

# NORTHERN TERRITORY OF AUSTRALIA

## CROSS-BORDER JUSTICE REGULATIONS 2009

As in force at 24 May 2018

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# **NORTHERN TERRITORY OF AUSTRALIA**

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As in force at 24 May 2018

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## **CROSS-BORDER JUSTICE REGULATIONS 2009**

### **Regulations under the *Cross-border Justice Act 2009***

#### **Part 1 Preliminary matters**

##### **1 Citation**

These Regulations may be cited as the *Cross-border Justice Regulations 2009*.

##### **2 Commencement**

- (1) Part 3, Division 16 and regulation 69 commence on 1 December 2009.
- (2) The remaining provisions of these Regulations commence on 1 November 2009.

#### **Part 2 Cross-border region**

##### **3 NT/SA/WA region**

- (1) The NT/SA/WA region is a cross-border region that:
  - (a) straddles the borders between the Territory, South Australia and Western Australia; and
  - (b) is described in the Schedule, Part 1.
- (2) The map in Schedule 1, Part 2 indicates the areas in the NT/SA/WA region in which police officers of participating jurisdictions may be stationed or carry out duties.

## **Part 3                      Modifications of laws of the Territory**

### **Division 1                Interpretation**

#### **4                      Terms used in modifications**

A term defined in section 7 of the Act has the same meaning in a modification prescribed by these Regulations.

### **Division 3                Bail Act 1982**

#### **7                      Act modified**

This Division prescribes modifications to the *Bail Act 1982*.

#### **8                      Modification of section 3 (Interpretation)**

- (1)                      Section 3(1), definition ***authorised member***

*omit*

- (2)                      Section 3(1)

*insert (in alphabetical order)*

***audio link*** means facilities (including telephone) that enable, at the same time, a person at one place to hear another person at another place and vice versa.

***authorised member*** means:

- (a) a police officer who:
  - (i) holds the rank of Sergeant or a higher rank; or
  - (ii) is for the time being in charge of a police station in the Territory; or
- (b) a police officer of another participating jurisdiction:
  - (i) who:
    - (A) holds the rank of Sergeant or a higher rank; or
    - (B) is for the time being in charge of a police station in the participating jurisdiction; and
  - (ii) who holds a secondary office as a police officer of the Territory.

**deputy sheriff** means a person holding or occupying the office of:

- (a) deputy sheriff mentioned in section 5(1)(b) of the *Sheriff Act 1962*; or
- (b) deputy sheriff established by section 6(1) of the *Sheriff's Act 1978* (SA); or
- (c) deputy mentioned in section 158(1) of the *Supreme Court Act 1935* (WA).

**officer in charge**, of a prison, means:

- (a) for a prison in the Territory – the General Manager as defined in section 10 of the *Correctional Services Act 2014*; or
- (b) for a prison in SA – the manager as defined in section 4(1) of the *Correctional Services Act 1982* (SA); or
- (c) for a prison in WA – a superintendent as defined in section 3(1) of the *Prisons Act 1981* (WA).

**sheriff** means the person holding or occupying the office of sheriff:

- (a) mentioned in section 5(1)(a) of the *Sheriff Act*; or
- (b) established by section 5(1) of the *Sheriff's Act 1978* (SA); or
- (c) established by section 156(1) of the *Supreme Court Act 1935* (WA).

**video link** means facilities (including closed circuit television) that enable, at the same time, a person at one place to see and hear another person at another place and vice versa.

**9                      Modification of section 16 (Authority for police to grant bail)**

Section 16(5)

*omit*

**10                     Modification of section 20 (Power of Local Court to grant bail)**

Section 20(2)

*omit*

telephone

*substitute*

audio or video link

**11 Modification of section 26 (Persons to whom bail undertaking may be given)**

Section 26(e)

*omit*

all the words from "within" to "Act".

**12 Modification of section 33 (Review)**

Section 33(4)

*omit*

telephone, telex, radio

*substitute*

audio or video link, telex

**Division 4 Child Protection (Offender Reporting and Registration) Act 2004**

**13 Act modified**

This Division prescribes modifications to the *Child Protection (Offender Reporting and Registration) Act 2004*.

**14 Modification of sections 15, 19, 52 and 55**

Sections 15(1)(b), (2)(b) and (3)(b), 19(4), 52(2)(b) and 55(1)(a)

*omit*

custody in the Territory

*substitute*

custody in the Territory or government custody in a participating jurisdiction under a law of the Territory



## **Division 4A Correctional Services Act 2014**

### **14A Act modified**

This Division prescribes modifications to the *Correctional Services Act 2014*.

