

**NORTHERN TERRITORY OF AUSTRALIA**

**CROSS-BORDER JUSTICE REGULATIONS**

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**Subordinate Legislation No. 33 of 2009**

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# NORTHERN TERRITORY OF AUSTRALIA

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**Subordinate Legislation No. 33 of 2009\***

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## ***Cross-border Justice Regulations***

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Cross-border Justice Act*.

Dated 28 October 2009

T. I. Pauling  
Administrator

By His Honour's Command

D. P. Lawrie  
Minister for Justice and Attorney-General

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\* Notified in the *Northern Territory Government Gazette* on 29 October 2009.

## **Part 1            Preliminary matters**

### **1            Citation**

These Regulations may be cited as the *Cross-border Justice Regulations*.

### **2            Commencement**

- (1) Part 3, Division 16 and regulation 69 commence on 1 December 2009.
- (2) The remaining provisions of these Regulations commence on 1 November 2009.

## **Part 2            Cross-border region**

### **3            NT/SA/WA region**

- (1) The NT/SA/WA region is a cross-border region that:
  - (a) straddles the borders between the Territory, South Australia and Western Australia; and
  - (b) is described in the Schedule, Part 1.
- (2) The map in Schedule 1, Part 2 indicates the areas in the NT/SA/WA region in which police officers of participating jurisdictions may be stationed or carry out duties.

## **Part 3            Modifications of laws of the Territory**

### **Division 1        Interpretation**

#### **4            Terms used in modifications**

A term defined in section 7 of the Act has the same meaning in a modification prescribed by these Regulations.

### **Division 2        Alcohol Court Act**

#### **5            Act modified**

This Division prescribes modifications to the *Alcohol Court Act*.

**6 Modification of section 20 (Alcohol intervention order)**

Section 20(2)(a)

*omit, substitute*

- (a) the offender must remain in:
- (i) the Territory; or
  - (ii) if the offender has a connection with a cross-border region that is partly in another participating jurisdiction – the Territory or the other participating jurisdiction.

**Division 3 Bail Act**

**7 Act modified**

This Division prescribes modifications to the *Bail Act*.

**8 Modification of section 3 (Interpretation)**

(1) Section 3(1), definition ***authorized member***

*omit*

(2) Section 3(1)

*insert (in alphabetical order)*

***audio link*** means facilities (including telephone) that enable, at the same time, a person at one place to hear another person at another place and vice versa.

***authorised member*** means:

- (a) a police officer who:
- (i) holds the rank of Sergeant or a higher rank; or
  - (ii) is for the time being in charge of a police station in the Territory; or
- (b) a police officer of another participating jurisdiction:
- (i) who:
    - (A) holds the rank of Sergeant or a higher rank; or
    - (B) is for the time being in charge of a police station in the participating jurisdiction; and

- (ii) who holds a secondary office as a police officer of the Territory.

**deputy sheriff** means a person holding or occupying the office of:

- (a) deputy sheriff mentioned in section 5(1)(b) of the *Sheriff Act*; or
- (b) deputy sheriff established by section 6(1) of the *Sheriff's Act 1978* (SA); or
- (c) deputy mentioned in section 158(1) of the *Supreme Court Act 1935* (WA).

**officer in charge**, of a prison, means:

- (a) for a prison in the Territory – the officer in charge of the prison under the *Prisons (Correctional Services) Act*; or
- (b) for a prison in SA – the manager as defined in section 4(1) of the *Correctional Services Act 1982* (SA); or
- (c) for a prison in WA – a superintendent as defined in section 3(1) of the *Prisons Act 1981* (WA).

**sheriff** means the person holding or occupying the office of sheriff:

- (a) mentioned in section 5(1)(a) of the *Sheriff Act*; or
- (b) established by section 5(1) of the *Sheriff's Act 1978* (SA); or
- (c) established by section 156(1) of the *Supreme Court Act 1935* (WA).

**video link** means facilities (including closed circuit television) that enable, at the same time, a person at one place to see and hear another person at another place and vice versa.

