

Serial 5
Police Administration Amendment Bill 2024
Mrs Finocchiaro

A Bill for an Act to amend the *Police Administration Act 1978* and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

POLICE ADMINISTRATION AMENDMENT ACT 2024

Act No. [] of 2024

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**Schedule Police Administration Act 1978 further
 amended**



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2024

An Act to amend the *Police Administration Act 1978* and for related purposes

[Assented to [] 2024]
[Introduced [] 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 *Police Administration Amendment Act 2024*.

2 Commencement

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

Part 2 Amendment of Police Administration Act 1978

3 Act amended

This Part amends the *Police Administration Act 1978*.

4 Section 4 amended (Interpretation)

- (1) Section 4(1), definitions ***high risk area*** and ***suspected offence area***
omit

- (2) Section 4(1)

insert

designated scanning area, for Part VII, Division 1C, see section 116K.

school, for Part VII, Division 1C, see section 116K.

- (3) Section 4(1), definitions **hand held scanner** and **hand held scanner authority**

omit

hand held

insert

handheld

5 Section 14 amended (Control and management of Police Force)

- (1) Section 14(1)

omit

a Superintendent or other officer of the Police Force.

insert

any member.

- (2) Section 14(3)

omit

sections 116KB(4) and

insert

section

6 Section 116K amended (Definitions)

- (1) Section 116K, definitions **approved member**, **high risk area** and **suspected offence area**

omit

(2) Section 116K

insert

approved member means a member of or above the rank of Senior Sergeant.

designated scanning area, for a handheld scanner authority, means an area to which the authority applies, as specified in the authority.

school, see section 5 of the *Education Act 2015*.

(3) Section 116K, definitions **hand held scanner** and **hand held scanner authority**

omit

hand held

insert

handheld

(4) Section 116K, definition **use**

omit (all references)

hand held

insert

handheld

7 Sections 116KB to 116KE replaced

Sections 116KB to 116KE

repeal, insert

116KB Use of handheld scanner to be authorised

- (1) Subject to subsection (2), an approved member may, by issuing an authority, authorise the use of a handheld scanner:
- (a) in a designated scanning area; or
 - (b) on public transport vehicles travelling on a public transport route and public transport facilities along the route.

- (2) The approved member must not issue an authority unless:
- (a) the approved member considers the use of handheld scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a firearm, controlled weapon or prohibited weapon in the affected place; and
 - (b) either:
 - (i) any of the following happened in a public place in the affected place in the previous 6 months:
 - (A) an offence was committed by a person armed with a firearm, controlled weapon or prohibited weapon;
 - (B) a violent offence was committed;
 - (C) more than one weapon possession offence was committed; or
 - (ii) the approved member suspects, on reasonable grounds that an offence involving a firearm, controlled weapon or prohibited weapon is being, or is likely to be, committed in a public place or school in the affected place within the next 72 hours.
- (3) A designated scanning area must be no larger than the approved member considers is reasonably necessary to detect or deter the commission of an offence mentioned in subsection (2)(a) in the vicinity of the public place or school to which an authority relates.
- (4) An authority has effect for the period of time, not exceeding 72 hours, specified in the authority.
- (5) An authority issued under this section is a **handheld scanner authority**.
- (6) In this section:

affected place, in relation to a handheld scanner authority, means the designated scanning area or the public transport vehicles travelling on a public transport route and the public transport facilities along the route, for which an authority is proposed to be issued.

controlled weapon, see section 3 of the *Weapons Control Act 2001*.

prohibited weapon, see section 3 of the *Weapons Control Act 2001*.

violent offence, means an offence against the Criminal Code involving the use, or threatened use, of violence against a person, the maximum penalty for which is imprisonment for 7 years or more.

weapon possession offence means an offence against section 6(e), 7(1) or 7A of the *Weapons Control Act 2001*.

116KC Form and effect of handheld scanner authority

A handheld scanner authority must be in writing and specify the following:

- (a) the day and time the authority starts;
- (b) the period of time, referred to in section 116KB(4), that the authority will be in effect;
- (c) the place for which the authority is issued, as follows:
 - (i) for a designated scanning area – a description or map of the area;
 - (ii) for a public transport route – a brief description of the route.

