

NORTHERN TERRITORY OF AUSTRALIA

JUSTICE AND OTHER LEGISLATION AMENDMENT ACT 2024

Act No. 4 of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 4 of 2024

An Act to amend legislation administered by the Attorney-General and
Minister for Justice and for related purposes

[Assented to 14 March 2024]
[Introduced 15 February 2024]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Justice and Other Legislation Amendment Act 2024*.

2 Commencement

- (1) This Act (except Part 3, Division 2, Part 4 and Part 5, Division 1) commences on the day after the day on which the Administrator's assent to this Act is declared.
- (2) Part 5, Division 1 is taken to have commenced on 30 October 2023.
- (3) Part 3, Division 2 commences immediately after the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.
- (4) Part 4 commences immediately after the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023*.

Part 2 Justice Legislation Amendment (Domestic and Family Violence) Act 2023

3 Act amended

This Part amends the *Justice Legislation Amendment (Domestic and Family Violence) Act 2023*.

4 Section 6 amended (Section 4 amended (Definitions))

Section 6(2), definition *party*, paragraph (d)

omit

Police DVO

insert

police DVO

5 Section 20 amended (Section 26 amended (Prohibition on publication of personal details))

Section 20(1)

omit

satisfied that publication would expose the person to the risk of harm.

insert

satisfied publication would expose the person to the risk of harm.

6 Section 22 amended (Parts 2.4 to 2.10 replaced)

(1) Section 22, new section 45(1), after "section"

31 or

(2) Section 22, new sections 57(1) and 58(1)

omit

Division 1,

insert

Division 2,

- (3) Section 22, new section 62(1)
omit
Court DVO under Division 1
insert
court DVO under Division 2
- (4) Section 22, new section 64(2)(c) and (5)
omit
section 55.
insert
section 54(5).
- (5) Section 22, new section 65(1)
omit
Division 1
insert
Division 2
- (6) Section 22, new section 77(a)
omit
section 74;
insert
section 73;

7 Section 37 amended (Part 7.7 inserted)

- (1) Section 37, new section 149, heading
omit
, 124A

(2) Section 37, new section 149(1) and (2)

omit

, 124A

8 Section 62 amended (Part 12, Division 13 inserted)

Section 62, after new section 152

insert

153 Application of section 52

Section 52, as inserted by section 60 of the amending Act, applies in relation to the sentencing of an offender after the commencement, regardless of when the offences for which the offender is being sentenced were committed.

Part 3 Consequential amendments relating to sentencing reforms

Division 1 Amendments commencing on day after assent

Subdivision 1 Sentencing and Other Legislation Amendment Act 2022

9 Act amended

This Subdivision amends the *Sentencing and Other Legislation Amendment Act 2022*.

10 Section 15 amended (Part 3, Division 5, Subdivisions 2 and 2A replaced)

Section 15, new section 46(1)(b)

omit, insert

(b) if the order is made at the same time that another sentence of imprisonment for another offence is imposed on the offender – immediately after the offender is released from custody under that other sentence.

11 Section 28 amended (Part 12, Division 10 inserted)

Section 28, new section 145

repeal, insert

145 Application of Act to old orders

- (1) To avoid doubt, an old order that is in force immediately before the commencement continues in force after the commencement in accordance with the terms of the order.
- (2) The repealed provisions continue to apply in relation to an old order mentioned in subsection (1).
- (3) In this section:

old order means any of the following orders made under this Act as in force before the commencement:

- (a) an order made under section 11;
- (b) an order made under section 13;
- (c) a community work order;
- (d) a community based order;
- (e) a home detention order;
- (f) a community custody order;
- (g) a perpetrators' program order.

repealed provisions means the following provisions as in force immediately before the commencement:

- (a) section 11;
- (b) section 13;
- (c) Part 3, Division 2, Subdivision 4;
- (d) Part 3, Divisions 4 and 4A;
- (e) Part 3, Division 5, Subdivisions 2 and 2A;
- (f) Part 3, Division 8.

12 Part 5 and Schedule repealed

Part 5 and Schedule

repeal

**Subdivision 2 Community Based Sentences (Interstate Transfer)
Regulations 2023**

13 Regulations amended

This Subdivision amends the *Community Based Sentences (Interstate Transfer) Regulations 2023*.

