

NORTHERN TERRITORY OF AUSTRALIA

YOUTH JUSTICE LEGISLATION AMENDMENT ACT 2025

Act No. 21 of 2025

Table of provisions

Part 1 Preliminary matters

1	Short title	1
2	Commencement	1

Part 2 Amendment of youth justice legislation

Division 1 Youth Justice Act 2005

3	Act amended	1
4	Section 3 amended (Objects)	2
5	Section 5 amended (Interpretation)	2
6	Section 10 amended (Use of force generally).....	2
7	Section 14 amended (Register of appropriate support persons).....	2
8	Section 18 amended (Interview of youth)	3
9	Section 40 replaced	3
	40 Diversion in circumstances where youth denies behaviour	
10	Section 64 amended (Court may refer youth to diversion)	4
11	Section 81 amended (Principles and considerations to be applied to youth offenders)	4
12	Section 122 amended (Youth offends during adjournment)	5
13	Section 136 repealed.....	5
14	Part 8, Division 1AA inserted	5
	Division 1AA General matters	
	147A Functions of CEO	
	147B Powers of CEO	
	147C Assistance to deal with or prevent emergency or escape	
15	Section 151AB repealed	7
16	Section 153 amended (Prohibited actions).....	7
17	Section 154 amended (Use of force)	7
18	Section 155 amended (Use of restraint devices).....	8
19	Sections 155A and 155B repealed	9
20	Section 156 amended (Detainee's right to be heard).....	9
21	Section 157A repealed	10
22	Section 158A amended (Register of use of approved restraints).....	10

23	Part 8, Division 2A inserted	11
	Division 2A Separation of detainees	
	158B Separation in accordance with this Division	
	158C Operational matters	
	158D Voluntary separation	
	158E Medical separation	
	158F Behavioural separation	
	158G Monitoring requirements	
24	Section 161 amended (Search of detainees).....	16
25	Section 167 replaced	17
	167 Arrest of unlawfully absent detainee	
26	Section 193 amended (Escaping from detention centre).....	18
27	Part 13 repealed	18
28	Section 216A inserted	19
	216A Annual report	
29	Part 17, Division 10 inserted.....	19
	Division 10 Transitional matters for Youth Justice Legislation Amendment Act 2025	
	242 Definitions	
	243 Register of appropriate support persons	
	244 Amendments to section 81: sentencing principles and considerations	
	245 Amendments to section 122: offences during adjournment	

Division 2 Youth Justice Regulations 2006

30	Regulations amended.....	20
31	Regulation 3A amended (Prescribed offences)	20
32	Regulation 31A inserted	20
	31A Daily routine of detention centre	
33	Regulation 65 amended (Detainee to follow instructions and rules)	21
34	Regulations 70 to 71A inserted.....	21
	70 Permitted restraints	
	71 Detainees under voluntary separation – monitoring requirements	
	71A Detainees under medical separation – monitoring requirements	
35	Regulation 72 amended (Separation).....	23

Part 3 Consequential amendment of Criminal Records (Spent Convictions) Act 1992

36	Act amended	24
37	Section 4 amended (Application).....	24

Part 4 Repeal

38	Repeal of Act.....	24
----	--------------------	----



NORTHERN TERRITORY OF AUSTRALIA

Act No. 21 of 2025

An Act to amend the *Youth Justice Act 2005* and the *Youth Justice Regulations 2006* and for related purposes

[Assented to 11 August 2025]
[Introduced 30 July 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Youth Justice Legislation Amendment Act 2025*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 28 July 2027, it commences on that day.

Part 2 Amendment of youth justice legislation

Division 1 Youth Justice Act 2005

3 Act amended

This Division amends the *Youth Justice Act 2005*.