## 9 Modification of section 16 (Authority for police to grant bail)

Section 16(5)

*omit*



**10      Modification of section 20 (Power of magistrates and justices to grant bail)**

Section 20(2)

*omit*

telephone

*substitute*

audio or video link

**11      Modification of section 26 (Persons to whom bail undertaking may be given)**

Section 26(e)

*omit*

all the words from "within" to "Act".

**12      Modification of section 33 (Review)**

Section 33(4)

*omit*

telephone, telex, radio

*substitute*

audio or video link, telex

**Division 4      Child Protection (Offender Reporting and Registration) Act**

**13      Act modified**

This Division prescribes modifications to the *Child Protection (Offender Reporting and Registration) Act*.

**14      Modification of sections 15, 19, 52 and 55**

Sections 15(1)(b), (2)(b) and (3)(b), 19(4), 52(2)(b) and 55(1)(a)

*omit*

custody in the Territory

*substitute*

custody in the Territory or government custody in a participating jurisdiction under a law of the Territory

## **Division 5 Director of Public Prosecutions Act**

### **15 Act modified**

This Division prescribes modifications to the *Director of Public Prosecutions Act*.

### **16 Modification of section 22 (Appearance by Director)**

Section 22(b)

*omit, substitute*

- (b) where the proceedings are cross-border proceedings of the court of summary jurisdiction or Youth Justice Court, by:
- (i) a legal practitioner; or
  - (ii) a police officer; or
  - (iii) a police officer of another participating jurisdiction, but only if the person who is the subject of the proceeding has a connection with a cross-border region that is partly in the other jurisdiction.

## **Division 6 Domestic and Family Violence Act**

### **17 Act modified**

This Division prescribes modifications to the *Domestic and Family Violence Act*.

### **18 New section 91A**

After section 91

*insert*

### **91A Notification of DVO made in cross-border proceeding**

- (1) This section applies in relation to a DVO made by a prescribed court of the Territory if:
- (a) the DVO is made or varied in a cross-border proceeding for the purposes of which the defendant has a connection with a

cross-border region; and

- (b) the protected person indicates at the time the DVO is made or varied that the person wants the DVO as made or varied to be registered under the restraining orders laws of another participating jurisdiction; and
  - (c) the region is partly in the other jurisdiction.
- (2) A clerk must give a copy of the DVO as made or varied to :
- (a) if the other jurisdiction is South Australia – the Principal Registrar of the Magistrates Court of South Australia; or
  - (b) if the other jurisdiction is Western Australia – the registrar of the Magistrates Court of Western Australia.

**19 Modification of section 93 (Application for registration)**

After section 93(2)

*insert*

- (3) If a clerk receives from a registrar of a prescribed court of another participating jurisdiction a copy of an external order as made or varied in a cross-border proceeding of that court, the registrar of the prescribed court is taken to have made an application for registration of the order on behalf of the protected person named in the order, unless the order as made or previously varied is already registered under this Part.

**Division 7 Evidence Act**

**20 Act modified**

This Division prescribes modifications to the *Evidence Act*.

**21 Modification of section 49P (Territory courts may take evidence and submissions from outside Territory)**

- (1) After section 49P(3)

*insert*

- (3A) If the proceeding is a cross-border proceeding of a prescribed court of the Territory, for the purpose of taking evidence or receiving a submission by audio visual link or audio link from a place in a participating jurisdiction in accordance with such a direction, the place is taken to be part of the court.

(2) Section 49P(4)

*omit*

The court

*substitute*

If subsection (3A) does not apply, the court

**Division 8 Justices Act**

**22 Act modified**

This Division prescribes modifications to the *Justices Act*.

**23 Modification of section 20 (Form of warrant)**

Section 20(4)

*omit, substitute*

- (4) Every warrant may be executed by apprehending the defendant at any place:

(a) within the Territory; or

(b) if the defendant has a connection with a cross-border region – within a participating jurisdiction.

