

NORTHERN TERRITORY OF AUSTRALIA

POLICE ADMINISTRATION AMENDMENT ACT 2012

Act No. 24 of 2012

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Act No. 24 of 2012

An Act to amend the *Police Administration Act*

[Assented to 6 December 2012]
[Second reading 30 October 2012]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Police Administration Amendment Act 2012*.

2 Commencement

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

3 Act amended

This Act amends the *Police Administration Act*.

4 Section 4 amended

Section 4(1), definition *forensic procedure approval*, paragraph (c)(i), after "section 145A(1)"

insert

or 146A(2)

5 Section 146A inserted

After section 146

insert

146A Non-intimate procedure to test for drugs

- (1) Subject to the Regulations, this section applies if:
 - (a) a member of the Police Force suspects on reasonable grounds that a person has committed an offence; and
 - (b) the person is in lawful custody in relation to the offence; and
 - (c) the member or another member of the Police Force suspects on reasonable grounds that there may be a dangerous drug present in the person's body.
- (2) A member of the Police Force holding the rank of Senior Sergeant or a higher rank, or for the time being in charge of a police station, may approve:
 - (a) the taking of a sample of the person's saliva; and
 - (b) the testing of the sample for the presence of a dangerous drug in the person's body.
- (3) The sample of saliva may be taken in accordance with the approval in either of the following ways:
 - (a) the person may provide the sample in accordance with directions given by a member of the Police Force;
 - (b) a member of the Police Force may take the sample from the person.
- (4) The person is not taken to have provided a sample unless the sample is sufficient to allow testing for the presence of a dangerous drug in the person's body.
- (5) A member of the Police Force may use reasonable force when exercising his or her powers under this section.