

# Children (Detention Centres) Amendment Act 2004 No 28

[2004-28]



New South Wales

## Status Information

### Currency of version

Repealed version for 13 May 2004 to 30 June 2005 (accessed 25 December 2024 at 15:44)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 3 to the [Statute Law \(Miscellaneous Provisions\) Act 2005 No 64](#) with effect from 1.7.2005.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 July 2005

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# Children (Detention Centres) Amendment Act 2004 No 28



New South Wales

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

## 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.