



NORTHERN TERRITORY OF AUSTRALIA

No. 22 of 1983

AN ACT

To amend the *Absconding Debtors Act*

[Assented to 24 June 1983]

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 *Absconding Debtors Amendment Act 1983*.

2. PRINCIPAL ACT

The *Absconding Debtors Act* is in this Act referred to as the Principal Act.

3. NEW SECTION

The Principal Act is amended by inserting after section 8 the following:

"8A. CIRCUMSTANCES IN WHICH MEMBER OF POLICE FORCE MAY EXECUTE WARRANT WITHOUT HAVING WARRANT IN HIS POSSESSION

"(1) Where, having regard respectively to the location of the place where a warrant under Part II is purported to have been issued and the place where it is to be executed, it is not practicable for a member of the Police Force to obtain the warrant or a copy of it, he may, if he believes on reasonable grounds that the warrant is in existence, execute it notwithstanding that he does not have it or a copy of it in his possession.

"(2) Where a member of the Police Force executes, pursuant to sub-section (1), a warrant issued under Part II, he shall comply with the requirements of sections 9 and 10(a) in respect of the warrant as soon as practicable after receiving it or a copy of it.

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"(3) Where a member of the Police Force has executed, pursuant to sub-section (1), a warrant purported to be issued under Part II, and after that execution it is found that the warrant is not in existence, the person for the time being having custody of the person arrested in the purported execution of that warrant shall, as soon as practicable after he is satisfied that that warrant is not in existence, discharge the arrested person from custody."

4. ENDORSEMENT

Section 9 of the Principal Act is amended by omitting "A person" and substituting "Subject to section 8A(2), a person".

5. SERVICE OF WARRANT

Section 10(a) of the Principal Act is amended by omitting "as soon as" and substituting "subject to section 8A(2), as soon as".

6. APPLICATION FOR ORDER RESTRAINING TRANSFER OR REMOVAL OF PROPERTY

Section 13 of the Principal Act is amended by inserting after sub-section (1) the following:

"(1A) Where an application under sub-section (1)(a) relates to property which, in the opinion of the applicant, is not more than \$10,000 in value, the application shall be made to a magistrate and, in any other case, to a Judge."

7. REPEAL AND SUBSTITUTION

Section 24 of the Principal Act is repealed and the following substituted:

"24. PROTECTION OF PERSONS EXECUTING WARRANTS

"(1) A person who executes under this Act a warrant for the arrest of a person does not incur any civil liability if he acts reasonably and without actual knowledge of a defect in the warrant or of lack of jurisdiction in the person who issued the warrant.

"(2) A member of the Police Force who executes under section 8A(1) a warrant purported to be issued under Part II does not incur any civil or criminal liability if, after that execution, it is found that the warrant is not in existence."