Examples for paragraph (c)(ii)

- 1 *Bus Route No. 4 (Darwin – Casuarina).*
- 2 *Bus Route No. 100-101 (Braitling and Ciccone).*
- 3 *Ferry operating between Cullen Bay and Mandorah.*

116KD Authorised use of handheld scanner without warrant in designated scanning area

- (1) Subsections (2) to (7) apply if a handheld scanner authority is in effect for a designated scanning area.
- (2) Subject to subsection (6), a member may, without a warrant, require a person to stop and submit to the use of a handheld scanner in a public place in the designated scanning area, including:
 - (a) in a public place at a public transport facility in the area; and
 - (b) on board a public transport vehicle that is in the area.

- (3) If a member starts to exercise a power in relation to a person under this section while on board a public transport vehicle travelling in the designated scanning area, the member may continue to exercise the power in relation to the person if the vehicle travels out of the area.
- (4) Subject to subsection (6), if a member has consent under subsection (5) to enter a school in the designed scanning area, the member may, without a warrant, require a person in the school to stop and submit to the use of a handheld scanner.
- (5) The principal, or an employee authorised in writing by the principal, may give consent for members to enter the school to exercise the powers under this Division.
- (6) A member must not require a person who is in a private vehicle to stop and submit to the use of a handheld scanner.
- (7) In this section:
 - employee** includes the following:
 - (a) a public sector employee;
 - (b) an employee of a school.

principal, see section 5 of the *Education Act 2015*.

116KE Authorised use of handheld scanner without warrant on public transport route

- (1) Subsections (2) to (4) apply if a handheld scanner authority is in effect for a public transport route.
- (2) Subject to subsection (4), a member may, without a warrant, require a person to stop and submit to the use of a handheld scanner:
 - (a) in a public place at a public transport facility along the route; or
 - (b) on board a public transport vehicle while the vehicle is travelling on the route.
- (3) If a member starts to exercise a power in relation to a person under this section while on board a public transport vehicle travelling on the route, the member may continue to exercise the power in relation to the person if the vehicle travels onto another route.
- (4) A member must not require a person who is in a private vehicle to stop and submit to the use of a handheld scanner.

8 Section 116KK repealed (Notice of hand held scanner authority to be published)

Section 116KK

repeal

9 Section 116KL amended (Effect of Division on power to search person without warrant)

(1) Section 116KL, heading

omit

without warrant

(2) Section 116KL(1)

omit

hand held

insert

handheld

(3) Section 116KL(2)

omit, insert

- (2) This Division does not limit or prevent the use of a handheld scanner by a member when exercising a power to search a person, whether with or without a warrant, that a member has under another Division of this Part or under any other Act.

10 Section 116KN repealed (Approval of certain members)

Section 116KN

repeal

11 Section 116KO amended (Annual report on use of hand held scanners)

(1) Section 116KO, heading

omit

hand held

insert

handheld

- (2) Section 116KO(2)(a)

omit

hand held

insert

handheld

- (3) Section 116KO(2)(b) and (c)

omit, insert

(b) the areas for which the authorities were issued.

12 Sections 116KP and 116KQ repealed

Sections 116KP and 116KQ

repeal

13 Part X, Division 8 inserted

After section 174

insert

Division 8 Police Administration Amendment Act 2024

175 Handheld scanner authority in effect before commencement

- (1) This Act, as in force immediately before the commencement, continues to apply in relation to a handheld scanner authority issued under section 116KB that is in effect immediately before the commencement.

- (2) In this section:

commencement means the commencement of Part 2 of the *Police Administration Amendment Act 2024*.

14 Act further amended

The Schedule has effect.

Part 3 Consequential amendment of Surveillance Devices Regulations 2008

15 Regulations amended

This Part amends the *Surveillance Devices Regulations 2008*.

16 Regulation 4 amended

Regulation 4(ga)

omit

Part 4 Repeal

17 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Police Administration Act 1978 further amended

section 14

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part VII, Division 1C, heading	hand held	handheld
section 116KF, heading	hand held	handheld
sections 116KF(1), 116KH(1) and 5(d) and 116Kl(1)(a)(i) and (ii)	hand held <i>(all references)</i>	handheld
