

NORTHERN TERRITORY OF AUSTRALIA

ATTORNEY-GENERAL LEGISLATION AMENDMENT ACT 2025

Act No. 14 of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 14 of 2025

An Act to amend legislation administered by the Attorney-General

[Assented to 6 June 2025]
[Introduced 19 March 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Attorney-General Legislation Amendment Act 2025*.

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 17 March 2027, it commences on that day.

Part 2 Amendment of Health Care Decision Making Act 2023

3 Act amended

This Part amends the *Health Care Decision Making Act 2023*.

4 Section 54A inserted

After section 54

insert

54A Delegation

- (1) The Senior Practitioner may delegate the Senior Practitioner's powers and functions under this Act to a public sector employee.
- (2) The Senior Practitioner must be satisfied that the employee has the qualifications, clinical experience and personal qualities necessary to exercise the Senior Practitioner's powers and perform the Senior Practitioner's functions.

Part 3 Amendment of Justices of the Peace Act 1991**5 Act amended**

This Part amends the *Justices of the Peace Act 1991*.

6 Section 5 amended (Appointment of justice of the peace)

After section 5(1)

insert

- (1A) The Administrator must not appoint a person under subsection (1) unless the Administrator is satisfied that the person is a fit and proper person to be a justice of the peace.
- (1B) In deciding whether the person is a fit and proper person to be a justice of the peace, the Administrator must have regard to:
 - (a) whether the person has been convicted of an offence in Australia or a foreign country, and if so:
 - (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) the person's age when the offence was committed; and
 - (b) any other matter the Administrator considers relevant to the decision.

7 Section 13 amended (Clerk of the peace)

Section 13(1)

omit

Departmental Head of the department primarily responsible for the administration of this Act shall

insert

Chief Executive Officer must

Part 4 Amendment of Land Title Act 2000**8 Act amended**

This Part amends the *Land Title Act 2000*.

9 Section 44 amended (Issuing of certificates as to title)

Section 44(1)

omit

must,

insert

may,

Part 5 Amendment of Legal Profession Act 2006**10 Act amended**

This Part amends the *Legal Profession Act 2006*.

11 Sections 692A and 692B inserted

Before section 693, in Part 8.1, Division 4

insert

692A Rules not required to be numbered

Section 57 of the *Interpretation Act 1978* does not apply to legal profession rules.

692B Publication of rules

The Law Society must publish legal profession rules on the Society's website as soon as practicable after the rules are made.

Part 6 Amendment of Misuse of Drugs Act 1990**12 Act amended**

This Part amends the *Misuse of Drugs Act 1990*.

13 Schedule 1 amended (Dangerous drugs)**(1) Schedule 1**

omit

Amphetamine	2.00 g	40.00 g
Heroin	2.00 g	40.00 g
Ketamine	0.002 g	0.10 g
Cocaine	2.00 g	40.00 g
Phencyclidine	2.00 g	40.00 g

insert

Acetyl-a-methylfentanyl	0.005 g	0.25 g
Alfentanil	0.005 g	0.25 g
Amphetamine	2.00 g	40.00 g
Butonitazene	0.005 g	0.25 g
Clonitazene	0.005 g	0.25 g
Cocaine	2.00 g	40.00 g
Etodesnitazene	0.005 g	0.25 g
Etonitazene	0.005 g	0.25 g
Etonitazepipne	0.005 g	0.25 g
Etonitazepyne	0.005 g	0.25 g
Fentanyl	0.005 g	0.25 g
Flunitazene	0.005 g	0.25 g
Heroin	2.00 g	40.00 g
Isotonitazene	0.005 g	0.25 g
Ketamine	0.002 g	0.10 g

(2) Schedule 1, after entry for Methylenedioxymethamphetamine (MDMA)

insert

Metodesnitazene	0.005 g	0.25 g
Metonitazene	0.005 g	0.25 g
Phencyclidine	2.00 g	40.00 g
Protonitazene	0.005 g	0.25 g
Sufentanil	0.005 g	0.25 g

14 Schedule 2 amended (Other dangerous drugs)

Schedule 2

omit

Acetyl-a-methylfentanyl	0.005 g	0.25 g
Alfentanil	0.005 g	0.25 g
Clonitazene	5.00 g	250.00 g
Etonitazene	5.00 g	250.00 g
Fentanyl	0.005 g	0.25 g
Sufentanil	0.005 g	0.25 g

Part 7 Amendment of Northern Territory Civil and Administrative Tribunal legislation

Division 1 Northern Territory Civil and Administrative Tribunal Act 2014

15 Act amended

This Division amends the *Northern Territory Civil and Administrative Tribunal Act 2014*.

