



New South Wales

Children (Detention Centres) Amendment Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Under section 50 (1) of the *Bail Act 1978*, a person who has been released on bail may be arrested and taken before a court if a police officer believes that the person has failed, or is about to fail, to comply with requirements of the person's bail.

The object of this Bill is to provide that, when a child is so arrested and detained before being taken before a court, the child is to be detained in a detention centre under the *Children (Detention Centres) Act 1987* or, if it is impracticable to do so, in a police station.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on assent.

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Clause 3 is a formal provision that gives effect to the amendment to the *Children (Detention Centres) Act 1987* set out in Schedule 1.

Schedule 1 contains the amendment described in the above Overview.

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Children (Detention Centres) Amendment Bill 2004

No. , 2004

A Bill for

An Act to amend the *Children (Detention Centres) Act 1987* with respect to the detention of children who fail to comply with bail requirements.

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.

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.