4 Section 3 amended (Objects)

- (1) Section 3(f)
omit

Justice Court;

insert

Justice Court.
- (2) Section 3(g)

omit

5 Section 5 amended (Interpretation)

- (1) Section 5(1), definitions ***approved restraint*** and ***Committee***

omit
- (2) Section 5(1)

insert

permitted restraint means a restraint device prescribed under section 155(1).
- (3) Section 5(1), definition ***prescribed offence***

omit

for Part 3,

6 Section 10 amended (Use of force generally)

Section 10(1), at the end

insert

Note for subsection (1)(b)(iv)
See section 147C(4) in relation to police officers and correctional officers providing assistance under that section.

7 Section 14 amended (Register of appropriate support persons)

Section 14(1)

omit

Youth Justice Advisory Committee

insert

CEO

8 Section 18 amended (Interview of youth)

After section 18(4)

insert

- (5) To avoid doubt, this section does not apply in relation to the following:
- (a) the search of a youth under section 19;
 - (b) a procedure carried out under Division 3.

Notes for subsection (5)

- 1 *Section 19 provides for the presence of a support person while a search is carried out.*
- 2 *Section 29 provides for the presence of a support person while a forensic procedure is carried out.*

9 Section 40 replaced

Section 40

repeal, insert

40 Diversion in circumstances where youth denies behaviour

- (1) Despite section 39(2) and (4), if a youth denies having had a role in the behaviour constituting the alleged offence:
- (a) the youth must not be diverted under section 39(2)(c) or (d) or (4); and
 - (b) a police officer may, in accordance with this Act, charge the youth with the offence that the officer believes on reasonable grounds the youth has committed and the youth may be prosecuted for the offence.
- (2) This section does not apply in relation to a youth who has been referred for assessment for inclusion in a diversion program or a Youth Justice Conference under section 64(1)(b).

10 Section 64 amended (Court may refer youth to diversion)

- (1) Before section 64(1)
- insert*
- (1AA) The Youth Justice Court may, at any stage of the proceedings against a youth in respect of an offence, take action under subsection (1) unless:
- (a) the proceedings relate to a prescribed offence; or
- (b) under section 39(3)(d), diversion was previously considered an unsuitable option for the youth.
- (2) Section 64(1)
- omit*
- all words from "may," to "youth:"
- insert*
- may, in respect of the offence:
- (3) Section 64(3)
- omit*

11 Section 81 amended (Principles and considerations to be applied to youth offenders)

- (1) Section 81(1)
- omit, insert*
- (1) When sentencing a youth who has been found guilty of an offence, the Court must:
- (a) have primary regard to any impact of the offence on each victim of the offence; and
- (b) also have regard to:
- (i) the principles applying generally for disposing of charges for offences, except as those principles are modified by this Act; and
- (ii) the general principles of youth justice set out in section 4.

(2) Section 81(6)

omit

12 Section 122 amended (Youth offenses during adjournment)

Section 122(2)

omit

may,

insert

must,

13 Section 136 repealed

Section 136

repeal

14 Part 8, Division 1AA inserted

After Part 8, heading

insert

Division 1AA General matters

147A Functions of CEO

The CEO is responsible for the overall control and management of:

- (a) detention centres; and
- (b) detainees.

147B Powers of CEO

- (1) The CEO has the powers necessary to perform the CEO's functions under this Act.
- (2) Without limiting subsection (1), the CEO may do anything the CEO considers appropriate in order to maintain the good order and security of detention centres and detainees.
- (3) The CEO may also exercise the powers and perform the functions of a superintendent of a detention centre conferred by this Act.