### **14B Modification of section 4 (Definitions)**

Section 4, definition ***probation and parole officer***

*omit, insert*

***probation and parole officer*** means:

- (a) a person appointed as a probation and parole officer under section 25(1); or
- (b) a community corrections officer of another participating jurisdiction.

### **14C Modification of section 8 (Committal or remand into the custody of the Commissioner)**

After section 8(2)

*insert*

- (3) A person is ***committed or remanded into the custody of the Commissioner*** if a custodial order of a participating jurisdiction is in force in relation to the person.

## **Division 5 Director of Public Prosecutions Act 1990**

### **15 Act modified**

This Division prescribes modifications to the *Director of Public Prosecutions Act 1990*.

### **16 Modification of section 22 (Appearance by Director)**

Section 22(b)

*omit, substitute*

- (b) where the proceedings are cross-border proceedings in the Local Court or Youth Justice Court, by:
  - (i) a legal practitioner; or
  - (ii) a police officer; or

- (iii) a police officer of another participating jurisdiction, but only if the person who is the subject of the proceeding has a connection with a cross-border region that is partly in the other jurisdiction.

## **Division 6          Domestic and Family Violence Act 2007**

### **17          Act modified**

This Division prescribes modifications to the *Domestic and Family Violence Act 2007*.

### **18          New section 91A**

After section 91

*insert*

### **91A          Notification of DVO made in cross-border proceeding**

- (1) This section applies in relation to a DVO made by a prescribed court of the Territory if:
  - (a) the DVO is made or varied in a cross-border proceeding for the purposes of which the defendant has a connection with a cross-border region; and
  - (b) the protected person indicates at the time the DVO is made or varied that the person wants the DVO as made or varied to be registered under the restraining orders laws of another participating jurisdiction; and
  - (c) the region is partly in the other jurisdiction.
- (2) A clerk must give a copy of the DVO as made or varied to :
  - (a) if the other jurisdiction is South Australia – the Principal Registrar of the Magistrates Court of South Australia; or
  - (b) if the other jurisdiction is Western Australia – the registrar of the Magistrates Court of Western Australia.

### **19          Modification of section 93 (Application for registration)**

After section 93(2)

*insert*

- (3) If a clerk receives from a registrar of a prescribed court of another participating jurisdiction a copy of an external order as made or

varied in a cross-border proceeding of that court, the registrar of the prescribed court is taken to have made an application for registration of the order on behalf of the protected person named in the order, unless the order as made or previously varied is already registered under this Part.

## **Division 7 Evidence Act 1939**

### **20 Act modified**

This Division prescribes modifications to the *Evidence Act 1939*.

### **21 Modification of section 49P (Territory entities may take evidence and submissions from outside Territory)**

#### **(1) After section 49P(3)**

*insert*

- (3A) If the proceeding is a cross-border proceeding of a prescribed court of the Territory, for the purpose of taking evidence or receiving a submission by audiovisual link or audio link from a place in a participating jurisdiction in accordance with such a direction, the place is taken to be part of the entity.

#### **(2) Section 49P(4)**

*omit*

The entity

*substitute*

If subsection (3A) does not apply, the entity

## **Division 8 Local Court (Criminal Procedure) Act 1928**

### **22 Act modified**

This Division prescribes modifications to the *Local Court (Criminal Procedure) Act 1928*.

**23                      Modification of section 20 (Form of warrant)**

Section 20(4)

*omit, substitute*

- (4) Every warrant may be executed by apprehending the defendant at any place:
- (a) within the Territory; or
  - (b) if the defendant has a connection with a cross-border region – within a participating jurisdiction.

**Division 9                      Local Court Act 2015**

**26                      Act modified**

This Division prescribes modifications to the *Local Court Act 2015*.

**26A                      Modification of section 6 (Constitution of Court)**

After section 6(5)

*insert*

- (6) However, for exercising its cross-border jurisdiction the Court must be constituted by a Judge.

**27                      New Part 5, Division 1, Subdivision 3**

After section 59

*insert*

**Subdivision 3      Cross-border Judges**

**59A                      Appointment of cross-border Judges**

- (1) If the Administrator is of the opinion that it is necessary to do so to facilitate the administration of justice in a cross-border region, the Administrator may appoint a magistrate of another participating jurisdiction to be a cross-border Judge.
- (2) The instrument of appointment must specify:
  - (a) the period of the appointment; and
  - (b) any conditions of the appointment.

