



NORTHERN TERRITORY OF AUSTRALIA

No. 5 of 1983

AN ACT

To amend the *Police Administration Act*

[Assented to 27 April 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 *Police Administration Amendment Act 1983*.

2. NEW SECTION

The *Police Administration Act* is amended by inserting in Division 4 of Part VII, before section 128, the following:

"127A. DEFINITION

"In this Division 'intoxicated' means seriously affected apparently by alcohol or a drug."

3. CIRCUMSTANCES IN WHICH A PERSON MAY BE APPREHENDED

Section 128 of the *Police Administration Act* is amended by omitting sub-section (1) and substituting the following:

"(1) Where a member has reasonable grounds for believing that a person is intoxicated with alcohol or a drug and that that person is in a public place or trespassing on private property, the member may, without warrant, apprehend and take that person into custody."

4. REPEAL AND SUBSTITUTION

Section 132 of the *Police Administration Act* is repealed and the following substituted:

Police Administration Amendment

"132. CONTINUED DETENTION

"(1) If, after a period of 6 hours after a person has been taken into custody under section 128, it reasonably appears to the member in whose custody he is held that that person is still intoxicated the member shall bring the person, as soon as practicable, unless sooner released under this Division, before a justice.

"(2) Where a person is brought before a justice under sub-section (1), the justice shall, if it appears to him that the grounds for continuing the person's detention under sub-section (1) -

- (a) no longer exist - order the release of the person from custody; or
 - (b) continue to exist - give such directions as he thinks fit to a member for the safety and welfare of the person including, if he thinks fit, keeping him in the custody of a member (but only for so long as it reasonably appears to the member in whose custody he is held at the time that those grounds continue) or releasing him from custody."
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