



NORTHERN TERRITORY OF AUSTRALIA

No. 10 of 1988

AN ACT

to amend the *Police Administration Act*

[Assented to 30 March 1988]

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 *Police Administration Amendment Act 1988*.

2. PRINCIPAL ACT

The *Police Administration Act* is in this Act referred to as the Principal Act.

3. ARREST WARRANT

Section 121(8) of the Principal Act is amended by omitting "and shall be brought before a justice unless sooner released on bail".

4. ARREST WITHOUT WARRANT BY MEMBERS OF POLICE FORCE

Section 123(2) of the Principal Act is amended by omitting "only" and paragraph (a).

5. ARREST OF PERSON WHERE WARRANT ISSUED

Section 124(2) of the Principal Act is amended by omitting "and shall be brought before a justice unless sooner released on bail".

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6. POWER TO ARREST INTERSTATE OFFENDERS

Section 125 of the Principal Act is amended by omitting subsection (2).

7. NEW DIVISION

The Principal Act is amended by inserting after section 135 the following:

"Division 6 - Bringing Detained Person before a Justice or Court and Obtaining Evidence, &c., after taking into Custody

"136. APPLICATION

"Nothing in this Division applies to or in relation to a person held in custody under Division 4.

"137. TIME FOR BRINGING PERSON BEFORE JUSTICE OR COURT

"(1) Without limiting the operation of section 123, but subject to subsection (2) of this section, a person taken into lawful custody under this or any other Act shall (subject to that Act where taken into custody under another Act) be brought before a justice or a court of competent jurisdiction as soon as is practicable after being taken into custody, unless he or she is sooner granted bail under the *Bail Act* or is released from custody.

"(2) Notwithstanding any other law in force in the Territory (including the common law), a member of the Police Force may, for a reasonable period, continue to hold a person he has taken into lawful custody in custody to enable -

(a) the person to be questioned; or

(b) investigations to be carried out,

to obtain evidence of or in relation to an offence involving that person, whether or not -

(c) it is the offence in respect of which the person was taken into custody; or

(d) the offence was committed in the Territory.

"138. DETERMINING REASONABLE PERIOD DURING WHICH PERSON DETAINED, &c., TO BE BROUGHT BEFORE JUSTICE OR COURT

"In determining what is a reasonable period for the purposes of section 137(2), but without limiting the discretion of the justice or the court, a justice or court before whom or which the question is brought shall, so far as it is relevant, take into account -

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- (a) the time taken for investigators with knowledge of or responsibility for the matter to attend to interview the person;
- (b) the number and complexity of matters to be investigated;
- (c) the time taken to interview available witnesses;
- (d) the need of members of the Police Force to assess relevant material in preparation for interviewing the person;
- (e) the need to transport the person from the place of detention to a place where appropriate facilities were available to conduct an interview or other investigation;
- (f) the number of people who need to be questioned during the period of detention in respect of any offence reasonably believed to have been committed by the person;
- (g) the need to visit the place where any offence under investigation is believed to have been committed or any other place reasonably connected with the investigation of any such offence;
- (h) the time taken to communicate with a legal adviser, friend or relative of the detained person;
- (j) the time taken by a legal adviser, friend or relative of the person or an interpreter to arrive at the place where the questioning or the investigation took place;
- (k) the time taken in awaiting the completion of forensic investigations or procedures;
- (m) the time during which the investigation or questioning of the person was suspended or delayed to allow the person to receive medical attention;
- (n) the time taken by any examination of the person in pursuance of section 145;
- (p) the time the person in custody has been in the company of police prior to and after the commencement of custody;
- (q) the time during which the investigation or questioning of the person was suspended or delayed -
 - (i) to allow the person to rest; or

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(ii) because of the intoxication of the person;
and

(r) the time taken to arrange and conduct an
identification parade."

8. SAVINGS

Nothing in this Act requires a person taken into lawful custody who, before the commencement of this Act, has been brought before a justice or a court of competent jurisdiction in relation to the matter for which the person was taken into custody to again be brought before a justice or a court of competent jurisdiction in relation to that matter.
