



New South Wales

Children (Detention Centres) Amendment (Use of Force and Drug Testing) Regulation 2016

under the

Children (Detention Centres) Act 1987

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Detention Centres) Act 1987*.

DAVID ELLIOTT, MP
Minister for Corrections

Explanatory note

The objects of this Regulation are:

- (a) to authorise a juvenile justice officer to use force to allow a medical practitioner to carry out necessary medical treatment on a detainee, and
- (b) to provide that a use of force report is not required when force is only threatened, when a detainee is restrained in order to be moved from one location to another or when a riot shield is used for personal protection, and
- (c) to enable a juvenile justice officer to obtain a saliva sample (in addition to a urine sample) for drug testing purposes.

This Regulation is made under the *Children (Detention Centres) Act 1987*, including sections 32A and 45 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Children (Detention Centres) Amendment (Use of Force and Drug Testing) Regulation 2016*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Children (Detention Centres) Regulation 2015

[1] Clause 65 Use of force

Insert after clause 65 (1) (i):

- (j) to allow a medical practitioner to carry out medical treatment on a detainee in accordance with section 27 of the Act.

[2] Clause 66 Reports on use of force

Insert after clause 66 (2):

- (3) This clause does not apply in respect of:
 - (a) a threat of the use of force, or
 - (b) the use of an instrument of restraint in circumstances where:
 - (i) the person is restrained for the purposes of being moved from one location to another, and
 - (ii) the move and use of the restraint is required to be noted administratively, or
 - (c) the use of a riot shield as personal protection (provided the shield does not come into contact with another person).

[3] Clause 69 Urine or saliva sample where drug use suspected

Insert “or saliva or both” after “urine” in clause 69 (1).

[4] Clause 69 (3) and (4)

Insert “or saliva” after “urine” wherever occurring.

[5] Clause 70 Urine or saliva sample whether or not drug use suspected

Insert “or saliva” after “urine” wherever occurring in clause 70 (1) and (3).

[6] Clause 71 Evidence as to use of drugs

Insert “or saliva” after “urine” where firstly and thirdly occurring in clause 71 (1) and where secondly and thirdly occurring in clause 71 (2).

[7] Clause 71 (1) (a) and (2) (a)

Insert “or saliva (as the case may be)” after “urine” wherever occurring.

[8] Clause 71 (3)

Insert after clause (3) (a):

- (a1) evidence that a government analyst received a container holding a sample of saliva, being a container that was marked or labelled to indicate that it held a sample of saliva obtained from a specified detainee on a specified day, is evidence that the sample was a sample of saliva obtained from that detainee on that day, and