- (3) The Administrator may vary a matter specified in the instrument of appointment except the period of appointment.
- (4) The conditions of service (including remuneration) of a cross-border Judge are those that the cross-border Judge is entitled to as a magistrate of the other participating jurisdiction.
- (5) A cross-border Judge ceases to be a cross-border Judge if the cross-border Judge ceases to be a magistrate of the other participating jurisdiction.
- (6) A reference in this Act, other than sections 50, 53, 54, 55, 59 and 66, or in any other Act to a Judge (however appointed) includes a reference to a cross-border Judge.
- (7) In this section:

**magistrate**, of another participating jurisdiction, does not include a person who holds the office of magistrate of the other jurisdiction as a secondary office holder.

*Note for section 59A*

*A cross-border Judge is not required to take an oath of office under section 65 of the Local Court Act 2015.*

## **Division 10      Mental Health and Related Services Act 1998**

### **29      Act modified**

This Division prescribes modifications to the *Mental Health and Related Services Act 1998*.

### **30      New section 13A**

After section 13, in Part 3

*insert*

### **13A      Definition**

In this Part:

**approved treatment facility** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or

- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

**31 Modification of section 38 (Examination at approved treatment facility)**

After section 38(3)

*insert*

- (4) In this section:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

**32 New section 38A**

Before section 39, in Part 6, Division 2

*insert*

**38A Definitions**

In this Division:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or

- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

### **33                      New section 41A**

Before section 42, in Part 6, Division 3

*insert*

### **41A                    Definitions**

In this Division:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

**34 New Part 10, Division 1A**

Before Part 10, Division 1

*insert*

**Division 1A Definitions**

**73AA Definitions**

In this Part:

***approved temporary treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(b); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

***designated mental health practitioner*** means:

- (a) a person appointed to be a designated mental health practitioner under section 23; or



- (b) an authorised mental health practitioner as defined in section 3 of the *Mental Health Act 1996* (WA).

**outpatient assessment** means an assessment (whether in the Territory or a participating jurisdiction) that is not carried out at an approved treatment facility or approved temporary treatment facility.

**person-in-charge**, of an approved treatment facility or approved temporary treatment facility, means:

- (a) for a facility in the Territory – a person appointed as the person-in-charge of the facility under section 21(1) or the person otherwise in charge of the facility; or
- (b) for a facility in South Australia – the director of the facility; or
- (c) for a facility in Western Australia – the person in charge of the facility.

**practitioner** means an authorised psychiatric practitioner, medical practitioner or designated mental health practitioner.

**35 Modification of section 74 (Pre-assessment advice)**

Section 74(4)

*omit*

**36 Modification of section 74A (Assessment order and report)**

Section 74A(9)

*omit*

**Division 10A Personal Violence Restraining Orders Act 2016**

**36A Act modified**

This Division prescribes modifications to the *Personal Violence Restraining Orders Act 2016*.

**36B New section 14A**

After section 14

*insert*

**14A Notice of order made in cross-border proceeding**

- (1) This section applies in relation to a personal violence restraining order made by a prescribed court of the Territory if:
  - (a) the order is made or varied in a cross-border proceeding for the purposes of which the defendant has a connection with a cross-border region; and
  - (b) the protected person indicates at the time the order is made or varied that the person wants the order as made or varied to be registered under the restraining orders laws of another participating jurisdiction; and
  - (c) the region is partly in the other jurisdiction.
- (2) A registrar must give a copy of the order as made or varied to:
  - (a) if the other jurisdiction is South Australia – the Principal Registrar of the Magistrates Court of South Australia; or
  - (b) if the other jurisdiction is Western Australia – the registrar of the Magistrates Court of Western Australia.

**Division 11 Police Administration Act 1978**

**37 Act modified**

This Division prescribes modifications to the *Police Administration Act 1978*.

**38 Modification of section 4 (Interpretation)**

section 4(1)

*insert (in alphabetical order)*

***justice of the peace*** includes a Local Court Judge of the Territory in another participating jurisdiction.

**39 Modification of section 125 (Power to arrest interstate offenders)**

After section 125(3)

*insert*

- (4) To avoid doubt, a proceeding under this section in respect of an offence to which this section applies is only a cross-border offence if:
- (a) the offence is an offence under the law of another participating jurisdiction; and
  - (b) the person arrested for the offence has a connection with a cross-border region that is partly in the other jurisdiction.

