

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC TRANSPORT (PASSENGER SAFETY) AMENDMENT ACT 2023

Act No. 12 of 2023

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 12 of 2023

An Act to amend the *Public Transport (Passenger Safety) Act 2008*

[Assented to 31 May 2023]
[Introduced 30 March 2023]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Public Transport (Passenger Safety) Amendment Act 2023*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

3 Act amended

This Act amends the *Public Transport (Passenger Safety) Act 2008*.

4 Section 27 amended (Arrest and detention)

After section 27(2)

insert

- (3) A transit officer may use such force as is reasonably necessary for the arrest or detention of a person under subsection (1).

5 Sections 27A to 27D inserted

After section 27

insert

27A Transit officer to maintain safety and security

- (1) A transit officer may take reasonable and appropriate steps in order to maintain the safety or security of the following:
 - (a) a route service;
 - (b) buses, bus stations and bus stops;
 - (c) persons on a bus, at a bus station and at a bus stop;
 - (d) transit safety vehicles;
 - (e) signs and equipment on buses, at bus stations and at bus stops.
- (2) For subsection (1), a transit officer may use the force that is reasonably necessary.
- (3) Without limiting subsection (1), a transit officer may use the force that is reasonably necessary for the following:
 - (a) in self-defence;
 - (b) to prevent a person from:
 - (i) harming themselves or someone else; or
 - (ii) damaging property;
 - (c) to exercise a power or perform a function for which the use of force is expressly authorised under this Act.

27B Capsicum spray and restraints

A transit officer, other than an ex officio transit officer referred to in section 7(1)(b) or (c), lawfully using force under this Act may possess and, if reasonably necessary, use:

- (a) a device approved by the Director that discharges oleoresin capsicum spray; and
- (b) restraints approved by the Director.

27C Reasonably necessary

Despite any other provision of this Act, the use of force, and in particular the use of a device or restraints referred to in section 27B, by a transit officer under this Act is reasonably necessary only if the transit officer believes on reasonable grounds that:

- (a) the purpose for which the force, device or restraints are to be used could not reasonably be achieved in another practicable way; and
- (b) using the force, device or restraints is reasonable in the circumstances.

27D Director to manage use of force

- (1) The Director must ensure that:
 - (a) to the extent practicable, force is used under this Act only:
 - (i) as a last resort; and
 - (ii) when the use of force is reasonably necessary; and
 - (b) transit officers who use force do so in accordance with this Act.
- (2) The Director must issue directions in relation to the use of force under this Act, including as to:
 - (a) the circumstances in which, and by whom, force may be used; and
 - (b) the nature of the force that may be used in those circumstances.

6 Repeal of Act

This Act is repealed on the day after it commences.