147C Assistance to deal with or prevent emergency or escape

- (1) The CEO may request assistance from the Commissioner of Correctional Services, the Commissioner of Police or both under this section if:
 - (a) the CEO is satisfied that an emergency situation exists or there is a risk of an emergency situation arising; or
 - (b) a detainee has escaped from lawful detention and the CEO requires assistance to do either of the following:
 - (i) search for the detainee;
 - (ii) return the detainee to lawful detention.
- (2) The Commissioner of Police may arrange for police officers to assist the CEO if assistance is requested under subsection (1) and, without limiting the powers of police officers under this or any other Act or the common law, those police officers may exercise the powers and perform the functions of a superintendent of a detention centre under section 151(3)(c) in providing that assistance.
- (3) The Commissioner of Correctional Services may arrange for correctional officers to assist the CEO if assistance is requested under subsection (1) and, without limiting the powers of correctional officers under this or any other Act or the common law, those correctional officers may exercise the powers and perform the functions of a superintendent of a detention centre under sections 151(3)(c) and 167(1) in providing that assistance.
- (4) Despite section 10(1)(b)(iv), a police officer or correctional officer assisting the CEO under this section is not required to hold the qualification mentioned in that provision to use force under this Act.
- (5) A correctional officer providing assistance under this section who is a correctional services dog handler may use a correctional services dog in providing that assistance if the handler considers it appropriate to do so.
- (6) The handler may permit the dog to use force against a person only if:
 - (a) the handler could lawfully use force against the person; and
 - (b) the handler considers the use of force by the dog is reasonably necessary.

(7) In this section:

correctional officer, see section 4 of the *Correctional Services Act 2014*.

correctional services dog, see section 4 of the *Correctional Services Act 2014*.

correctional services dog handler, see section 35(1)(b) of the *Correctional Services Act 2014*.

15 Section 151AB repealed

Section 151AB

repeal

16 Section 153 amended (Prohibited actions)

Section 153(2)(b)

omit

an approved

insert

a permitted

17 Section 154 amended (Use of force)

(1) Section 154(1)(a) and (b)

omit, insert

(a) prevent a risk of a detainee:

(i) inflicting self-harm; or

(ii) harming another person; or

(iii) damaging property; or

(iv) escaping from lawful detention; or

(b) prevent a detainee from engaging in conduct that would:

(i) endanger the safety of any person who is within the precincts of the detention centre, including the detainee;
or

- (ii) threaten the good order or security of the detention centre.

(2) Section 154(1), note

omit, insert

Notes for subsection (1)

- 1 See section 10 in relation to the use of force.
- 2 See section 152(3) in relation to the powers of a superintendent of a detention centre when a detainee is outside the precincts of, or absent from, the detention centre.
- 3 Other provisions of this Act also provide for the use of force.

18 Section 155 amended (Use of restraint devices)

(1) Section 155(1) and (2)

omit, insert

- (1) The Regulations may prescribe a device that may be used to restrain a detainee.
- (2) The superintendent of a detention centre or a person authorised by the superintendent may appropriately use a permitted restraint on a detainee if the superintendent or authorised person believes on reasonable grounds that restraint is necessary to:
 - (a) prevent a risk of the detainee:
 - (i) inflicting self-harm; or
 - (ii) harming another person; or
 - (iii) damaging property; or
 - (iv) escaping, or attempting to escape, from lawful detention; or
 - (b) prevent the detainee from engaging in conduct that would:
 - (i) endanger the safety of any person who is within the precincts of the detention centre, including the detainee; or
 - (ii) threaten the good order or security of the detention centre; or
 - (c) conduct a search of a detainee under section 161; or

- (d) arrest a detainee under section 167(1); or
 - (e) take a detainee to a detention centre or another place under section 167A.
- (2A) The superintendent of a detention centre or a person authorised by the superintendent may also appropriately use a permitted restraint on a detainee when escorting the detainee outside a detention centre.
- (2B) The superintendent or person authorised by the superintendent may use the force that is reasonably necessary to appropriately use the permitted restraint.

Note for subsection (2B)

See section 10 in relation to the use of force.

- (2) Section 155(3), definition ***appropriately use***, paragraph (b)
- omit*
- minimum
- (3) Section 155(3), definition ***appropriately use***, paragraph (c)
- omit*
- approved
- insert*
- permitted

19 Sections 155A and 155B repealed

Sections 155A and 155B

repeal

20 Section 156 amended (Detainee's right to be heard)

- (1) Section 156(1), after "superintendent"
- insert*
- of a detention centre

(2) Section 156(1)

omit

155 or 155A.

insert

155, 158E or 158F.

