

Serial 44

Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Bill 2025

Mrs Finocchiaro

A Bill for an Act to amend the *Housing Act 1982*, the *Housing Regulations 1983*, the *Public Transport (Passenger Safety) Act 2008*, the *Surveillance Devices Regulations 2008* and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

HOUSING, TRANSPORT AND SURVEILLANCE DEVICES LEGISLATION AMENDMENT (POLICE PUBLIC SAFETY OFFICERS) ACT 2025

Act No. [] of 2025

Table of provisions

Part 1 Preliminary matters

1	Short title	1
2	Commencement	1

Part 2 Amendment of housing legislation

Division 1 Housing Act 1982

3	Act amended	1
4	Section 5 amended (Definitions).....	2
5	Part 7 heading, Part 7, Division 1 and Part 7, Division 2 heading replaced	2
	Part 7 Authorised officers and police officers	
	Division 1 Authorised officers	
	28Q Appointment of authorised officers	
	28R Identity card	
	28T Internal review of authorised officers	
	Division 2 Relationship with other Acts	
6	Section 28X replaced	4
	28X Powers of police officers under other Acts	
7	Section 28YA replaced	4
	28YA Obligation to inform tenant of agreement	
8	Section 30A amended (Protection of public housing safety officers).....	4
9	Part 8, Division 1A inserted	5
	Division 1A Information sharing	
	35A Definition	
	35B Sharing information	
	35C Restriction on use or disclosure of information	
	35D Interaction with other laws	
10	Part 13 inserted	6
	Part 13 Transitional Matters for Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Act 2025	

	Division 1	Definitions	
52	Definitions		
	Division 2	Public housing safety officers	
53	Appointed PHSOs taken to be authorised officers		
54	Directions given before commencement		
55	Items seized before commencement		
56	Offence for failing to return identity card		
57	Agreements with community housing provider		
58	CEO certification		
	Division 3	Review of complaint in relation to public housing safety officers	
59	Definition		
60	Complaint in relation to public housing safety officer not made before commencement		
61	Complaint in relation to public housing safety officer not determined before commencement		
	Division 4	Review of decisions	
62	Review of original decisions made by public housing safety officer		
	Division 5	Offences	
63	Offences – before and after commencement		
11	Act further amended		9

Division 2 Housing Regulations 1983

12	Regulations amended.....	9
13	Regulation 3A repealed	9
14	Regulation 5C amended (Concurrent leases).....	9
15	Regulation 13 amended (Contents of seizure receipt).....	10
16	Regulation 15 amended (When infringement notice may be given).....	10
17	Regulation 18 amended (Withdrawal of infringement notice)	10
18	Schedule 1 repealed.....	11

Part 3 Amendment of Public Transport (Passenger Safety) Act 2008

19	Act amended	11
20	Section 3 amended (Definitions).....	11
21	Section 7 amended (Ex officio transit officers).....	11
22	Section 10 amended (Disqualifying offences).....	11
23	Section 11 amended (Code of conduct)	12
24	Section 12 amended (Protection from liability)	12
25	Section 27 amended (Arrest and detention)	12
26	Section 27B amended (Capsicum spray and restraints).....	13
27	Section 27C amended (Reasonably necessary).....	13
28	Section 27D amended (Director to manage use of force).....	14

29	Section 28 amended (Search and seizure of dangerous articles).....	14
30	Section 28A amended (Power to issue banning notice)	14
31	Section 28B amended (Requirements before giving banning notice).....	15
32	Section 28C amended (Contents of banning notice)	15
33	Section 28D amended (Effect of banning notice)	15
34	Section 28E amended (Variation or revocation of banning notice).....	15
35	Section 28G inserted	16
	28G Powers of police officers under other Acts	
36	Section 29 amended (Internal review)	16
37	Section 29A inserted	16
	29A Sharing information	
38	Part 6 inserted	17
	Part 6 Transitional Matters for Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Act 2025	
	38 Definitions	
	39 Complaint in relation to police officer not made before commencement	
	40 Complaint in relation to police officer not determined before commencement	

Part 4 Amendment of Surveillance Devices Regulations 2008

39	Regulations amended.....	18
40	Regulation 4 amended (Use, communication or publication of police body-worn video).....	19

Part 5 Other laws amended

41	Other laws amended	20
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Part 6 Repeal of Act

42	Repeal of Act.....	20
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Schedule 1 Housing Act 1982 further amended

Schedule 2 Other laws amended



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

5

An Act to amend the *Housing Act 1982*, the *Housing Regulations 1983*, the *Public Transport (Passenger Safety) Act 2008*, the *Surveillance Devices Regulations 2008* and for related purposes

10

[Assented to [] 2025]
[Introduced [] 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

15

This Act may be cited as the *Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Act 2025*.

