



NORTHERN TERRITORY OF AUSTRALIA

No. 19 of 1990

AN ACT

to amend the *Police Administration Act*

[Assented to 12 April 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 *Police Administration Amendment Act 1990*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Misuse of Drugs Act 1990*.

3. NEW DIVISION

The *Police Administration Act* is amended by inserting in Part VII, after Division 2, the following:

*"Division 2A - Special Provisions Relating
to Dangerous Drugs*

"120A. DEFINITIONS

"In this Division 'dangerous drug' has the same meaning as it has in the *Misuse of Drugs Act*.

"120B. SEARCH WARRANTS

"(1) Where it is made to appear to a justice, by application on oath, that there are reasonable grounds for believing -

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- (a) that there is on or in land, an aircraft, vehicle or ship a dangerous drug; or
- (b) that a dangerous drug may be concealed on a person or on or in property in the immediate control of a person,

the justice may issue a warrant authorizing a member of the Police Force named in the warrant, with such assistance as the member thinks necessary, to search -

- (c) in a case referred to in paragraph (a) -
 - (i) the land, aircraft, vehicle or ship;
 - (ii) any person found on or in the land, aircraft, vehicle or ship; and
 - (iii) any person who enters the land, aircraft, vehicle or ship while the search is in progress; and
- (d) in a case referred to in paragraph (b), or in respect of a person referred to in paragraph (c)(ii) or (iii) -
 - (i) the person;
 - (ii) the clothing worn by the person; or
 - (iii) the property in the immediate control of the person.

"(2) A warrant issued under subsection (1)(a) authorizes the member to whom it is issued to direct a person referred to in subsection (1)(c)(ii) or (iii) to remain on or in the land, aircraft, vehicle or ship for as long as is reasonably required for the purposes of the search of the land, aircraft, vehicle or ship and of the person.

"(3) Section 112(1) of the Criminal Code applies to and in relation to a person directed under subsection (2) as if the person were in the lawful custody of the member while so directed.

"(4) Under this section -

- (a) an application for a warrant and a submission concerning an application may be made in whole or in part;
- (b) information concerning an application may be furnished in whole or in part; and
- (c) an oath may be administered,

by telephone, telex, radio or other similar means.

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"(5) A warrant issued under this section shall remain in force for such period as the justice issuing it specifies in the warrant.

"(6) Where a warrant is issued as the result of an action taken under or in pursuance of subsection (4), the justice issuing it shall send it to the Commissioner within 7 days after it is issued.

"(7) Where it is necessary for a member to satisfy a person that a warrant under this section was issued authorizing the member to conduct a search and, for reasonable cause, the member cannot, at the time of the search, produce the warrant, the member may produce a copy of the warrant completed and endorsed in accordance with subsection (8) and the production of the copy shall be deemed to be a production of the warrant.

"(8) For the purposes of subsection (7), a member shall -

- (a) complete a form of warrant substantially in the terms of the warrant issued; and
- (b) write on that form of warrant a statement that a warrant in those terms was issued giving -
 - (i) the name of the justice who issued the warrant; and
 - (ii) the date, time and place on and at which it was issued.

"120C. SEARCHING VEHICLES, &c.

"A member of the Police Force may stop and search, and detain for the purposes of that search -

- (a) an aircraft, vehicle or ship if the member has reasonable grounds to suspect that a dangerous drug may be found on or in it;
- (b) a person found on or in the aircraft, vehicle or ship; or
- (c) a person in a public place if the member has reasonable grounds to suspect that the person has in his or her possession, or is in any way conveying, a dangerous drug.

"120D. USE OF REASONABLE FORCE

"The power to search conferred by section 120C or by a warrant issued under section 120B authorizes a member -

- (a) to use such reasonable force as is necessary to break into, enter and search the land, aircraft, vehicle or ship to be searched;

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- (b) to use such reasonable force as is necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in the land, aircraft, vehicle or ship; and
- (c) to use such reasonable force as is necessary to carry out a search of a person authorized by or under this Division.

"120E. SEARCH OF FEMALES

"(1) A search of a female under this Division shall be carried out only -

- (a) by a female member of the Police Force;
- (b) by a medical practitioner authorized by a member to carry out the search; or
- (c) where there is neither a female member nor a medical practitioner available - by a female person authorized by a member to carry out the search.

"(2) Where a medical practitioner or a female person is authorized under subsection (1) to carry out a search of a female, the medical practitioner or female person carrying out the search has, for the purposes of that search, the same powers, and is subject to the same protection, as a member."
