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Explanatory Statement

POLICE ADMINISTRATION AMENDMENT BILL 2021

SERIAL NO. .11.....

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

MINISTER FOR POLICE, FIRE AND EMERGENCY SERVICES

GENERAL OUTLINE

This Bill amends the *Police Administration Act 1978*. The purpose of this Bill is to insert an additional power of entry into section 126. The Bill also modernises and simplifies the language of current section 126.

NOTES ON CLAUSES

Part 1

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Police Administration Amendment Act 2021*.

Clause 2. Commencement

This clause sets out how the amendment Act will be commenced. In this case the amendment Act will commence on the day fixed by the Administrator by Gazette Notice.

Part 2

Clause 3. Act Amended

This clause identifies the *Police Administration Act 1978* as the Act amended by Part 2 of the Bill.

Clause 4. Section 126 replaced

This clause repeals section 126 and inserts new sections.

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New section 126 replaces current section 126(1). New section 126 utilises a cleaner drafting style and removes gendered language to better express the pre-existing power for police to enter a place for the purpose of arresting a person under a warrant. The scope and operation of the power are unchanged.

New section 126A replaces current section 126(2). New section 126A utilises a cleaner drafting style and removes gendered language to better express the pre-existing power for police to enter a place, without a warrant, for the purpose of arresting a person for an offence punishable by a term of imprisonment exceeding six months. The scope and operation of the power are unchanged.

New section 126B replaces current section 126(2A). New section 126B inserts a new power to allow police to enter a place, without warrant, for the purpose of protecting a child at the place, where police have reasonable grounds to believe that there is a serious and imminent risk to the welfare of a child at the place. New section 126B also removes gendered language and states the lawful purposes for which these powers were intended to be used.

New section 126C replaces current sections 126(2AA), 126(2AB) and 126(2AC). New section 126C modernises the language of these provisions and better clarifies the power to search for and seize firearms, offensive weapons or other articles capable of being used to inflict an injury when police exercise a power of entry under new section 126B. The scope and operation of the power are unchanged.

New section 126D provides the ancillary powers available to effect the powers of entry under new sections 126, 126A and 126B. New section 126D collates these ancillary powers to avoid unnecessary duplication.

Part 3

Clause 5. Act Amended

This clause identifies the *Firearms Act 1997* as the Act amended by Part 3 of the Bill.

Clause 6. Section 99 amended (Retention of certain seized firearms)

Consequential amendment to section 99 to refer to new section 126C(2) of the *Police Administration Act 1978*.

Clause 7. Section 99A amended (Storage of certain firearms)

Amends section 99A(1)(a) to include reference to firearms seized under section 126C(2) of the *Police Administration Act 1978*.

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Part 4

Clause 8. Repeal of Act

This clause repeals the Act on the day after it commences.