16 Section 131 amended (Parties bear own costs)

Section 131

omit

sections 132 and 134,

insert

this Division,

17 Section 132 amended (Tribunal may make costs orders)

(1) After section 132(1)

insert

(1A) If a party is substantially successful against another party in a proceeding, the Tribunal may make a costs order under subsection (1) requiring the other party to pay the following costs to the successful party:

- (a) any fee paid by the successful party that was required to be paid under this Act;
- (b) any fee paid by the successful party to serve documents, conduct a search or obtain a similar service that was reasonably necessary to be paid for the purpose of the proceeding.

(2) Section 132(2)

omit

the costs order the

insert

any other costs order under subsection (1), the

(3) Section 132(2)(ba)

omit

**Division 2 Northern Territory Civil and Administrative
Tribunal Regulations 2014****18 Regulations amended**

This Division amends the *Northern Territory Civil and Administrative Tribunal Regulations 2014*.

19 Schedule amended (Fees)

Schedule, item 1.6

omit

2016

insert

2016, Health Care Decision Making Act 2023

**Part 8 Amendment of Oaths, Affidavits and
Declarations Act 2010****20 Act amended**

This Part amends the *Oaths, Affidavits and Declarations Act 2010*.

21 Section 23 amended (Commissioners for oaths)

After section 23(2)

insert

- (3) The Minister must not appoint a person under subsection (2) unless the Minister is satisfied that the person is a fit and proper person to be a commissioner for oaths.
- (4) In deciding whether the person is a fit and proper person to be a commissioner for oaths, the Minister must have regard to:
 - (a) whether the person has been convicted of an offence in Australia or a foreign country, and if so:
 - (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) the person's age when the offence was committed; and

- (b) any other matter the Minister considers relevant to the decision.

Part 9 Amendment of Residential Tenancies Act 1999

22 Act amended

This Part amends the *Residential Tenancies Act 1999*.

23 Section 7 amended (Exemptions)

Section 7(5), after "Sections"

insert

18A, 18B,

24 Section 16 amended (Tenancy Trust Account)

Section 16(1)(a) and (b)

omit

; and

insert

; or

Part 10 Amendment of Sentencing Act 1995

25 Act amended

This Part amends the *Sentencing Act 1995*.

26 Section 3 amended (Interpretation)

- (1) Section 3(1), definition ***home detention condition***, paragraph (a)(i)

omit

order

insert

condition

-
- (2) Section 3(1), definition **home detention condition**, paragraph (a)(ii)

omit, insert

- (ii) a period of time per day determined by the Commissioner for each day the condition is in force; and

27 Section 48 amended (Conditions of order imposed by court)

After section 48(1)

insert

- (1A) The court may impose a home detention condition under subsection (1)(a) for all or part of the duration of the intensive community correction order.

28 Section 53 amended (Fixing of non-parole period by sentencing court)

Section 53(1)

omit

53A, 54,

insert

53AA, 53A,

29 Section 53AA inserted

After section 53

insert

53AA Non-parole periods generally

- (1) This section applies in relation to the sentencing of an offender if:
- (a) the offender has committed an offence that is not an offence to which section 53A, 55, 55A or 148 applies; and
 - (b) a court sentences the offender to be imprisoned for 12 months or longer that is not suspended in whole or in part.
- (2) The court may fix a non-parole period under section 53(1) of 50% of the period of imprisonment that the offender is to serve under the sentence.

-
- (3) If the court fixes a non-parole period of less or more than the period specified in subsection (2), the court must give reasons for doing so.

30 Section 54 repealed (Fixed non-parole period for certain offences)

Section 54

repeal

31 Section 55A amended (Fixed non-parole periods for offences against persons under 16 years)

Section 55A, heading

omit

Fixed

insert

Minimum

32 Section 57 amended (Fixing of new non-parole period in respect of multiple sentences)

Section 57(2)(c)

omit

53A, 54,

insert

53AA, 53A,

Part 11 Amendment of other laws

33 Other laws amended

The Schedule amends the laws mentioned in it.

Part 12 Repeal

34 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Other laws amended

section 33

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Bail Regulations 1983</i>		
regulation 8(1), definition <i>analyst</i> , paragraph (a)	whole paragraph	(a) a person authorised to be an analyst under section 19C of the <i>Traffic Act 1987</i> ;
regulation 18(a)(ii)	whole subparagraph	(ii) the person is authorised to be an analyst under section 19C of the <i>Traffic Act 1987</i> ;
Criminal Code		
section 1, definition <i>encourage</i>	whole definition	
<i>Evidence (National Uniform Legislation) Act 2011</i>		
section 81, note	860	86).
<i>Information Act 2002</i>		
section 49A(b)(ii)	and Community Services	
<i>Local Court Surrogacy Rules 2022</i>		
rule 1	<i>Surrogacy</i>	(<i>Surrogacy</i>)
