

New South Wales

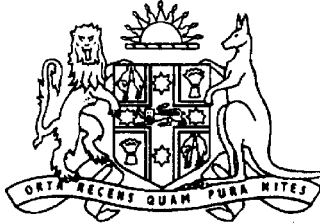
# Children (Detention Centres) Amendment Act 2004 No 28

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New South Wales

## **Children (Detention Centres) Amendment Act 2004 No 28**

Act No 28, 2004

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An Act to amend the *Children (Detention Centres) Act 1987* with respect to the detention of children who fail to comply with bail requirements. [Assented to 13 May 2004]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Children (Detention Centres) Amendment Act 2004*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of Children (Detention Centres) Act 1987 No 57**

The *Children (Detention Centres) Act 1987* is amended as set out in Schedule 1.

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## Schedule 1 Amendment

(Section 3)

### Section 42A

Insert after section 42:

#### **42A Admission to detention centre following arrest or apprehension for breach of bail undertaking or conditions**

- (1) A child who is arrested or apprehended under section 50 (1) of the *Bail Act 1978*, and who is to be detained before being taken before a court, must be detained in a detention centre rather than being detained in a police station.
- (2) Despite subsection (1), the child may be detained in a police station before being taken before a court if it is impracticable for the child to be detained in a detention centre before being taken before the court.
- (3) A child who is detained in a police station under subsection (2) must, so far as is reasonably practicable, be detained separately from any adults detained there.
- (4) While a child is detained in a detention centre under this section, the child is taken to be a person on remand for the purposes of this Act.

[Second reading speech made in—  
Legislative Assembly on 12 March 2004  
Legislative Council on 4 May 2004]

BY AUTHORITY