**40 Modification of section 132 (Continued detention of person taken into custody under section 128)**

Section 132(1)

*insert (in alphabetical order)*

***member of the Police Force of or above the rank of superintendent*** includes a police officer of another participating jurisdiction who holds:

- (a) the rank of superintendent or a higher rank; and
- (b) a secondary office as a police officer of the Territory.

**41 New section 143A**

Before section 144, in Part VII, Division 7

*insert*

**143A References to rank**

In this Division, a reference to a member of the Police Force holding a particular rank or a higher rank includes a reference to a police officer of another participating jurisdiction who holds:

- (a) the rank or a higher rank; and
- (b) a secondary office as a police officer of the Territory.

**43 Modification of section 147G (Definitions)**

Section 147G, definition ***senior member***

*omit, substitute*

***senior member*** means:

- (a) a police officer who holds the rank of superintendent or a higher rank; or
- (b) a police officer of another participating jurisdiction who holds:
  - (i) the rank of superintendent or a higher rank; and
  - (ii) a secondary office as a police officer of the Territory.

**Division 13 Prisoners (Interstate Transfer) Act 1983**

**46 Act modified**

This Division prescribes modifications to the *Prisoners (Interstate Transfer) Act 1983*.

**47 New section 4A**

After section 4, in Part I

*insert*

**4A Relationship with cross-border laws**

This Act does not apply in relation to the transfer from the Territory to another participating jurisdiction of a person who:

- (a) is serving a sentence of imprisonment in the Territory under a warrant of commitment issued under:
  - (i) the *Cross-border Justice Act 2009*; or
  - (ii) the *Cross-border Justice Act 2009* (SA); or
  - (iii) the *Cross-border Justice Act 2008* (WA); and
- (b) has a connection with a cross-border region that is partly in the other jurisdiction.

**48                      New section 5AA**

Before section 5, in Part II

*insert*

**5AA                      Application of this Part to Territory prisoners imprisoned in another participating jurisdiction**

This Division applies in relation to a person who is serving in another participating jurisdiction a Territory sentence of imprisonment under a warrant of commitment issued under the *Cross-border Justice Act 2009* as if the person were a Territory prisoner serving a sentence of imprisonment in the Territory.

**49                      New section 7A**

After section 7

*insert*

**7A                      Effect of orders under this Part on persons imprisoned under law of another participating jurisdiction**

- (1) Subsection (3) applies in relation to a person who is serving in the Territory:
  - (a) a Territory sentence of imprisonment; and
  - (b) a sentence of imprisonment under a warrant of commitment issued under:
    - (i) the *Cross-border Justice Act 2009* (SA); or
    - (ii) the *Cross-border Justice Act 2008* (WA).
- (2) Subsection (3) also applies in relation to a person who is serving in another participating jurisdiction:
  - (a) a Territory sentence of imprisonment under a warrant of commitment issued under the *Cross-border Justice Act 2009*; and
  - (b) a sentence of imprisonment under the law of another participating jurisdiction.

- (3) An order of transfer issued under this Part (a ***Territory order***) in relation to a person mentioned in subsection (1) or (2) has no effect:
- (a) to the extent that, but for this subsection, it authorises or requires the doing of an act or thing under this Act in relation to the person in the person's capacity as a person on whom a sentence of imprisonment under the law of the jurisdiction mentioned in subsection (1)(b) or (2)(b) has been imposed; and
  - (b) unless and until an order of transfer corresponding to the Territory order is in force under the interstate law of that jurisdiction.

## **Division 14            Sentencing Act 1995**

### **50            Act modified**

This Division prescribes modifications to the *Sentencing Act 1995*.

### **51            Modification of section 3 (Interpretation)**

- (1) Section 3(1), definitions ***custodial correctional facility***, ***hospital*** and ***probation and parole officer***

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

***custodial correctional facility*** means:

- (a) a custodial correctional facility as defined in section 11(1)(a) of the *Correctional Services Act 2014*; or
- (b) a prison in another participating jurisdiction under its cross-border laws.

***hospital*** means:

- (a) a hospital as defined in section 5 of the *Medical Services Act 1982*; or
- (b) an incorporated hospital as defined in section 3(1) of the *Health Care Act 2008* (SA); or
- (c) a public hospital as defined in section 2(1) of the *Hospitals and Health Services Act 1927* (WA).

***probation and parole officer*** means:

- (a) a probation and parole officer as defined in section 4 of the *Correctional Services Act 2014*; or
- (b) a community corrections officer of another participating jurisdiction.