21 Section 157A repealed

Section 157A

repeal

22 Section 158A amended (Register of use of approved restraints)

(1) Section 158A, heading

omit

approved

insert

permitted

(2) Section 158A(1)

omit (all references)

approved

insert

permitted

(3) Section 158A(1)(e)

omit

details

insert

if the restraint was used under section 155(2) – details

(4) Section 158A(1)(f)

omit

authorised the use of

insert

used

(5) Section 158A(1)(g), after "required"

insert

due to the use of the permitted restraint

23 Part 8, Division 2A inserted

After section 158A

insert

Division 2A Separation of detainees

158B Separation in accordance with this Division

A detainee may be separated from other detainees in a detention centre only in accordance with this Division.

158C Operational matters

A detainee is not considered to have been separated from other detainees in a detention centre:

- (a) when the detainee is securely accommodated:
 - (i) in the detainee's room overnight; or
 - (ii) during a reasonable and necessary lockdown period at the detention centre; or
 - (iii) during an emergency situation; or
- (b) when it is, in the opinion of the superintendent, reasonably required having regard to the age or gender of the detainee; or
- (c) when the detainee is attending medical treatment, an educational or work program or a recreational activity; or
- (d) when the detainee is being escorted or moved within the detention centre; or

- (e) in another circumstance prescribed by regulation.

158D Voluntary separation

- (1) The superintendent of a detention centre may authorise the separation of a detainee from other detainees in the detention centre if the detainee requests the separation.
- (2) As soon as practicable after a detainee is separated under this section, the detainee must be given an explanation of the detainee's rights during the separation.
- (3) If a detainee is separated under this section, members of staff of the detention centre must have contact with the detainee at least once every hour during the separation.
- (4) If a detainee who is separated under this section requests to be released from separation, the detainee must be released from separation immediately.
- (5) The superintendent may withdraw an authorisation under subsection (1) if the superintendent considers that separation is no longer appropriate.

158E Medical separation

- (1) The superintendent of a detention centre may authorise the separation of a detainee from other detainees in the detention centre if:
 - (a) a medical practitioner advises the superintendent that:
 - (i) the detainee is suffering from an infectious disease; and
 - (ii) separation is reasonably necessary to mitigate the risk to the health of other detainees; or
 - (b) the superintendent believes on reasonable grounds that:
 - (i) the detainee is suffering from an infectious disease; and
 - (ii) separation is reasonably necessary to mitigate the risk to the health of other detainees.
- (2) The superintendent must report the separation of a detainee under this section to the CEO as soon as reasonably practicable after the separation occurs.

- (3) A detainee separated under subsection (1)(b) must be examined by a medical practitioner as soon as practicable after the detainee is separated under that provision.
- (4) As soon as practicable after a detainee is separated under this section, the detainee must be given an explanation of the detainee's rights during the separation.
- (5) If a detainee is separated under this section:
 - (a) members of the staff of the detention centre must have regular, ongoing contact with the detainee for the purpose of monitoring the physical and mental health and wellbeing of the detainee; and
 - (b) if it is safe and reasonably practicable to do so, the detainee must be permitted to have contact with the following:
 - (i) one or more family members;
 - (ii) a medical practitioner;
 - (iii) a counsellor or psychologist;
 - (iv) a case worker;
 - (v) a legal practitioner;
 - (vi) an adult nominated by the detainee; and
 - (c) the detainee must be given access to the following:
 - (i) basic human necessities including toilets, food, clean drinking water, showers and sunlight;
 - (ii) if it is safe to do so, education, education materials and appropriate recreation materials, including reading materials; and
 - (d) if the period of separation exceeds 3 hours and it is safe to do so – the detainee must be given access to outdoor exercise or recreation for at least 15 minutes of every 3 hours between 8 am and 6 pm.
- (6) A detainee must be released from separation under this section in the following circumstances:
 - (a) on the direction of a medical practitioner;

- (b) if the superintendent no longer believes separation is reasonably necessary.

Note for section 158E

Under section 174, the superintendent of a detention centre is required to comply with the direction of a medical practitioner in relation to the health of a detainee.