2 Commencement

20

- (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 18 October 2027, it commences on that day.

Part 2 Amendment of housing legislation

Division 1 Housing Act 1982

3 Act amended

25

This Division amends the *Housing Act 1982*.

4 Section 5 amended (Definitions)

(1) Section 5, definitions ***appointed PHSO, disqualifying offence*** and ***public housing safety officer***

omit

5 (2) Section 5

insert

authorised officer means a person appointed to be an authorised officer under section 28Q.

CHP premises, see section 28YB(1).

10 ***information sharing entity***, for Part 8, Division 1A, see section 35A.

5 Part 7 heading, Part 7, Division 1 and Part 7, Division 2 heading replaced

Part 7, heading, Part 7, Division 1 and Part 7, Division 2 heading

15 *repeal, insert*

Part 7 Authorised officers and police officers

Division 1 Authorised officers

28Q Appointment of authorised officers

20 The CEO may appoint a person who is a public sector employee of the Agency to be an authorised officer.

28R Identity card

(1) The CEO must give an authorised officer an identity card stating the person's name and that the person is an authorised officer.

(2) The identity card must:

25 (a) display a recent photograph of the authorised officer; and

(b) state the card's date of issue; and

(c) be signed by the officer.

- (3) This section does not prevent the issue of a single identity card to a person for this and another Act.
- (4) An authorised officer must show the officer's identity card for inspection if asked to do so by any person present during the performance of a function or the exercise of a power under this Act.
- (5) If an authorised officer does not comply with a request under subsection (2), the officer must immediately cease performing the function or exercising the power under this Act.

28S Return of identity card

- (1) A person commits an offence of strict liability if the person:
- (a) ceases to be an authorised officer; and
 - (b) fails to return the person's identity card to the CEO within 14 days after the cessation.

Maximum penalty: 20 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

28T Internal review of authorised officers

- (1) The CEO must establish a system of administrative review for dealing effectively with complaints about the conduct of authorised officers.

Note for subsection (1)

Part 7 of the Ombudsman Act 2009 provides for complaints in relation to the conduct of police officers.

- (2) The procedures for making a complaint, and the procedures on review, must be published on the Agency's website.
- (3) This section does not limit a person's right to make a complaint to the Ombudsman under the *Ombudsman Act 2009*.

Division 2 Relationship with other Acts

6 Section 28X replaced

Section 28X

repeal, insert

28X Powers of police officers under other Acts

5 Nothing in this Act limits or prevents the exercise of a power granted to a police officer under any other Act.

7 Section 28YA replaced

Section 28YA

repeal, insert

10 **28YA Obligation to inform tenant of agreement**

As soon as reasonably practicable after entering into an agreement under section 28Y, the community housing provider must give the tenant of each premises specified in the agreement written notice of the making of the agreement.

15 **8 Section 30A amended (Protection of public housing safety officers)**

(1) Section 30A, heading

omit

public housing safety officers

20 *insert*

authorised officers and police officers

(2) Section 30A(1)

omit

as a public housing safety officer

25 *insert*

under this Act as an authorised officer or a police officer

(3) After section 30A(2)

insert

5

(2A) This section is subject to Part VIIA of the *Police Administration Act 1978* to the extent that it relates to the civil liability of a person who is or was a police officer at the time of the act or omission.

9 Part 8, Division 1A inserted

After section 35

insert

Division 1A Information sharing

10

35A Definition

In this Division:

information sharing entity means each of the following:

15

- (a) the CEO;
- (b) the Chief Executive Officer (Housing);
- (c) a community housing provider;
- (d) an authorised officer;
- (e) a police officer.