**52                      New section 36A**

After section 36

*insert*

**36A                    Hours of community service under non-custodial orders made in cross-border proceedings**

- (1) This section applies if an offender:
  - (a) is convicted of one or more offences in a cross-border proceeding of a prescribed court of the Territory; and
  - (b) the court makes a community work order for one or more of those offences under which the offender is required to participate in an approved project.
- (2) If, at the time of conviction, the offender is performing or yet to perform community service under one or more non-custodial orders of another participating jurisdiction (***the interstate orders***), the hours of community service performed under the interstate orders count as hours of participation in an approved project under each of the community work orders mentioned in subsection (1)(b) (***the Territory orders***) unless the court specifies differently under subsection (3).
- (3) The court may specify that the number of hours of participation in an approved project to be performed under one or more of the Territory orders is in addition to any community service the offender has to perform under the interstate orders.
- (4) For subsection (3), an offender cannot do the additional hours of work under a Territory order until the offender has done the hours of work under the interstate orders or the interstate orders have ceased to be in force, whichever is earlier.
- (5) To avoid doubt, section 36(2):
  - (a) applies in relation to participation in an approved project under a community work order of the Territory; and

- (b) does not apply in relation to community service performed under non-custodial orders of another participating jurisdiction.

**53                New section 51A**

After section 51

*insert*

**51A              Commencement of sentences imposed in cross-border proceedings**

- (1) This section applies if an offender:
  - (a) is convicted of one or more offences in a cross-border proceeding of a prescribed court of the Territory; and
  - (b) is sentenced to imprisonment for one or more of those offences.
- (2) If, at the time of conviction, the offender is serving or yet to serve one or more sentences of imprisonment under the law of another participating jurisdiction (***the interstate sentences***), each of the sentences mentioned in subsection (1)(b) (***the Territory sentences***) must be served concurrently with the interstate sentences unless the court specifies differently under subsection (3).
- (3) The court may specify when one or more of the Territory sentences commences.
- (4) For subsection (3):
  - (a) none of the Territory sentences can commence later than the end of the last interstate sentence to end; and
  - (b) if a non-parole period applies in respect of any of the interstate sentences – the first Territory sentence to commence after the end of the non-parole period must commence immediately after the end of that period.

**54                Modification of section 64 (Serving of balance of term of imprisonment when sentenced to further imprisonment)**

Section 64(2)(a)

*omit*

the Territory



*substitute*

a participating jurisdiction

**55                      Modification of section 78P (Interpretation)**

Section 78P

*omit, substitute*

**78P                    Interpretation**

(1) In this Part:

***approved treatment facility*** means:

- (a) an approved treatment facility as defined in section 4 of the *Mental Health and Related Services Act 1998*; or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) an authorised psychiatric practitioner as defined in section 4 of the *Mental Health and Related Services Act 1998*; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

***offence*** includes an aggravated property offence.

- (2) Subject to subsection (1), a word or phrase used in this Part that is defined in the *Mental Health and Related Services Act* has the meaning given in that Act.

**56                      Modification of section 108 (Time and place of sentence)**

(1) Section 108(1)

*omit, substitute*

- (1) The sentence for an offence may be imposed in open court at any time and place in a participating jurisdiction.

(2) Section 108(3)(b)

*omit, substitute*

- (b) make an order or orders for the removal in custody of the person from one place in a participating jurisdiction to another.

## **Division 15 Traffic Act 1987**

### **57 Act modified**

This Division prescribes modifications to the *Traffic Act 1987*.

### **58 Modification of section 3 (Interpretation)**

- (1) Section 3(1), definitions ***authorized analyst, health centre*** and ***hospital***

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

***authorised analyst*** means:

- (a) a person authorised under this Act to be an analyst; or
- (b) an analyst as defined in section 47A(1) of the *Road Traffic Act 1961* (SA); or
- (c) an analyst as defined in section 65 of the *Road Traffic Act 1974* (WA).

***hospital*** means:

- (a) a hospital declared under section 6(2)(a)(i) of the *Medical Services Act 1982*; or
- (b) an incorporated hospital as defined in section 3(1) of the *Health Care Act 2008* (SA); or
- (c) a public hospital as defined in section 2(1) of the *Hospitals and Health Services Act 1927* (WA).

