

NORTHERN TERRITORY OF AUSTRALIA

ALCOHOL MANDATORY TREATMENT AMENDMENT ACT 2014

Act No. 46 of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 46 of 2014

An Act to amend the *Alcohol Mandatory Treatment Act*, and for related purposes

[Assented to 8 December 2014]
[Second reading 26 November 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Alcohol Mandatory Treatment Amendment Act 2014*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Alcohol Mandatory Treatment Act

3 Act amended

This Part amends the *Alcohol Mandatory Treatment Act*.

4 Section 8 amended

(1) Section 8(1)(c)

omit

Act.

insert

Act, or

(2) After section 8(1)(c)

insert

(d) is, in accordance with procedures prescribed by regulation:

(i) referred by a health practitioner to a senior assessment clinician for an assessment; and

(ii) taken to an assessment facility.

5 Section 9 amended

(1) Section 9(2)(a)

omit, insert

(a) is charged with committing a relevant offence; or

(2) After section 9(2)

insert

(3) In this section:

relevant offence means one of the following:

(a) an offence against a law in force in the Territory for which the maximum penalty is imprisonment for a period of more than 7 years;

(b) any other offence that is prescribed by regulation.

6 Section 46 amended

After section 46(4)

insert

- (5) In considering an application relating to a mandatory residential treatment order, the Tribunal must take into account any extension of the duration of the order that has effect because of section 49(3).

7 Section 49 amended

- (1) Section 49(2), note

omit

- (2) After section 49(2)

insert

- (3) A mandatory residential treatment order must also specify that if the affected person is absent from the treatment centre after the expiry of any leave of absence granted under section 76, or otherwise than in accordance with this Act, the duration of the order is automatically extended by a period equal to the period of unauthorised absence.

Notes for section 49

- 1 *Although a mandatory treatment order can be in force only for an initial period not exceeding 3 months, that period may be extended by a variation of the order.*
- 2 *No variation of a mandatory residential treatment order is necessary if the duration of the order is automatically extended because of subsection (3).*
- 3 *The senior treatment clinician must keep a record under section 67 of any automatic extension that has effect because of subsection (3) and give notice of the extension under section 76A.*

8 Section 58 amended

Section 58, all words from "immediately" to "order."

omit, insert

immediately:

- (a) on the expiry of the period during which the mandatory residential treatment order remains in force; or
- (b) on the revocation or suspension of the mandatory residential treatment order.

9 Section 67 amended

Section 67(1)(e)

omit, insert

- (e) any automatic extension of the duration of the mandatory residential treatment order to which the person is subject that has effect because of section 49(3);
- (f) any notices of the person's unauthorised absence given under section 76A;
- (g) any other information as directed by the CEO.

10 Part 4, Division 5 heading amended

Part 4, Division 5, heading

omit

Offences

insert

Offence**11 Section 72 repealed**

Section 72

repeal

12 Section 76A inserted

After section 76

insert

76A Giving notice of unauthorised absence from treatment centre

- (1) This section applies if an affected person is absent from a treatment centre:
 - (a) after the expiry of a period of leave of absence granted under section 76; or
 - (b) otherwise than in accordance with this Act.

- (2) The senior treatment clinician must give the Tribunal a notice of the extension of the duration of the mandatory residential treatment order for the affected person that has effect because of section 49(3).
- (3) The senior treatment clinician must also take reasonable steps to give a notice of the matter mentioned in subsection (2) to each person who was given a copy of the mandatory residential treatment order under section 37 or 48.

Part 3 Consequential amendment of Police Administration Act

13 Act amended

This Part amends the *Police Administration Act*.

14 Section 128A amended

- (1) Section 128A(3)

omit

an offence against a law in force in the Territory the maximum penalty for which is or includes a period of imprisonment

insert

a relevant offence as defined in section 9(3) of the *Alcohol Mandatory Treatment Act*

- (2) Section 128A(5)(a)

omit, insert

- (a) the member must arrange for the person to be taken, as soon as reasonably practicable, to the assessment facility in accordance with the *Alcohol Mandatory Treatment Act*; and

15 Section 128B amended

(1) Section 128B(2)

omit

an offence against a law in force in the Territory the maximum penalty for which is or includes a period of imprisonment

insert

a relevant offence as defined in section 9(3) of the *Alcohol Mandatory Treatment Act*

(2) Section 128B(4)(a)

omit, insert

(a) the member must arrange for the person to be taken, as soon as reasonably practicable, to the assessment facility in accordance with the *Alcohol Mandatory Treatment Act*, and

Part 4 Expiry of Act

16 Expiry of Act

This Act expires on the day after it commences.