35B Sharing information

20

(1) Subject to subsection (2), an information sharing entity may give another information sharing entity information obtained by the entity under this Act or the *Residential Tenancies Act 1999* in relation to any of the following persons:

25

- (a) a tenant of public housing premises;
- (b) a recognised occupier;
- (c) a tenant of premises specified in an agreement entered into under section 28Y;
- (d) a person who a tenant of premises mentioned in paragraph (c) has notified the landlord is or will be occupying the premises;
- (e) a person issued with a direction under section 28E(2) or (3).

- 5 (2) The information sharing entity that holds the information mentioned in subsection (1) may only give the information to another information sharing entity if the entity believes on reasonable grounds that the information would assist the other information sharing entity to provide a service, exercise a power or perform a function under this Act or the *Residential Tenancies Act 1999*.

35C Restriction on use or disclosure of information

10 An information sharing entity given information under section 35B must not use or disclose the information for any purpose other than providing a service, or performing a function, under this Act or the *Residential Tenancies Act 1999*.

35D Interaction with other laws

This Division has effect despite the operation of any other law of the Territory that prohibits or restricts the disclosure of the information.

15 **10 Part 13 inserted**

After section 51

insert

20 **Part 13 Transitional Matters for Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Act 2025**

Division 1 Definitions

52 Definitions

In this Part:

25 ***amending Act*** means the *Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Act 2025*.

commencement means the commencement of section 3 of the amending Act.

Division 2 Public housing safety officers

53 Appointed PHSOs taken to be authorised officers

5 A person who held office as an appointed PHSO under repealed section 28Q(1) immediately before the commencement, is taken to be an authorised officer appointed under section 28Q after the commencement.

54 Directions given before commencement

10 A direction given by a public housing safety officer in effect before the commencement under section 28E(3), continues after the commencement for the period specified in the notice under section 28F.

55 Items seized before commencement

- 15 (1) Any article or container seized by a public housing safety officer under section 28G as in force immediately before the commencement, continues to be dealt with under section 28G, as if Part 2, Division 1 of the amending Act had not commenced.
- (2) An authorised officer may deal with a matter mentioned in subsection (1) after the commencement.

56 Offence for failing to return identity card

20 Despite section 6 of the amending Act, section 28S as in force immediately before the commencement, continues to apply after the commencement in relation to a person who was an appointed PHSO.

57 Agreements with community housing provider

25 Any reference to a public housing safety officer in an agreement mentioned in section 28Y that was in effect immediately before the commencement is taken to be a reference to a police officer after the commencement.

58 CEO certification

30 Despite the amendments to section 36E by the amending Act, the CEO may, after the commencement, certify that a person was on a particular day or for a particular period before the commencement a public housing safety officer.

Division 3 Review of complaint in relation to public housing safety officers

59 Definition

In this Division:

5 ***former complaint review provision*** means section 28X as in force immediately before the commencement.

60 Complaint in relation to public housing safety officer not made before commencement

10 (1) This section applies to a person if, immediately before the commencement, the person:

(a) was entitled to make a complaint in relation to the conduct of a public housing safety officer under the former complaint review provision; and

15 (b) had not yet made a complaint in relation to the conduct of the public housing safety officer.

(2) The person may make a complaint in relation to the conduct of the public housing safety officer under the former complaint review provision, as if the former complaint review provision had not been repealed.

20 (3) The complaint must be dealt with in accordance with the former complaint review provision, as if the former complaint review provision had not been repealed.

61 Complaint in relation to public housing safety officer not determined before commencement

25 (1) Subsection (2) applies in relation to a complaint relating to a public housing safety officer that:

(a) was made by a person under the former complaint review provision before the commencement; and

30 (b) had not been finally dealt with in accordance with the former complaint review provision before the commencement.

(2) The complaint must be dealt with in accordance with the former complaint review provision, as if the former complaint review provision had not been repealed.

Division 4 Review of decisions

62 Review of original decisions made by public housing safety officer

5 Part 6 continues to apply after the commencement in relation to an original decision that was made before the commencement by a public housing safety officer.

Division 5 Offences

63 Offences – before and after commencement

- 10 (1) Sections 36B and 36C, as amended by the amending Act, apply only in relation to offences committed after the commencement.
- (2) Sections 36B and 36C, as in force before the commencement, continue to apply in relation to offences committed before the commencement.
- 15 (3) For this section, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

11 Act further amended

Schedule 1 has effect.

