



NORTHERN TERRITORY OF AUSTRALIA

No. 50 of 1990

AN ACT

to amend the *Summary Offences Act*

[Assented to 15 October 1990]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Summary Offences Amendment Act (No. 2) 1990*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Summary Offences Act* is in this Act referred to as the Principal Act.

4. POWERS OF POLICE OFFICERS

Section 45H of the Principal Act is amended -

- (a) by omitting "empty any opened cask, flask, bottle or can" and substituting "seize, and having seized may empty, any opened or unopened cask, flask, bottle, can or other container"; and

Summary Offences Amendment (No. 2)

(b) by adding at the end the following:

"(2) A member shall not seize or empty any unopened cask, flask, bottle, can or other container under subsection (1) unless he has reason to believe it to be a source of liquor from which the person is likely to continue to drink on that or another place or land to which section 45D applies."

5. NEW SECTION

The Principal Act is amended by inserting after section 45H the following:

"45HA. POWER OF SEIZURE

"(1) In addition to his powers under section 45H, a member may seize any opened or unopened cask, flask, bottle, can or other container in the immediate vicinity, or in the possession of any person in the immediate vicinity, of a person referred to in that section which the member has reason to believe to be a source of liquor from which the person referred to in that section is likely to continue to drink on that or another place or land to which section 45D applies.

"(2) At the time of seizing a thing under subsection (1) the member shall give the person from whom he seizes it a written receipt -

(a) describing the thing seized; and

(b) indicating -

(i) the place, date and time of its seizure;

(ii) the police station to which under subsection (3) the thing is to be taken; and

(iii) that the thing may be claimed not earlier than 48 hours (or later than 14 days) after its seizure by presenting the receipt at that police station,

and shall sign the receipt.

"(3) As soon as practicable after seizing a thing under subsection (1), the member shall take or cause it to be taken to the police station closest to the place where it was seized.

"(4) A thing seized under subsection (1) shall be given to any person who, not earlier than 48 hours after its seizure, presents to the member in charge of the police station to which it was taken under subsection (3) the receipt referred to in subsection (2), and the member

Summary Offences Amendment (No. 2)

in charge or any person acting on his behalf is not bound to inquire into the ownership of the thing.

"(5) No action shall lie against a member in charge of a police station or a person acting on his behalf in relation to the ownership of a thing given to a person in accordance with subsection (4).

"(6) If at the expiration of 14 days after a thing is seized under subsection (1) it has not been redeemed in accordance with subsection (4), it is, by virtue of this subsection, forfeited to the Territory and shall be destroyed in accordance with the directions of the Commissioner.

"(7) Subsections (2) and (3) do not apply to or in relation to an opened cask, flask, bottle, can or other container that is not self-sealing or that, in the opinion of the member, cannot conveniently be corked or otherwise sealed and, if such a thing is seized under subsection (1), the member who seized it may empty it.

"(8) This section, with the necessary changes, applies also to and in relation to an opened or unopened cask, flask, bottle, can or other container which under section 45H is seized but not emptied (notwithstanding section 128(3)(b) of the *Police Administration Act*), as if it were seized under this section."
