

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT ACT (NO. 2) 1989

---

No. 71 of 1989

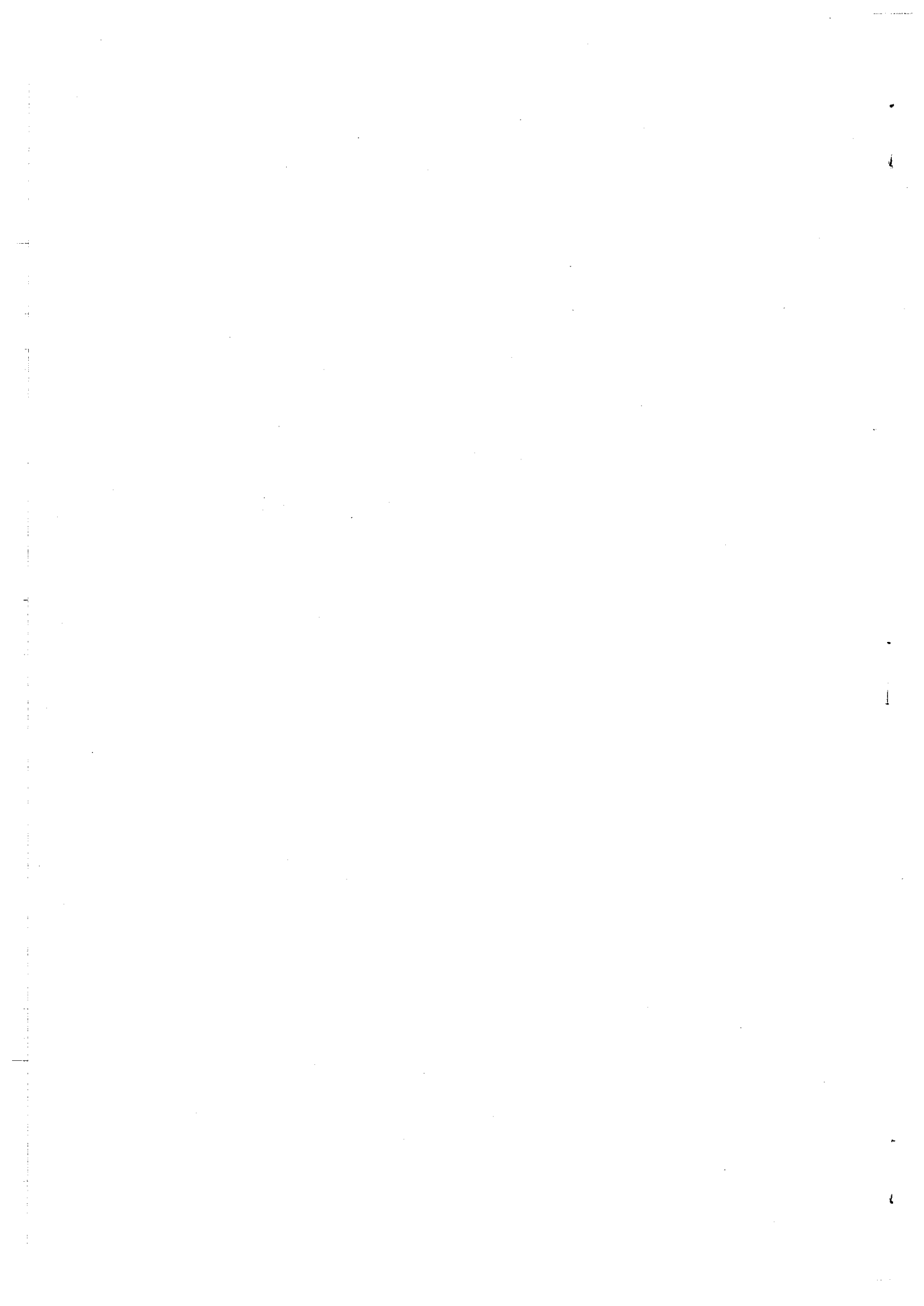
---

TABLE OF PROVISIONS

Section

1. Short title
2. Declaration of convicted person as habitual criminal
3. Discharge of habitual criminal
4. Recommitment as habitual criminal or discharge
5. New section:

"400A. PERIODIC REPORT ON HABITUAL CRIMINAL"





# NORTHERN TERRITORY OF AUSTRALIA

---

No. 71 of 1989

---

## AN ACT

to amend the Criminal Code

[Assented to 12 December 1989]

**B**E 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 *Criminal Code Amendment Act (No. 2) 1989*.

2. DECLARATION OF CONVICTED PERSON AS HABITUAL CRIMINAL

Section 397(1) of the Criminal Code is amended by omitting "or such" and substituting "of such".

3. DISCHARGE OF HABITUAL CRIMINAL

Section 399 of the Criminal Code is amended -

- (a) by omitting from subsection (1) "discharged" and substituting "discharged or released on licence";
  - (b) by omitting from subsection (2) "his discharge" and "be discharged" and substituting "his discharge or release on licence" and "be discharged or released on licence" respectively; and
  - (c) by omitting subsections (3), (4) and (5) and substituting the following:
-

*Criminal Code Amendment (No. 2)*

"(3) The Administrator may, on receiving a recommendation under subsection (2), direct the discharge of such person, or may order that the person be released on licence for such period, and subject to such conditions, as the Administrator thinks fit."

4. RECOMMITTAL AS HABITUAL CRIMINAL OR DISCHARGE

Section 400 of the Criminal Code is amended -

- (a) by omitting from subsection (1) "the order referred to in section 399 the person so discharged" and substituting "an order under section 399 releasing a person on licence the person so released";
- (b) by omitting from subsection (1)(a) "in the Territory of an offence" and substituting "of an offence, whether in the Territory or elsewhere";
- (c) by omitting from subsection (1)(b) "any court of summary jurisdiction to have failed to report his address and occupation at the times and in the manner prescribed" and substituting "the Court of Summary Jurisdiction to have failed to comply with or to have breached any of the conditions";
- (d) by omitting from subsection (1) "discharged by the said order and thereupon he shall be detained" and substituting "released by the said order and thereupon he shall be detained, or, where a sentence of imprisonment is imposed, at the expiration of the sentence he shall be detained,";
- (e) by omitting subsection (2) and substituting the following:

"(2) Where a member of the Police Force suspects, on reasonable grounds, that a person released on licence under section 399 is in breach of, or has failed to comply with, any condition imposed on the person under that section, the member may, where the person -

- (a) is in the Territory - without warrant arrest that person; or
- (b) is, or is reasonably suspected of being, in a State or another Territory of the Commonwealth - with a warrant referred to in subsection (3), arrest the person.

"(3) For the purposes of subsection (2)(b), the Court of Summary Jurisdiction may, on the application of the Solicitor for the Northern Territory, issue a warrant

Criminal Code Amendment (No. 2)

authorizing the member of the Police Force named in the warrant to arrest a person referred to in subsection (2).

"(4) Where a member of the Police Force arrests a person in pursuance of subsection (2), the member shall, as soon as practicable, take the person before the Court of Summary Jurisdiction to be dealt with in accordance with this section."; and

(f) by omitting from subsection (3) -

(i) "(3) If" and substituting "(5) If"; and

(ii) "discharged" and substituting "released".

5. NEW SECTION

The Criminal Code is amended by inserting after section 400 the following:

"400A. PERIODIC REPORT ON HABITUAL CRIMINAL

"(1) In this section -

'Director' means the Director of Correctional Services appointed under the *Prisons (Correctional Services) Act*;

'habitual criminal' includes a person released on licence under section 399.

"(2) The Director shall prepare a report on a person declared an habitual criminal not later than 12 months after the person is so declared and thereafter at least once in each 12 month period during which the person remains an habitual criminal.

"(3) For the purposes of preparing a report under subsection (2), the Director may require the person to whom the report relates to be examined by a medical practitioner.

"(4) The Director shall forward a copy of a report prepared under this section to the Minister and shall, on being requested to do so by the person to whom the report relates, provide a copy to that person or to a legal practitioner acting on behalf of that person."