Division 2 Housing Regulations 1983

12 Regulations amended

This Division amends the *Housing Regulations 1983*.

13 Regulation 3A repealed

Regulation 3A

repeal

14 Regulation 5C amended (Concurrent leases)

- 25 (1) Regulation 5C(3) and (5)

omit

(2) Regulation 5C(4)

omit

or to provide the tenant's personal information or health information as mentioned in subregulation (3)

5 **15 Regulation 13 amended (Contents of seizure receipt)**

Regulation 13(e)

omit

public housing safety

insert

10 police

16 Regulation 15 amended (When infringement notice may be given)

Regulation 15

omit

15 a public housing safety officer

insert

an authorised officer or a police officer

17 Regulation 18 amended (Withdrawal of infringement notice)

Regulation 18(1)

20 *omit, insert*

(1) The following may withdraw the infringement notice by written notice given to the person:

(a) if the infringement notice was given to the person by an authorised officer – the CEO;

25 (b) if the infringement notice was given to the person by a police officer – the Commissioner of Police.

18 Schedule 1 repealed

Schedule 1

repeal

Part 3 Amendment of Public Transport (Passenger Safety) Act 2008

19 Act amended

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

20 Section 3 amended (Definitions)

Section 3

insert

issuing officer, see section 28A(2).

21 Section 7 amended (Ex officio transit officers)

(1) Section 7(1)(a)

omit, insert

(a) a police officer;

(2) Section 7(2)(b) and (c)

omit, insert

(b) if the Director suspends an ex officio transit officer who is a security officer or bus driver under section 10(2), the security officer or bus driver is not authorised to exercise powers as a transit officer while the suspension is in place; and

(c) a security officer or bus driver who is found guilty of a disqualifying offence ceases to hold office as a transit officer.

22 Section 10 amended (Disqualifying offences)

Before section 10(1)

insert

(1AA) This section does not apply to an ex officio transit officer who is a police officer.

23 Section 11 amended (Code of conduct)

Section 11(1) and (3)

omit

member of the Police Force

5 *insert*

police officer

24 Section 12 amended (Protection from liability)

Section 12(2)(b) and (3)

omit

10 member of the Police Force

insert

police officer

25 Section 27 amended (Arrest and detention)

(1) Section 27(2)

15 *omit*

A person arrested and detained under this section

insert

20 If a transit officer, other than an ex officio transit officer who is a police officer, arrests and detains a person under this section, the person

(2) Section 27(2), note

omit

Note

insert

25 *Note for subsection (2)*

(3) Section 27(2), note

omit (all references)

member of the Police Force

insert

5 *police officer*

26 Section 27B amended (Capsicum spray and restraints)

(1) Section 27B

omit

referred to in section 7(1)(b) or (c)

10 (2) Section 27B, at the end

insert

Note for section 27B

15 *A police officer is permitted to possess and use devices that discharge oleoresin capsicum spray and restraints in the course of the performance of their duties as a police officer as determined by the Commissioner of Police under section 14A of the Police Administration Act 1978.*

27 Section 27C amended (Reasonably necessary)

(1) Section 27C, before "Despite"

insert

20 (1)

(2) Section 27C, at the end

insert

(2) This section does not apply to an ex officio transit officer who is a police officer.

25 *Note for subsection (2)*

The lawful use of force by a police officer in the course of the performance of their duties as a police officer is determined by the Commissioner of Police under section 14A of the Police Administration Act 1978.

28 Section 27D amended (Director to manage use of force)

After section 27D(2)

insert

- 5 (3) This section does not apply to an ex officio transit officer who is a police officer.

29 Section 28 amended (Search and seizure of dangerous articles)

- (1) Section 28(7), after "officer"

, other than an ex officio transit officer who is a police officer,

- 10 (2) Section 28(7)

omit

member of the Police Force

insert

police officer

15 **30 Section 28A amended (Power to issue banning notice)**

- (1) Section 28A(1), after "power"

insert

under subsection (2)

- (2) After section 28A(1)

20 *insert*

- (1A) An ex officio transit officer who is a police officer is authorised to exercise the power under subsection (2) to issue banning notices.