**60                      Modification of 29AAK (Taking of sample of blood)**

(1)                      Section 29AAK(3)

*omit*

hospital for examination

*substitute*

hospital in the Territory for examination

(2)                      Section 29AAK(4)

*omit, substitute*

- (4) For the purpose of analysis by an authorised analyst, a medical practitioner, registered nurse or member of the staff of a hospital who is under the direct supervision of a medical practitioner or registered nurse may:

(a) take a sample of blood from a person who:

- (i) has apparently attained the age of 15 years; and
- (ii) enters the hospital for examination or treatment of injuries which may have been received in a car crash; and
- (iii) is unconscious or apparently incapable of consenting to the taking of the sample; or

(b) require a person to give a sample of blood who:

- (i) has apparently attained the age of 15 years; and
- (ii) enters a hospital for examination or treatment of injuries which may have been received in a car crash.

**Division 16              Youth Justice Act 2005**

**61                      Act modified**

This Division prescribes modifications to the *Youth Justice Act 2005*.

**62 Modification of section 5 (Interpretation)**

- (1) Section 5(1), definitions ***custodial correctional facility*** and ***detention centre***

*omit*

- (2) Section 5(1)

*insert (in alphabetical order)*

***custodial correctional facility*** means:

- (a) a custodial correctional facility as defined in section 11(1)(a) of the *Correctional Services Act 2014*; or
- (b) a prison in another participating jurisdiction under its cross-border laws.

***detention centre*** means:

- (a) a youth detention centre approved under section 148; or
- (b) a detention centre in another participating jurisdiction under its cross-border laws.

**64 Modification of section 39 (Diversion of youth)**

Section 39(3)(a)

*omit*

the Territory

*substitute*

a participating jurisdiction

**65 Modification of section 52 (Jurisdiction of Youth Justice Court)**

Section 52(1)(b)

*omit (first reference)*

the Territory

*substitute*

a participating jurisdiction

**66 Modification of section 107 (Breath analysis)**

Section 107(3)

*omit, substitute*

- (3A) However, a breath analysis carried out in accordance with the drink or drug-driving laws of another participating jurisdiction is taken to have been carried out in accordance with subsection (3).

**66A Modification of section 140AA (Community youth justice officers)**

After section 140AA(1)

*insert*

- (1A) The following persons are also community youth justice officers for this Act:
- (a) an officer of the Department, as defined in the *Young Offenders Act 1993* (SA), whose duties include the supervision of offenders in the community under that Act;
  - (b) an officer of the Department, as defined in the *Young Offenders Act 1994* (WA), whose duties include the supervision of offenders in the community under that Act.

**Part 4 Miscellaneous matters****67 Authorised officers**

For the definition **authorised officer** in section 7(1) of the Act, an office holder of a participating jurisdiction is an authorised officer for the purpose of carrying out a custodial order if the office holder is authorised under the law of the jurisdiction to carry out in that jurisdiction an order or other authority made or otherwise given under that law that is to the same or similar effect as the custodial order.

**68 Custodial orders – recommendation about place of custody**

A judicial officer or registrar who issues:

- (a) a warrant of commitment under section 98 of the Act; or
- (b) a remand warrant under section 100 of the Act;

may note on the warrant any recommendation about the place at which the person is the subject of the warrant should be kept in custody under the warrant.

**69 Application of *Youth Justice Act 2005***

For section 106 of the Act, Parts 8 to 10 of the *Youth Justice Act 2005* do not apply in relation to a person in custody in a detention centre in another participating jurisdiction under Part 10 of the *Cross-border Justice Act 2009*.

**70 Calculation of reduction in amount of fines**

For section 127(2)(c)(iii) of the Act, the amount by which a fine is reduced because an offender has performed work under a community work order issued under Part 5, Division 9 of the Fines Enforcement Act must be calculated in accordance with regulation 14 of the *Fines and Penalties (Recovery) Regulations 2001*.

**Part 5 Transitional matters for Local Court (Repeals and Related Amendments) Act 2016**

**71 Continuation of appointment of cross-border magistrate**

- (1) This regulation applies to a magistrate of another participating jurisdiction appointed by the Administrator to be a cross-border magistrate under section 13B of the *Magistrates Act 1977*, as modified by these Regulations in force immediately before the commencement.
- (2) The cross-border magistrate is taken to be a cross-border Judge under section 59A of the *Local Court Act 2015*, as modified by these Regulations after the commencement.
- (3) The cross-border Judge holds office:
  - (a) for the remainder of the period specified in the appointment mentioned in subregulation (1); and
  - (b) on the same conditions, if any, as applied to the appointment.
- (4) In this regulation:

**commencement** means the commencement of the Part 5, Division 7 of the *Local Court (Repeals and Related Amendments) Act 2016*.