14 Regulation 2 amended (Commencement)

(1) Regulation 2(1)

omit

(1)

(2) Regulation 2(1)

omit

, other than regulation 4,

(3) Regulation 2(2)

omit

15 Regulation 4 repealed (Community based sentences)

Regulation 4

repeal

**Division 2 Consequential amendments for the Sentencing
and Other Legislation Amendment Act 2022**

Subdivision 1 Bail Act 1982

16 Act amended

This Subdivision amends the *Bail Act 1982*.

17 Section 6 amended (Grant of bail for certain periods)

Section 6(f) and (g)

omit, insert

- (f) the period between the making of an application in relation to the accused person, or the arrest of the accused person, under one of the following provisions (in which the person is referred to as an offender) and the accused person's appearance before a court for the application or as a result of the arrest:
- (i) section 39A, 43 or 48F of the *Sentencing Act 1995*;
 - (ii) section 15 of the *Sentencing Act 1995* as in force immediately before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022* and continued by section 145 of the *Sentencing Act 1995*;
- (g) the period between the committal of the accused person under one of the following provisions (in which the person is referred to as an offender) and the accused person's appearance before the Supreme Court for that committal:
- (i) section 43(4C) of the *Sentencing Act 1995*;
 - (ii) section 15(3B) of the *Sentencing Act 1995* as in force immediately before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022* and continued by section 145 of the *Sentencing Act 1995*;

Subdivision 2 Child Protection (Offender Reporting and Registration) Act 2004

18 Act amended

This Subdivision amends the *Child Protection (Offender Reporting and Registration) Act 2004*.

19 Section 3 amended (Definitions)

- (1) Section 3, definition *home detention order*

omit

- (2) Section 3, definition **good behaviour bond**, paragraph (a)
omit, insert
- (a) a community correction order made under the *Sentencing Act 1995* without recording a conviction; or
 - (ab) an order made under section 11(1) of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*; or
- (3) Section 3, definition **supervised sentence**, paragraphs (a) and (b)
omit, insert
- (a) an intensive community correction order made under the *Sentencing Act 1995*; or
 - (b) a community correction order made under the *Sentencing Act 1995*:
 - (i) that is subject to a condition to participate in an approved project imposed under section 34(1)(a) of that Act; or
 - (ii) under which a person is subject to strict supervision; or
 - (ba) a home detention order or community work order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*; or
 - (bb) a community work order or alternative detention order made under the *Youth Justice Act 2005*; or

Subdivision 3 Community Based Sentences (Interstate Transfer) Act 2023

20 Act amended

This Subdivision amends the *Community Based Sentences (Interstate Transfer) Act 2023*.

21 Section 6 amended (Community based sentences)

(1) Section 6(1)(a)(i) to (vi)

omit, insert

- (i) a community correction order or intensive community correction order made under the *Sentencing Act 1995*; or
- (ii) a suspended sentence of imprisonment imposed under section 40 of the *Sentencing Act 1995* that is a monitoring order as defined in section 166 of the *Correctional Services Act 2014*; or
- (iii) a community work order, community based order, home detention order or community custody order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*; or
- (iv) an order made under section 11 or 13 of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022* that is a monitoring order as defined in section 166 of the *Correctional Services Act 2014*; or

(2) Section 6(2)

omit, insert

- (2) For subsection (1), each of the following orders or sentences and the sentence of imprisonment in relation to which the order was made or the sentence was imposed is taken to be a single community based sentence:
- (a) an intensive community correction order mentioned in subsection (1)(a)(i);
 - (b) a suspended sentence of imprisonment mentioned in subsection (1)(a)(ii);
 - (c) a home detention order mentioned in subsection (1)(a)(iii);
 - (d) a community custody order mentioned in subsection (1)(a)(iii).

Subdivision 4 Correctional Services Act 2014

22 Act amended

This Subdivision amends the *Correctional Services Act 2014*.

23 Section 4 amended (Definitions)

Section 4

insert

community correction order, see section 165.

intensive community correction order, see section 165.

24 Section 165 amended (Definitions)

- (1) Section 165, definitions **community based order**, **community custody order**, **community work order** and **home detention order**

omit

- (2) Section 165

insert

community based order means a community based order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

community correction order, see section 3(1) of the *Sentencing Act 1995*.

community custody order means a community custody order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

community work order means a community work order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

home detention order means a home detention order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

intensive community correction order, see section 3(1) of the *Sentencing Act 1995*.

