

NORTHERN TERRITORY OF AUSTRALIA

YOUTH JUSTICE AMENDMENT ACT 2016

Act No. 21 of 2016

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 21 of 2016

An Act to amend the *Youth Justice Act*

[Assented to 8 June 2016]
[Second reading 21 April 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Youth Justice Amendment Act 2016*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Youth Justice Act*.

4 Section 5 amended

Section 5(1)

insert (in alphabetical order)

appropriate, for Part 8, Division 2, see section 151AA.

approved restraint, for Part 8, Division 2, see section 151AB.

5 Sections 151AA and 151AB inserted

Before section 151, in Part 8, Division 2

insert

151AA Definitions

In this Division:

appropriate, in relation to the use of an approved restraint, means using the restraint:

- (a) in the least restrictive or invasive way reasonable in the circumstances; and
- (b) for the minimum amount of time reasonable in the circumstances.

approved restraint, see section 151AB.

151AB Approval of restraints

The Commissioner may approve a mechanical device (an **approved restraint**) for restricting the movement of detainees.

6 Section 152 amended

After section 152(1)

insert

- (1A) To protect a detainee from self-harm, or to protect the safety of another person, the superintendent may:
 - (a) use appropriately an approved restraint on the detainee; or
 - (b) authorise the appropriate use of an approved restraint on the detainee.

7 Section 153 amended

- (1) Section 153(3)(d)

omit

handcuffing or use of similar devices to restrain

insert

use of approved restraints to restrict

(2) Section 153(4)

omit, insert

(4) Despite subsection (3)(d), if the superintendent is of the opinion that an emergency exists, or that restraining a detainee would reduce a risk to the good order or security of the detention centre, the superintendent may:

- (a) use appropriately an approved restraint on the detainee; or
- (b) authorise the appropriate use of an approved restraint on the detainee.

8 Section 155 replaced

Section 155

repeal, insert

155 Restraint devices may be used to escort certain detainees

When a detainee is being escorted, whether inside or outside a detention centre, the superintendent of the detention centre may:

- (a) use appropriately an approved restraint on the detainee; or
- (b) authorise the appropriate use of an approved restraint on the detainee.

9 Section 157A amended

Section 157A(2)

omit

superintendent

insert

superintendent

10 Section 157B amended

Section 157B(1)

omit

superintendent

insert

superintendent

11 Section 158 amended

Section 158, heading, at the end

insert

of detainees

12 Section 158A inserted

After section 158, in Part 8, Division 2

insert

158A Register of use of approved restraints

- (1) The superintendent of a detention centre must keep a register containing the following particulars in relation to the use of approved restraints:
- (a) the name of the detainee who was restrained;
 - (b) the particular approved restraint that was used;
 - (c) the circumstances in which the approved restraint was used;
 - (d) the date on which the approved restraint was used;
 - (e) the time the approved restraint was used, including the time at which the approved restraint was applied and the time at which the approved restraint was removed;
 - (f) the name of the person who authorised the use of the approved restraint;
 - (g) any medical attention that was required;
 - (h) any other particulars prescribed by the Regulations.

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- (2) A register may be kept in any form and on any medium that the Commissioner considers appropriate.

13 Expiry of Act

This Act expires on the day after it commences.