**24 Modification of section 43 (Constitution of Courts of Petty Sessions)**

After section 43(2)

*insert*

- (3) However, every matter of complaint heard in another participating jurisdiction must be heard and determined by a Magistrate.

**25 New section 90A**

After section 90

*insert*

**90A Notice of order made in cross-border proceeding**

- (1) This section applies in relation to a personal violence restraining order made by a prescribed court of the Territory if:

- (a) the order is made or varied in a cross-border proceeding for the purposes of which the defendant has a connection with a cross-border region; and
  - (b) the protected person indicates at the time the order is made or varied that the person wants the order as made or varied to be registered under the restraining orders laws of another participating jurisdiction; and
  - (c) the region is partly in the other jurisdiction.
- (2) A clerk must give a copy of the order as made or varied to:
- (a) if the other jurisdiction is South Australia – the Principal Registrar of the Magistrates Court of South Australia; or
  - (b) if the other jurisdiction is Western Australia – the registrar of the Magistrates Court of Western Australia.

## **Division 9 Magistrates Act**

### **26 Act modified**

This Division prescribes modifications to the *Magistrates Act*.

### **27 New Part IIA**

After section 13A

*insert*

## **Part IIA Cross-border magistrates**

### **13B Appointment of cross-border magistrate**

- (1) If the Administrator is of the opinion that it is necessary to do so to facilitate the administration of justice in a cross-border region, the Administrator may appoint a magistrate of another participating jurisdiction to be a cross-border magistrate.
- (2) The instrument of appointment must specify:
  - (a) the period of the appointment; and
  - (b) any conditions of the appointment.
- (3) The Administrator may vary a matter specified in the instrument of appointment except the period of appointment.

- (4) The conditions of service (including remuneration) of a cross-border magistrate are those that the cross-border magistrate is entitled to as a magistrate of the other participating jurisdiction.
- (5) A cross-border magistrate may resign his or her office by writing signed by him or her and delivered to the Attorney-General.
- (6) A cross-border magistrate ceases to be a cross-border magistrate if the cross-border magistrate ceases to be a magistrate of the other participating jurisdiction.
- (7) A reference in the following provisions of this Act to a Magistrate (however appointed) includes a reference to a cross-border magistrate:
  - (a) section 10;
  - (b) section 13A;
  - (c) Part IV;
  - (d) section 20A.
- (8) A reference in another Act to a Magistrate (however appointed) includes a reference to a cross-border magistrate.
- (9) In this section:

***magistrate***, of another participating jurisdiction, does not include a person who holds the office of magistrate of the other jurisdiction as a secondary office holder.

**28 Modification of section 20 (Oath, &c., of office)**

Section 20(1) and (3)

*omit (all references)*

9A

*substitute*

9A, 13B

**Division 10 Mental Health and Related Services Act**

**29 Act modified**

This Division prescribes modifications to the *Mental Health and Related Services Act*.

**30 New section 13A**

After section 13, in Part 3

*insert*

**13A Definition**

In this Part:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996 (WA)*.

**31 Modification of section 38 (Examination at approved treatment facility)**

After section 38(3)

*insert*

- (4) In this section:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996 (WA)*.

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996 (WA)*.

**32 New section 38A**

Before section 39, in Part 6, Division 2

*insert*

**38A Definitions**

In this Division:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

***medical practitioner*** means:

- (a) a medical practitioner who has a right of practice under the *Health Practitioners Act*; or
- (b) a medical practitioner as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a medical practitioner as defined in section 4 of the *Medical Practitioners Act 2008* (WA).



**33 New section 41A**

Before section 42, in Part 6, Division 3

*insert*

**41A Definitions**

In this Division:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

***medical practitioner*** means:

- (a) a medical practitioner who has a right of practice under the *Health Practitioners Act*; or
- (b) a medical practitioner as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a medical practitioner as defined in section 4 of the *Medical Practitioners Act 2008* (WA).