25 Section 166 replaced

Section 166

repeal, insert

166 Non-custodial orders

- (1) Each of the following is a ***non-custodial order***:
 - (a) a monitoring order;
 - (b) a community correction order;
 - (c) a community work order.
- (2) Each of the following is a ***monitoring order***:
 - (a) an intensive community correction order;
 - (b) if the order is subject to a condition of a type that requires the Commissioner (or a probation and parole officer) to monitor compliance with the condition – one of the following orders:
 - (i) a community correction order;
 - (ii) an order made under section 40 of the *Sentencing Act 1995*;
 - (iii) an order made under section 11 or 13 of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;
 - (c) a home detention order;
 - (d) a community custody order;
 - (e) a community based order;
 - (f) a parole order.
- (3) Each of the following is a ***non-custodial work order***:
 - (a) a community correction order with a condition to participate in an approved project imposed under section 34(1)(a) of the *Sentencing Act 1995*;

- (b) an intensive community correction order with a condition to participate in an approved project imposed under section 48(1)(b) of the *Sentencing Act 1995*;
- (c) a community custody order;
- (d) a community work order;
- (e) a community based order with a condition to perform community work imposed under section 39G(1) of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

Subdivision 5 Criminal Records (Spent Convictions) Act 1992

26 Act amended

This Subdivision amends the *Criminal Records (Spent Convictions) Act 1992*.

27 Section 3 amended (Interpretation)

Section 3(1), definition *imprisonment*

omit, insert

imprisonment:

- (a) includes a period during which a person is subject to any of the following:
 - (i) an intensive community correction order with a home detention condition made under the *Sentencing Act 1995*;
 - (ii) a home detention order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;
 - (iii) a home detention order made under Part IVA of the *Criminal Law (Conditional Release of Offenders) Act 1971* as in force before the commencement of section 129 of the *Sentencing Act 1995*; but
- (b) does not include the following:
 - (i) detention in a detention centre;

- (ii) a sentence of periodic imprisonment referred to in section 83(1)(k) of the *Youth Justice Act 2005*;
- (iii) a sentence imposed because of the failure to pay a penalty.

28 Section 7 amended (Where court does not record or proceed to conviction)

Section 7(4)

omit, insert

- (4) If a court finds an offence proved and, without recording a conviction, makes an order specified in subsection (5), the criminal record of the offence is a spent conviction immediately after the order ceases to be in force, if the person has complied with all the requirements of the order.
- (5) For subsection (4), the following orders are specified:
 - (a) a community correction order under the *Sentencing Act 1995*;
 - (b) an order under section 10 of the *Sentencing Act 1995*;
 - (c) an order under section 11 of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;
 - (d) an order under section 4 of the *Criminal Law (Conditional Release of Offenders) Act 1971* as in force before the commencement of section 129 of the *Sentencing Act 1995*.

Subdivision 6 Fines and Penalties (Recovery) Act 2001

29 Act amended

This Subdivision amends the *Fines and Penalties (Recovery) Act 2001*.

30 Section 5 amended (Definitions)

Section 5

insert

community youth justice officer, see section 5(1) of the *Youth Justice Act 2005*.

probation and parole officer, see section 4 of the *Correctional Services Act 2014*.

31 Section 77 amended (Community work order)

Section 77(3)

omit

32 Sections 77A and 77B inserted

After section 77

insert

77A Duties of fine defaulter in carrying out community work order

- (1) A fine defaulter in respect of whom a community work order is in force:
- (a) must participate, for the number of hours specified in the order, in an approved project as directed by a probation and parole officer or community youth justice officer (as appropriate); and
 - (b) must participate in the project in a satisfactory manner; and
 - (c) must, while participating in the project, comply with any reasonable direction of the project supervisor or of a probation and parole officer or community youth justice officer (as appropriate); and
 - (d) must inform a probation and parole officer or community youth justice officer (as appropriate) of a change in the fine defaulter's residential address not later than 48 hours after the change; and
 - (e) must comply with any conditions prescribed by regulation.
- (2) Except where the fine defaulter consents, a fine defaulter must not be required to participate in an approved project under a community work order for more than 8 hours (exclusive of time allowed for meals) in any one day.

