An amendment to police legislation that will address the difficulties currently faced by police in dealing with people who are still intoxicated after six hours in protective custody will be introduced into Parliament next week.

The Minister for Police, Fire and Emergency Services, Paul Henderson, said the legislative change comes after a recommendation from the Territory’s Coroner following the road death in December 2000 of a man after he had been released from protective custody in Katherine.

"While the Coroner found the police actions to be appropriate, he recognised there were difficulties in applying the rules governing the release of those in protective custody, particularly in remote or isolated areas," Mr Henderson said.

At present, Section 32 of the Police Administration Act states that if a person is still intoxicated after being in custody for six hours, police have to take them before a justice in order to extend their period in police care.

"Clearly, this is not always practical or timely. Under the proposed changes, the officer in charge can assess if the person still appears to be seriously affected by alcohol or a drug, and can seek medical attention for them," Mr Henderson said.

"A Superintendent can extend the custody period for up to four hours while a Doctor or Health Worker, including Aboriginal Health Workers, is sought."

In developing these changes to the Police Administration Act, input has been sought from Northern Territory Police, the Department of Health and Community Services and NAALAS.

Mr Henderson said it was important to recognise the amendment would not alter the rights of those taken into custody.

People still have the right to be taken before a justice to seek release from protective custody, and these amendments will only apply to those who appear to be seriously affected by alcohol or a drug after being held in custody for at least six hours.

"This amendment will give NT Police certainty and confidence in carrying out their duty releasing people from protective custody," Mr Henderson said. "This is too important an issue to not change the law."

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