**34 New Part 10, Division 1A**

Before Part 10, Division 1

*insert*

**Division 1A Definitions**

**73AA Definitions**

In this Part:

***approved temporary treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(b); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

***designated mental health practitioner*** means:

- (a) a person appointed to be a designated mental health practitioner under section 23; or

- (b) an authorised mental health practitioner as defined in section 3 of the *Mental Health Act 1996 (WA)*.

**medical practitioner** means:

- (a) a medical practitioner who has a right of practice under the *Health Practitioners Act*; or
- (b) a medical practitioner as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) a medical practitioner as defined in section 4 of the *Medical Practitioners Act 2008 (WA)*.

**outpatient assessment** means an assessment (whether in the Territory or a participating jurisdiction) that is not carried out at an approved treatment facility or approved temporary treatment facility.

**person-in-charge**, of an approved treatment facility or approved temporary treatment facility, means:

- (a) for a facility in the Territory – a person appointed as the person-in-charge of the facility under section 21(1) or the person otherwise in charge of the facility; or
- (b) for a facility in South Australia – the director of the facility; or
- (c) for a facility in Western Australia – the person in charge of the facility.

**practitioner** means an authorised psychiatric practitioner, medical practitioner or designated mental health practitioner.

**35 Modification of section 74 (Pre-assessment advice)**

Section 74(4)

*omit*

**36 Modification of section 74A (Assessment order and report)**

Section 74A(9)

*omit*

## **Division 11 Police Administration Act**

### **37 Act modified**

This Division prescribes modifications to the *Police Administration Act*.

### **38 Modification of section 4 (Interpretation)**

Section 4(1), definition *justice*

*omit, substitute*

*justice* means a justice of the peace and includes a magistrate of the Territory in another participating jurisdiction.

### **39 Modification of section 125 (Power to arrest interstate offenders)**

After section 125(3)

*insert*

- (4) To avoid doubt, a proceeding under this section in respect of an offence to which this section applies is only a cross-border offence if:
- (a) the offence is an offence under the law of another participating jurisdiction; and
  - (b) the person arrested for the offence has a connection with a cross-border region that is partly in the other jurisdiction.

### **40 Modification of section 132 (Continued detention of person taken into custody under section 128)**

- (1) Section 132(1), definition *health practitioner*

*omit*

- (2) Section 132(1)

*insert (in alphabetical order)*

*health practitioner* means a person who is available to attend to a person held in custody and is:

- (a) a medical practitioner, registered or enrolled nurse or Aboriginal health worker who has a right of practice under the *Health Practitioners Act*; or

- (b) a medical practitioner as defined in section 3(1) of the *Medical Practice Act 2004* (SA); or
- (c) a medical practitioner as defined in section 4 of the *Medical Practitioners Act 2008* (WA); or
- (d) a nurse as defined in section 3(1) of the *Nursing and Midwifery Practice Act 2008* (SA); or
- (e) a nurse as defined in section 3 of the *Nurses and Midwives Act 2006* (WA).

**member of the Police Force of or above the rank of superintendent** includes a police officer of another participating jurisdiction who holds:

- (a) the rank of superintendent or a higher rank; and
- (b) a secondary office as a police officer of the Territory.

#### **41 New section 143A**

Before section 144, in Part VII, Division 7

*insert*

#### **143A References to rank**

In this Division, a reference to a member of the Police Force holding a particular rank or a higher rank includes a reference to a police officer of another participating jurisdiction who holds:

- (a) the rank or a higher rank; and
- (b) a secondary office as a police officer of the Territory.

#### **42 Modification of section 145 (Intimate procedures)**

Section 145(14)

*omit, substitute*

(14) In this section:

**registered dentist** means:

- (a) a dentist or dental specialist who has a right of practice under the *Health Practitioners Act*; or
- (b) a person who is registered as a dentist under the *Dental Practice Act 2001* (SA); or

(c) a dentist as defined in section 4 of the *Dental Act 1939* (WA).