77B Breach of community work order

A fine defaulter who is the subject of a community work order is in breach of the order if the fine defaulter:

- (a) fails to comply with a term or condition of the order; or

- (b) fails to carry out the fine defaulter's obligations under section 77A(1); or
- (c) disturbs or interferes with any other person participating in or doing anything under a community work order; or
- (d) assaults, threatens, insults or uses abusive language to the project supervisor, a probation and parole officer or a community youth justice officer; or
- (e) changes the fine defaulter's address for the purposes of evading the execution of this Act; or
- (f) commits an offence against a law in force in the Territory during the time when the fine defaulter is participating in an approved project under the order.

33 Section 84 amended (Revocation of community work order)

Section 84(2)

omit

all words from "has failed" to "requires."

insert

has, without reasonable excuse, breached the order.

34 Part 10, Division 4 inserted

After section 126

insert

Division 4 Transitional matters for *Justice and Other Legislation Amendment Act 2024*

127 Application of sections 77, 77A and 77B

- (1) Section 77, as in force immediately before the commencement, continues to apply in relation to a community work order made under Part 5, Division 9 that is in force immediately before the commencement.
- (2) For subsection (1), the reference to the *Sentencing Act 1995* in section 77(3)(b) is taken to be a reference to the *Sentencing Act 1995* as in force immediately before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment*

Act 2022.

- (3) Sections 77, 77A and 77B, as in force after the commencement, apply only in relation to community work orders made under Part 5, Division 9 after the commencement.
- (4) In this section:

commencement means the commencement of Part 3, Division 2, Subdivision 6 of the *Justice and Other Legislation Amendment Act 2024*.

Subdivision 7 Firearms Act 1997

35 Act amended

This Subdivision amends the *Firearms Act 1997*.

36 Section 10 amended (General restrictions on grant of licence)

- (1) Section 10(2A)

omit

is not to

insert

must not

- (2) Section 10(2A)(a) and (b)

omit, insert

- (a) if a pecuniary penalty only was imposed in relation to the offence – 2 years have elapsed since the person was found guilty of the offence; or
- (b) if one the following orders was made in relation to the offence – 2 years have elapsed since the person was found guilty of the offence:
- (i) an order under section 10 of the *Sentencing Act 1995*;
 - (ii) a community correction order under the *Sentencing Act 1995* without recording a conviction;
 - (iii) an order under section 11 of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;

- (iv) an order under the *Criminal Law (Conditional Release of Offenders) Act 1971* as in force before the commencement of section 129 of the *Sentencing Act 1995*;
 - (v) an order under a provision of a law in the jurisdiction in which the offence was committed that, in the opinion of the Commissioner, has a similar effect to an order in subparagraph (i) to (iv); or
- (c) if a custodial sentence was imposed in relation to the offence – 5 years have elapsed since the person was found guilty of the offence or was released from custody, whichever is later.

Subdivision 8 Local Court (Criminal Procedure) Act 1928

37 Act amended

This Subdivision amends the *Local Court (Criminal Procedure) Act 1928*.

38 Section 60AT amended (Sentence indication)

- (1) Section 60AT(2)(a)

omit

78DG and 78DH

insert

78CA and 78CB

- (2) Section 60AT(2)(c)

omit

78DG

insert

78CB

(3) Section 60AT(2)(d)

omit

78DH

insert

78CA

(4) Section 60AT(2)(d)(ii)

omit

78DI

insert

78DB

39 Section 60AU amended (Court to have regard to material for sentence indication)

(1) Section 60AU(3)(a)

omit

78DH

insert

78CA

(2) Section 60AU(3)(b)(ii)

omit

78DI

insert

78DB

Subdivision 9 Motor Vehicles Act 1949

40 Act amended

This Subdivision amends the *Motor Vehicles Act 1949*.

41 Section 25J amended (Definitions)

Section 25J, definition **community order**, paragraphs (a) and (b)

omit, insert

- (a) a community correction order or intensive community correction order made under the *Sentencing Act 1995*; or
- (b) a community based order or community custody order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

42 Section 25M amended (Decision on application)

Section 25M, note

omit

39N, 48L and 48M

insert

39B and 48G

43 Section 25R amended (Decision on application)

- (1) Section 25R(1)(b)

omit, insert

- (b) satisfied that the community order has ceased to be in force;
and

- (2) Section 25R, note

omit

39N, 48L and 48M

insert

39B and 48G

44 Section 25S amended (Effect of order)

- (1) Section 25S(1), note for subsection (1)(b)

omit

39N(4), 48L(3) or 48M(4)

insert

39B(5) or 48G(5)