- (3) Section 28A(2)

omit

25 A transit officer, authorised by the Director,

insert

A transit officer who is authorised under subsection (1) or (1A) (an **issuing officer**)

31 Section 28B amended (Requirements before giving banning notice)

Section 28B(1) and (2)

omit

5

a transit

insert

an issuing

32 Section 28C amended (Contents of banning notice)

Section 28C(b) and (c)

10

omit

transit

insert

issuing

33 Section 28D amended (Effect of banning notice)

15

Section 28D(5)

omit

a transit

insert

an issuing officer

20

34 Section 28E amended (Variation or revocation of banning notice)

Section 28E(6)

omit

transit

25

insert

issuing

35 Section 28G inserted

After section 28F, in Part 4

insert

28G Powers of police officers under other Acts

5 Nothing in this Act limits or prevents the exercise of a power granted to a police officer under any other Act.

36 Section 29 amended (Internal review)

(1) Section 29(1)

omit

10 officers.

insert

officers, other than ex officio transit officers who are police officers.

(2) After section 29(1)

insert

15 *Note for subsection (1)*

Part 7 of the Ombudsman Act 2009 provides for complaints in relation to the conduct of a police officer.

37 Section 29A inserted

After section 29

20 *insert*

29A Sharing information

(1) Subject to subsection (2), an information sharing entity may give another information sharing entity any information held by the entity in relation to the following:

- 25
- (a) a banning notice issued under section 28A;
 - (b) an infringement notice issued under section 35;
 - (c) a direction or warning issued by the Director to a person under the *Trespass Act 2023* in relation to a place mentioned in section 23.

5 (2) The information sharing entity that holds the information mentioned in subsection (1) may only give the information to another information sharing entity if the entity believes on reasonable grounds that the information would assist the other information sharing entity to exercise a power or perform a function under this Act.

(3) An information sharing entity given information under this section must not use or disclose the information for any purpose other than exercising a power or performing a function under this Act.

10 (4) This section has effect despite the operation of any other law of the Territory that prohibits or restricts the disclosure of the information.

(5) In this section:

information sharing entity means the following:

(a) the Director;

15 (b) a transit officer;

(c) a police officer.

38 Part 6 inserted

After section 37

insert

20 Part 6 Transitional Matters for Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Act 2025

38 Definitions

25 In this Part:

amending Act means the *Housing, Transport and Surveillance Devices Legislation Amendment (Police Public Safety Officers) Act 2025*.

30 ***commencement*** means the commencement of section 19 of the amending Act.

former complaint review provision means section 29 as in force immediately before the commencement.

39 Complaint in relation to police officer not made before commencement

(1) This section applies to a person if, immediately before the commencement, the person:

5 (a) was entitled to make a complaint in relation to the conduct of an ex officio transit officer who is a police officer under the former complaint review provision; and

(b) had not yet made a complaint in relation to the conduct of an ex officio transit officer who is a police officer.

10 (2) The person may make a complaint in relation to the conduct of the ex officio transit officer who is a police officer under the former complaint review provision, as if section 36 of the amending Act had not commenced.

15 (3) The complaint must be dealt with in accordance with the former complaint review provision, as if section 36 of the amending Act had not commenced.

40 Complaint in relation to police officer not determined before commencement

20 (1) Subsection (2) applies in relation to a complaint relating to a police officer that:

(a) was made by a person under the former complaint review provision before the commencement; and

(b) had not been finally dealt with in accordance with the former complaint review provision before the commencement.

25 (2) The complaint must be dealt with in accordance with the former complaint review provision, as if section 36 of the amending Act had not commenced.

Part 4 Amendment of Surveillance Devices Regulations 2008**30 39 Regulations amended**

This Part amends the *Surveillance Devices Regulations 2008*.

40 Regulation 4 amended (Use, communication or publication of police body-worn video)

(1) Regulation 4, before "For"

insert

5 (1)

(2) Regulation 4(h)(ii)

omit

information.

insert

10 information;

(3) After regulation 4(h)

insert

15 (i) the enforcement, variation or revocation of a banning notice issued under the *Public Transport (Passenger Safety) Act 2008*;

(j) the entering into, or the investigation of a breach of, an acceptable behaviour agreement under the *Housing Act 1982*;

(k) the review of an original decision under the *Housing Act 1982*.