**43 Modification of section 147G (Definitions)**

Section 147G, definition ***senior member***

*omit, substitute*

***senior member*** means:

- (a) a police officer who holds the rank of superintendent or a higher rank; or
- (b) a police officer of another participating jurisdiction who holds:
  - (i) the rank of superintendent or a higher rank; and
  - (ii) a secondary office as a police officer of the Territory.

**Division 12 Prisons (Correctional Services) Act**

**44 Act modified**

This Division prescribes modifications to the *Prisons (Correctional Services) Act*.

**45 Modification of section 5 (Interpretation)**

(1) Section 5, definitions ***probation officer*** and ***supervising officer***

*omit, substitute*

***probation officer*** means:

- (a) a person appointed as a parole officer under the *Parole of Prisoners Act*; or
- (b) a community corrections officer of another participating jurisdiction.

***supervising officer*** means:

- (a) a supervising officer appointed under section 94F; or
- (b) a community corrections officer of another participating jurisdiction.

(2) Section 5, definition ***prisoner***

*omit*

Commonwealth.

*substitute*

Commonwealth and a person who is in prison under a custodial order of a participating jurisdiction.

## **Division 13 Prisoners (Interstate Transfer) Act**

### **46 Act modified**

This Division prescribes modifications to the *Prisoners (Interstate Transfer) Act*.

### **47 New section 4A**

After section 4, in Part I

*insert*

### **4A Relationship with cross-border laws**

This Act does not apply in relation to the transfer from the Territory to another participating jurisdiction of a person who:

- (a) is serving a sentence of imprisonment in the Territory under a warrant of commitment issued under:
  - (i) the *Cross-border Justice Act*; or
  - (ii) the *Cross-border Justice Act 2009 (SA)*; or
  - (iii) the *Cross-border Justice Act 2008 (WA)*; and
- (b) has a connection with a cross-border region that is partly in the other jurisdiction.

**48 New section 5AA**

Before section 5, in Part II

*insert*

**5AA Application of this Part to Territory prisoners imprisoned in another participating jurisdiction**

This Division applies in relation to a person who is serving in another participating jurisdiction a Territory sentence of imprisonment under a warrant of commitment issued under the *Cross-border Justice Act* as if the person were a Territory prisoner serving a sentence of imprisonment in the Territory.

**49 New section 7A**

After section 7

*insert*

**7A Effect of orders under this Part on persons imprisoned under law of another participating jurisdiction**

- (1) Subsection (3) applies in relation to a person who is serving in the Territory:
  - (a) a Territory sentence of imprisonment; and
  - (b) a sentence of imprisonment under a warrant of commitment issued under:
    - (i) the *Cross-border Justice Act 2009* (SA); or
    - (ii) the *Cross-border Justice Act 2008* (WA).
- (2) Subsection (3) also applies in relation to a person who is serving in another participating jurisdiction:
  - (a) a Territory sentence of imprisonment under a warrant of commitment issued under the *Cross-border Justice Act*; and
  - (b) a sentence of imprisonment under the law of another participating jurisdiction.



- (3) An order of transfer issued under this Part (a ***Territory order***) in relation to a person mentioned in subsection (1) or (2) has no effect:
- (a) to the extent that, but for this subsection, it authorises or requires the doing of an act or thing under this Act in relation to the person in the person's capacity as a person on whom a sentence of imprisonment under the law of the jurisdiction mentioned in subsection (1)(b) or (2)(b) has been imposed; and
  - (b) unless and until an order of transfer corresponding to the Territory order is in force under the interstate law of that jurisdiction.

## **Division 14 Sentencing Act**

### **50 Act modified**

This Division prescribes modifications to the *Sentencing Act*.

### **51 Modification of section 3 (Interpretation)**

- (1) Section 3(1), definitions ***hospital***, ***prison***, ***probation officer***, ***supervising officer*** and ***surveillance officer***

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

***hospital*** means:

- (a) a hospital as defined in section 5 of the *Medical Services Act*; or
- (b) an incorporated hospital as defined in section 3(1) of the *Health Care Act 2008* (SA); or
- (c) a public hospital as defined in section 2(1) of the *Hospitals and Health Services Act 1927* (WA).