- (2) Section 25S(1), note for subsection (1)(b)

omit

39N(5)(c)(ii), 48L(4)(c)(ii) or 48M(5)(c)(ii)

insert

39B(6)(c)(ii) or 48G(6)(c)(ii)

45 Section 28 amended (Active demerit points)

Section 28(3)

omit, insert

- (3) This section has effect subject to:

(a) sections 39B(6)(c)(ii) and 48G(6)(c)(ii) of the *Sentencing Act 1995*; and

(b) sections 39N(5)(c)(ii), 48L(4)(c)(ii) and 48M(5)(c)(ii) of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022* and continued by section 145 of the *Sentencing Act 1995*.

46 Section 102AA amended (Applications made by certain offenders)

- (1) Section 102AA(1), definition **order**, paragraph (a), at the end

insert

or

- (2) Section 102AA(1), definition **order**, paragraphs (b) and (c)
- omit, insert*
- (b) a dismissal of a charge under section 10 of the *Sentencing Act 1995*; or
- (c) a community correction order made under the *Sentencing Act 1995* without recording a conviction; or
- (d) an order made under section 11 of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

Subdivision 10 Personal Injuries (Liabilities and Damages) Act 2003

47 Act amended

This Subdivision amends the *Personal Injuries (Liabilities and Damages) Act 2003*.

48 Section 7 amended (Volunteers and community organisations)

Section 7(7), definition **community work**

omit, insert

community work:

- (a) means work done for any of the following purposes:
- (i) a religious, educational, charitable or benevolent purpose;
 - (ii) the promotion or encouragement of literature, science or the arts;
 - (iii) the purposes of sport, recreation or amusement;
 - (iv) the conservation or protection of the environment;
 - (v) the establishment, operation or improvement of a community, social or cultural centre;
 - (vi) the promotion of the interests of a local community;
 - (vii) a political purpose;
 - (viii) any purpose prescribed by regulation; but

- (b) does not include work done under:
- (i) a community work order made under the *Fines and Penalties (Recovery) Act 2001* or the *Youth Justice Act 2005*; or
 - (ii) a community correction order or intensive community correction order made under the *Sentencing Act 1995*; or
 - (iii) a community work order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

Subdivision 11 Return to Work Act 1986

49 Act amended

This Subdivision amends the *Return to Work Act 1986*.

50 Section 3B amended (Meaning of worker)

Section 3B(19), definition **community court order**, paragraphs (a) and (b)

omit, insert

- (a) a community work order made under the *Fines and Penalties (Recovery) Act 2001* or the *Youth Justice Act 2005*;
- (b) a community correction order or intensive community correction order made under the *Sentencing Act 1995*;
- (c) a community work order, community based order or community custody order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*.

Subdivision 12 Serious Sex Offenders Act 2013

51 Act amended

This Subdivision amends the *Serious Sex Offenders Act 2013*.

52 Section 22 amended (Meaning of *qualifying offender*)

Section 22(2)(b)(ii) and (iii)

omit, insert

- (ii) an intensive community correction order made under the *Sentencing Act 1995*;
- (iii) a home detention order or community custody order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*; or

Subdivision 13 Victims of Crime Rights and Services Act 2006

53 Act amended

This Subdivision amends the *Victims of Crime Rights and Services Act 2006*.

54 Section 22 amended (Information to be given to registered persons)

(1) After section 22(1)(jc)

insert

- (jd) the conditions of a community correction order that are relevant to the registered person or relevant offence;
- (je) the variation, revocation, extension or discharge of a community correction order;
- (jf) the conditions of an intensive community correction order that are relevant to the registered person or relevant offence;
- (jg) the variation, revocation, extension or discharge of an intensive community correction order;

(2) Section 22(1)(k), before "parole"

insert

community correction order, intensive community correction order,

(3) Section 22(1)(l) and (m), before "suspended"

insert

community correction order, intensive community correction order,

(4) Section 22(4)

insert

community correction order, see section 3(1) of the *Sentencing Act 1995*.

intensive community correction order, see section 3(1) of the *Sentencing Act 1995*.

Subdivision 14 Youth Justice Act 2005

55 Act amended

This Subdivision amends the *Youth Justice Act 2005*.

