for appointment to the Police Force.
- (2) A person is eligible for appointment to the Police Force if the person satisfies the criteria.
- (3) A determination under subsection (1) must be published in the *Police Gazette* as soon as practicable after it is made.

6 Section 19 amended (Aboriginal Community Police and auxiliaries)

- (1) Section 19(1), after "person"

insert

who is eligible for appointment to the Police Force

- (2) Section 19(2)

omit

7 Section 157A inserted

After section 157

insert

157A Disarming member

- (1) A person commits an offence if:
- (a) a member is acting in the course of the member's duties and the person is reckless in relation to that circumstance; and
 - (b) the member is armed with a firearm or ECD and the person has knowledge of that circumstance; and
 - (c) the person intentionally engages in conduct; and
 - (d) the conduct results in the member losing possession of the firearm or ECD and the person intends that result.

Maximum penalty: Imprisonment for 6 years.

- (2) In subsection (1):

ECD means an electro-muscular control device designed to emit an electric current into a human body for the purposes of physical incapacitation.

8 Section 167 amended (Regulations)

Section 167(2)(b)

omit

9 Act further amended

The Schedule has effect.

**Division 2 Amendment of Police Administration
Regulations 1994**

10 Regulations amended

This Division amends the *Police Administration Regulations 1994*.

11 Regulation 4 repealed

Regulation 4

repeal

Part 3 **Amendment of Police (Special Investigative and Other Powers) Act 2015****12** **Act amended**

This Part amends the *Police (Special Investigative and Other Powers) Act 2015*.

13 **Section 95 amended (Delegation – chief officers other than ICAC)**

(1) Section 95(3)(a) and (4)(a)

omit, insert

(a) in relation to the Police Force – a person holding office or acting as:

(i) a Deputy Commissioner of Police; or

(ii) an Assistant Commissioner of Police;

(2) Section 95(6)(a)

omit

the person holding office or acting as

insert

a person holding office or acting as a

Part 4 **Repeal of Act****14** **Repeal of Act**

This Act is repealed on the day after it commences.

Schedule Police Administration Act 1978 further amended

section 9

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I heading, after "Preliminary"		matters
section 4(1)		firearm , see section 3(1) of the <i>Firearms Act 1997</i> .
Part VII, Division 1, heading, after "Preliminary"		matters
Section 116(2), definition firearm	whole definition	
Part VIIA, Division 1, heading, after "Preliminary"		matters
section 158, heading	Assault of	Resisting
Part IX, heading, after "Miscellaneous"		matters
Schedule, heading, at the end		Forms