(4) Regulation 4, at the end

20 *insert*

(2) In this regulation:

acceptable behaviour agreement, see section 5 of the *Housing Act 1982*.

25 ***banning notice***, see section 3 of the *Public Transport (Passenger Safety) Act 2008*.

original decision, see section 5 of the *Housing Act 1982*.

Part 5 Other laws amended

41 Other laws amended

Schedule 2 amends the Acts mentioned in it.

Part 6 Repeal of Act

5 **42 Repeal of Act**

This Act is repealed on the day after it commences.

Schedule 1 Housing Act 1982 further amended

section 11

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 28D(1)	a public housing safety officer	an authorised officer or a police officer
section 28D(2), (3) and (4)	public housing safety officer	authorised officer or police officer
section 28E(1)	a public housing safety officer	an authorised officer or a police officer
section 28E(2) and (3)	public housing safety officer	authorised officer or police officer
section 28F, heading	to leave	
section 28F(1)	A public housing safety officer	An authorised officer or a police officer
section 28F(2)	a public housing safety officer	an authorised officer or a police officer
section 28F(4)(b)	public housing safety officer	authorised officer or police officer
section 28G(1), (2), (3), (4) and (5)	public housing safety officer	police officer
section 28G(4)(a)	whole paragraph	(a) for a seized item that is a dangerous article – retain the dangerous article; or
section 28G(4)(b)(ii)	or give it to a police officer	
section 28G(6)	a public housing safety officer	a police officer

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 28G(8)	a public housing safety officer or	
section 28H, heading	public housing safety officer	authorised officer or police officer
section 28H	of a public housing safety officer	
section 28H(a) and (b), after "decision"		of an authorised officer or a police officer
section 28H(c), after "decision"		of a police officer
section 28W(1) and (3)	A public housing safety officer	An authorised officer or a police officer
section 28W(2) and (4)	a public housing safety officer	an authorised officer or a police officer
Part 7, Division 3, heading, after " powers "		of police officers
section 28Y(1)	public housing safety officers	police officers
section 28YB(2)	public housing safety officer may exercise any of the powers conferred	police officer may exercise any of the powers conferred on a police officer
section 28YB(3) and (4)	public housing safety officer	police officer
section 28YB(5), definition <i>applied provisions</i> , paragraph (b)	whole paragraph	(b) section 28W.
section 31	a public housing safety officer	an authorised officer or a public officer

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 36(5), definition Chief Executive Officer (Housing)	(Housing), but does not include a public housing safety officer	(Housing)
section 36B, heading	public housing safety officer	authorised officer or police officer
section 36B(1)(b), (2)(b) and (4)(a) and (b)	a public housing safety officer	an authorised officer or a police officer
section 36B(1)(d) and (2)(d)	a police officer or otherwise as a public housing safety officer	an authorised officer or a police officer
section 36C, heading	public housing safety officer	authorised officer or police officer
section 36C(1)(a)	as a police officer or otherwise as a public housing safety officer	an authorised officer or a police officer
section 36C(1)(b)	a police officer, or otherwise is a public housing safety officer,	an authorised officer or a police officer
section 36E(1)	a public housing safety officer	an authorised officer

Schedule 2 Other laws amended

section 41

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Alcohol Harm Reduction Regulations 2017</i>		
regulation 3(1)(e)	whole paragraph	(e) a person appointed as an authorised officer under section 28Q of the <i>Housing Act 1982</i> ;
<i>Northern Territory Government and Public Authorities' Superannuation Scheme Rules 1986</i>		
rule 1, definition <i>contribution salary</i> , paragraph (a)(i), after "Auxiliary"		or a Police Public Safety officer
rule 1, definition <i>contribution salary</i> , paragraph (b), after "Auxiliary"		, a Police Public Safety Officer
<i>Superannuation Act 1986</i>		
section 45E(1), definition <i>benefit salary</i> , paragraph (b), after "auxiliary"		or a Police Public Safety officer appointed under section 19 of the <i>Police Administration Act 1978</i>