56 Section 83 amended (Orders Court may make)

Section 83(1)(m)

omit

based order or community custody order

insert

correction order or intensive community correction order

Subdivision 15 Correctional Services Regulations 2014

57 Regulations amended

This Subdivision amends the *Correctional Services Regulations 2014*.

58 Regulation 19A amended (Definitions)

(1) Regulation 19A

insert

home detention condition, see section 3(1) of the *Sentencing Act 1995*.

(2) Regulation 19A, definition **home detainee**, paragraph (a)

omit, insert

(a) a non-custodial offender:

(i) whose non-custodial order is subject to a home detention condition; or

(ii) who is subject to a home detention order; or

(3) Regulation 19A, definition **training program**, at the end

insert

Examples for definition training program, paragraph (b)

A rehabilitative activity or a reintegration activity.

59 Regulation 19B amended (Effect of breach of this Part)

Regulation 19B, note

omit, insert

Notes for regulation 19B

1 *For community correction orders and intensive community correction orders – see sections 35(3) and 47(1)(c)(iii) of the Sentencing Act 1995.*

2 *For community work orders, community based orders, home detention orders and community custody orders – see sections 39(1)(g), 39E(1)(f)(i), 48(1)(g) and 48E(1)(h)(i) of the Sentencing Act 1995, and regulation 4A of the Sentencing Regulations 1996, as in force before the commencement of Part 2 of the Sentencing and Other Legislation Amendment Act 2022.*

60 Regulation 19D amended (Satisfactory participation)

Regulation 19D, note

omit, insert

Note for regulation 19D

An offender subject to a community work order is subject to an equivalent obligation under section 37(1)(b) of the Sentencing Act 1995 as in force before the commencement of Part 2 of the Sentencing and Other Legislation Amendment Act 2022.

61 Regulation 19H amended (Direction to leave if in breach of order)

Regulation 19H(1)(b)

omit, insert

- (b) the supervisor or a probation and parole officer believes on reasonable grounds that the offender is in breach of the non-custodial work order.

62 Regulation 19J amended (Suspension of obligation to participate in approved project)

(1) Regulation 19J(1)(a)

omit, insert

- (a) a non-custodial offender who is subject to a non-custodial work order is in breach of the order; and

(2) Regulation 19J(5)

omit

community work

insert

participation in the approved project

63 Regulation 19T amended (Firearms)

(1) Regulation 19T

omit

A non-custodial offender (other than an offender who is subject only to a community work order):

insert

- (1) Subject to subsection (2), a non-custodial offender:

(2) Regulation 19T, at the end

insert

(2) This regulation does not apply to a non-custodial offender who is subject only to:

(a) a community work order; or

(b) a community correction order with a condition to participate in an approved project imposed under section 34(1)(a) of the *Sentencing Act 1995* and with no other conditions imposed under section 34 of that Act.

64 Regulation 19V amended (Requirement to reside in and remain at approved residence)

Regulation 19V(1)

omit

home detention order

insert

non-custodial order

Subdivision 16 Cross-Border Justice Regulations 2009

65 Regulations amended

This Subdivision amends the *Cross-Border Justice Regulations 2009*.

66 Regulation 52 amended (New section 36A)

(1) Regulation 52, modified section 36A(1)(b) and (5)(a)

omit

work order

insert

correction order or intensive community correction order

(2) Regulation 52, modified section 36A(2)

omit

work orders

insert

correction orders or intensive community correction orders

67 Regulation 54 amended (Modification of section 64 (Serving of balance of term of imprisonment when sentenced to further imprisonment))

(1) Regulation 54, heading

omit

(Serving of balance of term of imprisonment when sentenced to further imprisonment)

insert

(Further sentence if person on parole)

(2) Regulation 54

omit

64(2)(a)

insert

64(1)(a)

Subdivision 17 Liquor Regulations 2019

68 Regulations amended

This Subdivision amends the *Liquor Regulations 2019*.

69 Regulation 105 amended (Persons subject to prohibition relating to purchase of liquor)

Regulation 105(a)

omit, insert

- (a) a condition of a community correction order or intensive community correction order made under the *Sentencing Act 1995* relating to liquor;
- (ab) a condition of an order made under section 40 of the *Sentencing Act 1995* relating to liquor;
- (ac) a condition of a court order made under section 11, 13, 39F(1)(c), 44, 48F(1)(b) or 78K of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022* relating to liquor;

Subdivision 18 Surveillance Devices Regulations 2008

70 Regulations amended

This Subdivision amends the *Surveillance Devices Regulations 2008*.