***prison*** means:

- (a) a prison as defined in section 5 of the *Prisons (Correctional Services) Act*; or
- (b) a prison in another participating jurisdiction under its cross-border laws.

**probation officer** means:

- (a) a probation officer as defined in section 5 of the *Prisons (Correctional Services) Act*; or
- (b) a community corrections officer of another participating jurisdiction.

**supervising officer** means:

- (a) a supervising officer as defined in section 5 of the *Prisons (Correctional Services) Act*; or
- (b) a community corrections officer of another participating jurisdiction.

**surveillance officer** means:

- (a) a surveillance officer as defined in section 5 of the *Prisons (Correctional Services) Act*; or
- (b) a community corrections officer of another participating jurisdiction.

**52 New section 36A**

After section 36

*insert*

**36A Hours of community service under non-custodial orders made in cross-border proceedings**

- (1) This section applies if an offender:
  - (a) is convicted of one or more offences in a cross-border proceeding of a prescribed court of the Territory; and
  - (b) the court makes a community work order for one or more of those offences under which the offender is required to participate in an approved project.
- (2) If, at the time of conviction, the offender is performing or yet to perform community service under one or more non-custodial orders of another participating jurisdiction (**the interstate orders**), the hours of community service performed under the interstate orders count as hours of participation in an approved project under each of the community work orders mentioned in subsection (1)(b) (**the Territory orders**) unless the court specifies differently under subsection (3).

- (3) The court may specify that the number of hours of participation in an approved project to be performed under one or more of the Territory orders is in addition to any community service the offender has to perform under the interstate orders.
- (4) For subsection (3), an offender cannot do the additional hours of work under a Territory order until the offender has done the hours of work under the interstate orders or the interstate orders have ceased to be in force, whichever is earlier.
- (5) To avoid doubt, section 36(2):
  - (a) applies in relation to participation in an approved project under a community work order of the Territory; and
  - (b) does not apply in relation to community service performed under non-custodial orders of another participating jurisdiction.

**53 New section 51A**

After section 51

*insert*

**51A Commencement of sentences imposed in cross-border proceedings**

- (1) This section applies if an offender:
  - (a) is convicted of one or more offences in a cross-border proceeding of a prescribed court of the Territory; and
  - (b) is sentenced to imprisonment for one or more of those offences.
- (2) If, at the time of conviction, the offender is serving or yet to serve one or more sentences of imprisonment under the law of another participating jurisdiction (***the interstate sentences***), each of the sentences mentioned in subsection (1)(b) (***the Territory sentences***) must be served concurrently with the interstate sentences unless the court specifies differently under subsection (3).
- (3) The court may specify when one or more of the Territory sentences commences.
- (4) For subsection (3):
  - (a) none of the Territory sentences can commence later than the end of the last interstate sentence to end; and

- (b) if a non-parole period applies in respect of any of the interstate sentences – the first Territory sentence to commence after the end of the non-parole period must commence immediately after the end of that period.

**54 Modification of section 64 (Serving of balance of term of imprisonment when sentenced to further imprisonment)**

Section 64(2)(a)

*omit*

the Territory

*substitute*

a participating jurisdiction

**55 Modification of section 78P (Interpretation)**

Section 78P

*omit, substitute*

**78P Interpretation**

- (1) In this Part:

***approved treatment facility*** means:

- (a) an approved treatment facility as defined in section 4 of the *Mental Health and Related Services Act*; or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996 (WA)*.

***authorised psychiatric practitioner*** means:

- (a) an authorised psychiatric practitioner as defined in section 4 of the *Mental Health and Related Services Act*; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996 (WA)*.

***offence*** includes an aggravated property offence.

- (2) Subject to subsection (1), a word or phrase used in this Part that is defined in the *Mental Health and Related Services Act* has the meaning given in that Act.

