

NORTHERN TERRITORY OF AUSTRALIA
POLICE ADMINISTRATION AMENDMENT ACT 2003

Act No. 13 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 13 of 2003

AN ACT

to amend the *Police Administration Act*

[Assented to 18 March 2003]

[Second reading 28 November 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Police Administration Amendment Act 2003*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Period of apprehension

Section 129 of the *Police Administration Act* is amended by omitting from subsection (3) "this section" and substituting "section 128".

4. Repeal and substitution

Section 132 of the *Police Administration Act* is repealed and the following substituted:

"132. Continued detention of person taken into custody under section 128

"(1) In this section –

'health practitioner' means a person who –

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- (a) is registered as a medical practitioner under the *Medical Act*;
- (b) is a nurse within the meaning of the *Nursing Act*; or
- (c) is registered under the *Health Practitioners and Allied Professionals Registration Act* in the category of health practice of Aboriginal health work,

and who is available to attend to a person held in custody;

'member of the Police Force in whose custody a person is held', in relation to a person being held in custody in a locality that is outside Alice Springs, Darwin, Katherine or Tennant Creek, means the member of the Police Force on duty in the locality who holds the highest rank.

"(2) If –

- (a) a person who was taken into custody under section 128 is held in custody for 6 hours; and
- (b) after the 6 hours has expired, it reasonably appears to the member of the Police Force in whose custody the person is held that the person is still intoxicated with alcohol or a drug,

the member must –

- (c) notify a member of the Police Force of or above the rank of superintendent that it reasonably appears to the member that the person is still intoxicated with alcohol or a drug;
- (d) if instructed by the member of the Police Force of or above the rank of superintendent to do so – continue, subject to subsection (4), to hold the person in custody until –
 - (i) it reasonably appears to the member of the Police Force in whose custody the person is held that the person is no longer intoxicated; or
 - (ii) the expiry of 10 hours after the person was taken into custody under section 128,

whichever first occurs;

- (e) make a record in the custody log (however described) of the time at which and manner in which he or she notified the superintendent or other member, the content of the notification and the instruction the superintendent or other member gave to him or her; and

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(f) if the member continues to hold the person in custody – arrange for a health practitioner to examine the person as soon as practicable.

"(3) Notification under subsection (2)(c) may be –

(a) made orally, whether in person or by radio, telephone or any other available means of communication; or

(b) made in writing by facsimile transmission or any other available electronic means of communication.

"(4) On the person who continues to be held in custody under subsection (2) being examined by a health practitioner –

(a) if the health practitioner is of the opinion that the condition of the person is such that the person requires medical treatment – the person may be released from custody into the care of the health practitioner; or

(b) if the health practitioner is of the opinion that the condition of the person is such that the person does not require medical treatment – the member of the Police Force in whose custody the person is held must continue to hold the person in custody until the expiry of the period the member must hold the person in custody under subsection (2)(d)."