71 Regulation 3 amended (When tracking device may be installed, used or maintained)

Regulation 3(2), definition ***monitoring requirement***, paragraph (a)

omit, insert

- (a) a community correction order or intensive community correction order made under the *Sentencing Act 1995*;
- (ab) a suspended sentence of imprisonment imposed under section 40 of the *Sentencing Act 1995*;
- (ac) a home detention order, community custody order or community based order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;
- (ad) an order made under section 11 or 13 of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;

Part 4 Consequential amendments relating to Criminal Code reforms

Division 1 Criminal Code

72 Act amended

This Division amends the Criminal Code.

73 Section 208G amended (Definitions)

Section 208G, definition *historical offence*, paragraphs (a) and (b), after "force"

insert

at any time

Division 2 Sentencing Act 1995

74 Act amended

This Division amends the *Sentencing Act 1995*.

75 Section 65 amended (Indefinite sentence – imposition)

(1) Section 65(1)(c)

omit

127, 128 or 192 of the Criminal Code.

insert

208HB, 208J, 208JA, 208JB, 208K, 208KA or 208KB of the Criminal Code; or

(2) After section 65(1)(c)

insert

(d) an offence of attempting to commit an offence against section 208H of the Criminal Code; or

(e) an offence against section 127, 128 or 192 of the Criminal Code as in force before the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023*.

76 Schedule 2 amended (Violent offences)

(1) Schedule 2, after entry for section 193

insert

section 193B Assault with intent to steal

(2) Schedule 2, entry for section 212

omit

Division 3 Victims of Crime Rights and Services Act 2006

77 Act amended

This Division amends the *Victims of Crime Rights and Services Act 2006*.

78 Section 19 amended (Eligibility to be registered)

Section 19(2)(c)

omit

211 of the Criminal Code

insert

218 of the Criminal Code, or section 211 of the Criminal Code as in force before the commencement of the *Criminal Code Amendment (Property Offences) Act 2022*

**Division 4 Private Security (Crowd Controllers)
Regulations 1996**

79 Regulations amended

This Division amends the *Private Security (Crowd Controllers) Regulations 1996*.

80 Regulation 3 amended (Disqualifying offences)

(1) Regulation 3(a), after "193,"

insert

193B,

- (2) Regulation 3(a)
omit
211, 212, 227, 228,
insert
218, 226, 228AH, 228AK, 228AO,
- (3) Regulation 3(a)
omit
229, 231, 233,
insert
236B,
- (4) Regulation 3(c)
omit
210
insert
217
- (5) Regulation 3(ca), after "192B"
insert
of the Criminal Code
- (6) After regulation 3(ca)
insert
(cb) an offence against section 211, 212, 227, 228, 229, 231 or 233 of the Criminal Code as in force before the commencement of the *Criminal Code Amendment (Property Offences) Act 2022*;
(cc) an offence against section 210 of the Criminal Code as in force before the commencement of the *Criminal Code Amendment (Property Offences) Act 2022* in relation to which a custodial sentence is imposed that is wholly or partially served;

Division 5 Private Security (Security Firms) Regulations 1998

81 Regulations amended

This Division amends the *Private Security (Security Firms) Regulations 1998*.

82 Regulation 2 amended (Disqualifying offences)

- (1) Regulation 2(a), after "193,"
insert
193B,
- (2) Regulation 2(a)
omit
211, 212, 227, 228,
insert
218, 226, 228AH, 228AK, 228AO,
- (3) Regulation 2(a)
omit
229, 231, 233,
insert
236B,
- (4) Regulation 2(c)
omit
210
insert
217
- (5) Regulation 2(ca), after "192B"
insert
of the Criminal Code

(6) After regulation 2(ca)

insert

(cb) an offence against section 211, 212, 227, 228, 229, 231 or 233 of the Criminal Code as in force before the commencement of the *Criminal Code Amendment (Property Offences) Act 2022*;

(cc) an offence against section 210 of the Criminal Code as in force before the commencement of the *Criminal Code Amendment (Property Offences) Act 2022* in relation to which a custodial sentence is imposed that is wholly or partially served;

Division 6 Private Security (Security Officers) Regulations 1998

83 Regulations amended

This Division amends the *Private Security (Security Officers) Regulations 1998*.