**56 Modification of section 108 (Time and place of sentence)**

- (1) Section 108(1)

*omit, substitute*

- (1) The sentence for an offence may be imposed in open court at any time and place in a participating jurisdiction.

- (2) Section 108(3)(b)

*omit, substitute*

- (b) make an order or orders for the removal in custody of the person from one place in a participating jurisdiction to another.

**Division 15 Traffic Act**

**57 Act modified**

This Division prescribes modifications to the *Traffic Act*.

**58 Modification of section 3 (Interpretation)**

- (1) Section 3(1), definitions ***authorized analyst, health centre, hospital*** and ***registered nurse***

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

***authorised analyst*** means:

- (a) a person authorised under this Act to be an analyst; or
- (b) an analyst as defined in section 47A(1) of the *Road Traffic Act 1961* (SA); or
- (c) an analyst as defined in section 65 of the *Road Traffic Act 1974* (WA).

***hospital*** means:

- (a) a hospital declared under section 6(2)(a)(i) of the *Medical Services Act*; or

- (b) an incorporated hospital as defined in section 3(1) of the *Health Care Act 2008* (SA); or
- (c) a public hospital as defined in section 2(1) of the *Hospitals and Health Services Act 1927* (WA).

**medical practitioner**, see section 3A.

**registered nurse** means:

- (a) a registered nurse who has right of practice under the *Health Practitioners Act*; or
- (b) a registered nurse as defined in section 3(1) of the *Nursing and Midwifery Practice Act 2008* (SA); or
- (c) a registered nurse as defined in section 3 of the *Nurses and Midwives Act 2006* (WA).

**59 New section 3A**

After section 3

*insert*

**3A Medical practitioner**

Except for section 29(2), **medical practitioner** means:

- (a) a medical practitioner who has a right of practice under the *Health Practitioners Act*; or
- (b) a medical practitioner as defined in section 3(1) of the *Medical Practice Act 2004* (SA); or
- (c) a medical practitioner as defined in section 4 of the *Medical Practitioners Act 2008* (WA).

**60 Modification of 29AAK (Taking of sample of blood)**

- (1) Section 29AAK(3)

*omit*

hospital for examination

*substitute*

hospital in the Territory for examination

(2) Section 29AAK(4)

*omit, substitute*

(4) For the purpose of analysis by an authorised analyst, a medical practitioner, registered nurse or member of the staff of a hospital who is under the direct supervision of a medical practitioner or registered nurse may:

(a) take a sample of blood from a person who:

(i) has apparently attained the age of 15 years; and

(ii) enters the hospital for examination or treatment of injuries which may have been received in a car crash; and

(iii) is unconscious or apparently incapable of consenting to the taking of the sample; or

(b) require a person to give a sample of blood who:

(i) has apparently attained the age of 15 years; and

(ii) enters a hospital for examination or treatment of injuries which may have been received in a car crash.

## **Division 16 Youth Justice Act**

### **61 Act modified**

This Division prescribes modifications to the *Youth Justice Act*.

### **62 Modification of section 5 (Interpretation)**

(1) Section 5(1), definitions ***detention centre, nurse*** and ***prison***

*omit*

(2) Section 5(1)

*insert (in alphabetical order)*

***detention centre*** means:

(a) a youth detention centre approved under section 148; or

(b) a detention centre in another participating jurisdiction under its cross-border laws.

**medical practitioner** means:

- (a) a medical practitioner who has a right of practice under the *Health Practitioners Act*; or
- (b) a medical practitioner as defined in section 3(1) of the *Medical Practice Act 2004* (SA); or
- (c) a medical practitioner as defined in section 4 of the *Medical Practitioners Act 2008* (WA).

**nurse** means:

- (a) a person registered or enrolled under the *Health Practitioners Act* in the category of health care practice of nursing; or
- (b) a nurse as defined in section 3(1) of the *Nursing and Midwifery Practice Act 2008* (SA); or
- (c) a nurse as defined in section 3 of the *Nurses and Midwives Act 2006* (WA).