**Schedule NT/SA/WA region**

regulation 3

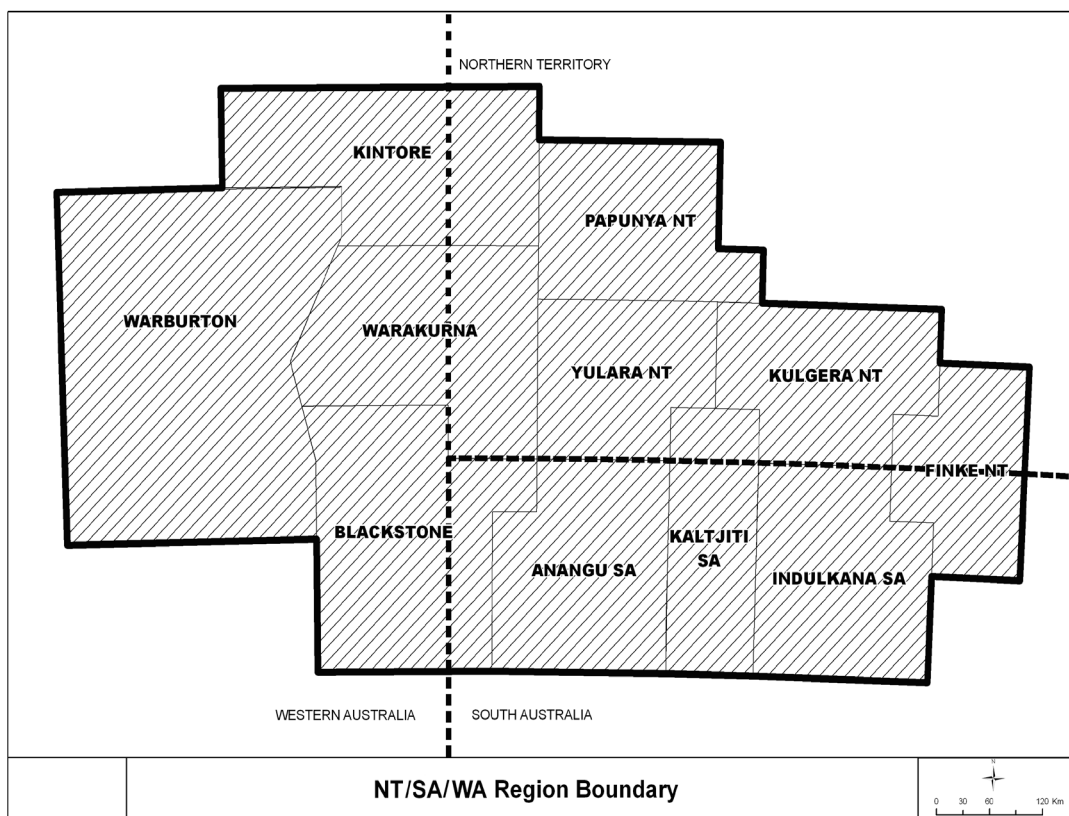
**Part 1 Description – NT/SA/WA region boundary**

The NT/SA/WA region is bounded by a line starting at point 1 in the sequence specified in the table then, initially in an easterly direction, along a straight line between each of the points in the sequence to point 18 then to point 1.

<b>Point no.</b>	<b>Longitude (E)</b>	<b>Latitude (S)</b>
1	124°40'9.726"	-23°26'26.696"
2	126°29'59.085"	-23°26'50.559"
3	126°30'2.638"	-22°30'0.724"
4	129°59'43.09"	-22°29'59.842"
5	130°0'0.315"	-22°59'58.596"
6	131°59'59.524"	-22°59'59.741"
7	132°0'3.867"	-24°0'0.641"
8	132°29'45.2"	-24°0'5.62"
9	132°30'4.694"	-24°29'40.966"
10	134°30'1.249"	-24°30'0.759"
11	134°30'4.258"	-25°0'5.185"
12	135°30'0.12"	-25°0'1.22"
13	135°30'7.027"	-26°59'43.989"
14	134°30'13.305"	-27°0'11.385"
15	134°30'51.407"	-28°0'11.092"
16	127°30'0.049"	-28°0'0.49"
17	127°30'3.326"	-26°45'5.594"
18	124°39'56.52"	-26°44'1.484"

*Note*

*Coordinate references are to Geocentric Datum of Australia 1994 (GDA94) coordinates.*

**Part 2****Areas in which police officers stationed or carry out duties**



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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

#### ***Cross-border Justice Regulations (SL No. 33, 2009)***

Notified	29 October 2009
Commenced	pt 3, div 16 and r 69: 1 December 2009; rem: 1 November 2009 (r 2)