84 Regulation 2 amended (Disqualifying offences)

(1) Regulation 2(a), after "193,"

insert

193B,

(2) Regulation 2(a)

omit

211, 212, 227, 228,

insert

218, 226, 228AH, 228AK, 228AO,

(3) Regulation 2(a)

omit

229, 231, 233,

insert

236B,

- (4) Regulation 2(c)
omit
210
insert
217
- (5) Regulation 2(ca), after "192B"
insert
of the Criminal Code
- (6) After regulation 2(ca)
insert
- (cb) an offence against section 211, 212, 227, 228, 229, 231 or 233 of the Criminal Code as in force before the commencement of the *Criminal Code Amendment (Property Offences) Act 2022*;
- (cc) an offence against section 210 of the Criminal Code as in force before the commencement of the *Criminal Code Amendment (Property Offences) Act 2022* in relation to which a custodial sentence is imposed that is wholly or partially served;

Division 7 Public Transport (Passenger Safety) Regulations 2008

85 Regulations amended

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

86 Schedule amended (Disqualifying offences)

- (1) Schedule, Part A, item 2
omit
133, 140,
insert
126,

(2) Schedule, Part A, item 2

omit

199 or 200

insert

199, 200 or 208NA

(3) Schedule, Part A, after item 3

insert

3A An offence against section 133 or 140 of the Criminal Code as in force before the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023*.

Part 5 Other amendments

Division 1 Electricity Legislation Amendment Act 2023

87 Act amended

This Division amends the *Electricity Legislation Amendment Act 2023*.

88 Section 2 amended (Commencement)

Section 2(1)

omit

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

insert

is taken to have commenced on 31 October 2023.

Division 2 Electrical Safety Act 2022

89 Act amended

This Division amends the *Electrical Safety Act 2022*.

90 Section 55 amended (Application for licence)

Section 55(3)(b), after "and"

insert

fee

91 Section 64 amended (Recognition of interstate licences)

Section 64(1)(b)

omit

a

insert

an

92 Section 67 amended (In-house contractor offence)

Section 67(1)(a)

omit

intentionally person

insert

person intentionally

93 Section 261 amended (Authorised officers)

Section 261(2)

omit

to a

insert

to an

Division 3 Public Trustee Act 1979

94 Act amended

This Division amends the *Public Trustee Act 1979*.

95 Section 5 amended (Definitions)

Section 5, definition *Public Trustee*

omit

section 8 and includes an Acting Public Trustee appointed under that section while that person is so acting.

insert

section 8.

96 Section 8 amended (Appointment of Public Trustee)

(1) Section 8(1) and (2)

omit

who is an employee

(2) Section 8(5)

omit

97 Sections 9A and 9B inserted

After section 9

insert

9A Staff and facilities for Public Trustee

- (1) The Chief Executive Officer must provide the Public Trustee with staff and facilities to enable the Public Trustee to properly perform the Public Trustee's functions.
- (2) A staff member provided to the Public Trustee under subsection (1) is subject only to the direction of:
 - (a) the Public Trustee; or
 - (b) another such staff member.

9B Delegation

The Public Trustee may delegate any of the Public Trustee's powers and functions under this Act to a person.

98 Section 16 amended (Separate accounts for businesses of estate)

Section 16(3)

omit

Division 4 Residential Tenancies Act 1999

99 Act amended

This Division amends the *Residential Tenancies Act 1999*.

100 Section 99 amended (Hardship)

Section 99(3), at the end

insert

*Example for subsection (3), definition **undue hardship**, paragraph (b)*
A risk of domestic or family violence.

Division 5 Supreme Court Act 1979

101 Act amended

This Division amends the *Supreme Court Act 1979*.

102 Section 37 amended (Oath of office)

After section 37(2)

insert

- (3) Despite subsection (1), a Judge need not take an oath if the Judge has previously taken an oath under this section.

103 Section 41J amended (Oath of office)

(1) Section 41J(1)

omit, insert

- (1) An Associate Judge must take an oath in the form in Schedule 2 before discharging the duties of the office.

(2) Section 41J(2)

omit, insert

- (2) Despite subsection (1), an Associate Judge need not take an oath if the Associate Judge has previously taken an oath under this section.

Part 6 Repeal of Act

104 Repeal of Act

This Act is repealed on the day after it commences.