**prison** means:

- (a) a prison as defined in section 5 of the *Prisons (Correctional Services) Act*; or
- (b) a prison in another participating jurisdiction under its cross-border laws.

### **63 Modification of section 10 (Probation officers)**

After section 10(1)

*insert*

- (1A) The following persons are also probation officers for this Act:
  - (a) an officer of the Department, as defined in the *Young Offenders Act 1993* (SA), whose duties include the supervision of offenders in the community under that Act;
  - (b) an officer of the Department, as defined in the *Young Offenders Act 1994* (WA), whose duties include the supervision of offenders in the community under that Act.



**64      Modification of section 39 (Diversion of youth)**

Section 39(3)(a)

*omit*

the Territory

*substitute*

a participating jurisdiction

**65      Modification of section 52 (Jurisdiction of Youth Justice Court)**

Section 52(1)(b)

*omit (first reference)*

the Territory

*substitute*

a participating jurisdiction

**66      Modification of section 107 (Breath analysis)**

Section 107(3)

*omit, substitute*

- (3A) However, a breath analysis carried out in accordance with the drink or drug-driving laws of another participating jurisdiction is taken to have been carried out in accordance with subsection (3).

**Part 4                      Miscellaneous matters****67      Authorised officers**

For the definition ***authorised officer*** in section 7(1) of the Act, an office holder of a participating jurisdiction is an authorised officer for the purpose of carrying out a custodial order if the office holder is authorised under the law of the jurisdiction to carry out in that jurisdiction an order or other authority made or otherwise given under that law that is to the same or similar effect as the custodial order.

**68 Custodial orders – recommendation about place of custody**

A judicial officer or registrar who issues:

- (a) a warrant of commitment under section 98 of the Act; or
- (b) a remand warrant under section 100 of the Act;

may note on the warrant any recommendation about the place at which the person is the subject of the warrant should be kept in custody under the warrant.

**69 Application of *Youth Justice Act***

For section 106 of the Act, Parts 8 to 10 of the *Youth Justice Act* do not apply in relation to a person in custody in a detention centre in another participating jurisdiction under Part 10 of the *Cross-border Justice Act*.

**70 Calculation of reduction in amount of fines**

For section 127(2)(c)(iii) of the Act, the amount by which a fine is reduced because an offender has performed work under a community work order issued under Part 5, Division 9 of the Fines Enforcement Act must be calculated in accordance with regulation 14 of the *Fines and Penalties (Recovery) Regulations*.

**Schedule NT/SA/WA region**

regulation 3

**Part 1 Description – NT/SA/WA region boundary**

The NT/SA/WA region is bounded by a line starting at point 1 in the sequence specified in the table then, initially in an easterly direction, along a straight line between each of the points in the sequence to point 18 then to point 1.

<b>Point no.</b>	<b>Longitude (E)</b>	<b>Latitude (S)</b>
1	124°40'9.726"	-23°26'26.696"
2	126°29'59.085"	-23°26'50.559"
3	126°30'2.638"	-22°30'0.724"
4	129°59'43.09"	-22°29'59.842"
5	130°0'0.315"	-22°59'58.596"
6	131°59'59.524"	-22°59'59.741"
7	132°0'3.867"	-24°0'0.641"
8	132°29'45.2"	-24°0'5.62"
9	132°30'4.694"	-24°29'40.966"
10	134°30'1.249"	-24°30'0.759"
11	134°30'4.258"	-25°0'5.185"
12	135°30'0.12"	-25°0'1.22"
13	135°30'7.027"	-26°59'43.989"
14	134°30'13.305"	-27°0'11.385"
15	134°30'51.407"	-28°0'11.092"
16	127°30'0.049"	-28°0'0.49"
17	127°30'3.326"	-26°45'5.594"
18	124°39'56.52"	-26°44'1.484"

*Note*

*Coordinate references are to Geocentric Datum of Australia 1994 (GDA94) coordinates.*

**Part 2 Areas in which police officers stationed or carry out duties**