#### ***Health Practitioner (National Uniform Legislation) Implementation Act 2010 (Act No. 18, 2010)***

Assent date	20 May 2010
Commenced	1 July 2010 (s 2)

#### ***Cross-border Justice Amendment Regulations 2012 (SL No. 48, 2012)***

Notified	14 December 2012
Commenced	1 January 2013 (r 2, s 2 <i>Evidence (National Uniform Legislation Act 2011</i> (Act No. 33, 2011) and <i>Gaz</i> G51, 19 December 2012, p 4)

#### ***Correctional Services (Related and Consequential Amendments) Act 2014 (Act No. 27, 2014)***

Assent date	4 September 2014
Commenced	9 September 2014 ( <i>Gaz</i> S80, 9 September 2014, p 2)

#### ***Local Court (Repeals and Related Amendments) Act 2016 (Act No. 9, 2016)***

Assent date	6 April 2016
Commenced	1 May 2016 ( <i>Gaz</i> S, 29 April 2016)

#### ***Personal Violence Restraining Orders Act 2016 (Act No. 10, 2016)***

Assent date	29 April 2016
Commenced	pt 4, div 5: 29 April 2016; rem: 1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016</i> (Act No. 9, 2016) and <i>Gaz</i> S34, 29 April 2016)

**Statute Law Revision Act 2017 (Act No. 4, 2017)**

Assent date	10 March 2017
Commenced	12 April 2017 ( <i>Gaz</i> G15, 12 April 2017, p 3)

**Youth Justice Legislation Amendment Act 2017 (Act No. 19, 2017)**

Assent date	30 October 2017
Commenced	5 January 2018 ( <i>Gaz</i> G51, 20 December 2017, p 4)

**Youth Justice Legislation Amendment Act 2018 (Act No. 12, 2018)**

Assent date	23 May 2018
Commenced	24 May 2018 (s 2)

**3 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: rr 1, 7, 8, 13, 14A, 15, 17, 20, 22, 26, 29, 36A, 37, 46, 47, 48, 49, 50, 51, 55, 57, 58, 61, 62, 69, 70 and 71.

**4 LIST OF AMENDMENTS**

pt 3	
div 2 hdg	rep Act No. 9, 2016, s 81
rr 5 – 6	rep Act No. 9, 2016, s 81
r 8	amd Act No. 27, 2014, s 8; Act No. 9, 2016, s 82
r 10	amd Act No. 9, 2016, s 83
pt 3	
div 4A hdg	ins Act No. 27, 2014, s 9
rr 14A – 14C	ins Act No. 27, 2014, s 9
r 16	amd Act No. 9, 2016, s 84
r 19	amd Act No. 9, 2016, s 85
r 21	amd No. 48, 2012, r 4
pt 3	
div 8 hdg	amd Act No. 9, 2016, s 86
r 22	amd Act No. 9, 2016, s 87
r 24	rep Act No. 9, 2016, s 88
r 25	rep Act No. 10, 2016, s 28
pt 3	
div 9 hdg	sub Act No. 9, 2016, s 89
r 26	sub Act No. 9, 2016, s 89
r 26A	ins Act No. 9, 2016, s 89
r 27	sub Act No. 9, 2016, s 89
r 28	rep Act No. 9, 2016, s 89
rr 32 – 34	sub Act No. 18, 2010, s 27
pt 3	
div 10A	ins Act No. 10, 2016, s 29
r 37	ins Act No. 10, 2016, s 29
	renum Act No. 4, 2017, s 4
r 38	ins Act No. 10, 2016, s 29
	renum Act No. 4, 2017, s 5
r 38	sub Act No. 9, 2016, s 90
r 40	sub Act No. 18, 2010, s 28
r 42	rep Act No. 18, 2010, s 29
pt 3	
div 12 hdg	rep Act No. 27, 2014, s 10
rr 44 – 45	rep Act No. 27, 2014, s 10

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r 51	sub Act No. 27, 2014, s 11
rr 58 – 59	sub Act No. 18, 2010, s 30
r 62	sub Act No. 18, 2010, s 31; Act No. 27, 2014, s 12
r 63	amd Act No. 27, 2014, s 13; Act No. 19, 2017, s 39 rep Act No. 12, 2018, s 24
r 66A	ins Act No. 12, 2018, s 25
pt 5 hdg	ins Act No. 9, 2016, s 91
r 71	ins Act No. 9, 2016, s 91