158F Behavioural separation

- (1) The superintendent of a detention centre may authorise the separation of a detainee from other detainees in the detention centre if:
 - (a) the superintendent believes on reasonable grounds that separation is reasonably necessary for the detainee's protection or the protection of another person or property; and
 - (b) either:
 - (i) all reasonable behavioural or therapeutic measures to resolve the situation have been attempted and those measures have failed to resolve the situation; or
 - (ii) an emergency situation exists; and
 - (c) no other course of action is reasonably practicable.
- (2) The superintendent must report the separation of a detainee under this section to the CEO and the Children's Commissioner as soon as reasonably practicable after the separation occurs.
- (3) The superintendent must not authorise the separation of a detainee under this section for a period exceeding 12 hours without the CEO's approval and, if the period exceeds 12 hours, the CEO's approval must be given in respect of each successive 12 hour period.
- (4) A detainee must not be separated under this section for more than 72 consecutive hours.
- (5) As soon as practicable after a detainee is separated under this section, the detainee must be given an explanation of the detainee's rights during the separation.
- (6) A detainee must be examined by a medical practitioner within a reasonable time either before or after separation under this section unless it is not safe to do so.

- (7) If a detainee is separated under this section:
- (a) members of the staff of the detention centre must have regular, ongoing contact with the detainee for the purpose of monitoring the physical and mental health and wellbeing of the detainee; and
 - (b) if it is safe and reasonably practicable to do so, the detainee must be permitted to have contact with the following:
 - (i) one or more family members;
 - (ii) a medical practitioner;
 - (iii) a counsellor or psychologist;
 - (iv) a case worker;
 - (v) a legal practitioner;
 - (vi) an adult nominated by the detainee; and
 - (c) the detainee must be given access to the following:
 - (i) basic human necessities including toilets, food, clean drinking water, showers and sunlight;
 - (ii) if it is safe to do so, education, education materials and appropriate recreation materials, including reading materials; and
 - (d) if the period of separation exceeds 3 hours and it is safe to do so – the detainee must be given access to outdoor exercise or recreation for at least 15 minutes of every 3 hours between 8 am and 6 pm.
- (8) A detainee must be released from separation under this section if the superintendent no longer believes separation is reasonably necessary.

158G Monitoring requirements

The Regulations may prescribe additional requirements for the monitoring of detainees separated under this Division.

24 Section 161 amended (Search of detainees)

(1) Section 161(1) and (2)

omit, insert

- (1) The superintendent of a detention centre may direct a detainee to submit to a search only as permitted by this section.
- (2) The superintendent of a detention centre may direct a detainee to submit to a screening search or a pat down search in the following circumstances:
 - (a) when the detainee is admitted to the detention centre;
 - (b) on the detainee temporarily leaving, or returning to, the detention centre;
 - (c) on the detainee being transferred from the detention centre to a custodial correctional facility or another detention centre;
 - (d) if the superintendent believes on reasonable grounds that:
 - (i) the search is necessary to ensure the safety of any person who is within the precincts of the detention centre, including the detainee; or
 - (ii) the search is necessary to ensure the good order or security of the detention centre; or
 - (iii) the detainee possesses a prohibited thing.

Example for subsection (2)(b)

When a detainee is returned to a detention centre after an unlawful absence.

(2) Section 161(4)

omit, insert

- (4) A person conducting a search of a detainee under this section may use the force that is reasonably necessary to conduct the search.

Note for subsection (4)

See section 10 in relation to the use of force.

- (4A) The superintendent of a detention centre may confiscate a thing found during a search that the superintendent believes on reasonable grounds is:
 - (a) a prohibited thing; or

(b) connected with an offence against this Act.

(3) Section 161(6)

insert

prohibited thing means a thing to which one or more of the following applies:

- (a) it is offensive, indecent, obscene, threatening or abusive;
- (b) it is a mobile communications device;
- (c) it might reasonably constitute a threat to national security;
- (d) it might reasonably constitute a threat to the safety, good order or security of a detention centre or a detainee;
- (e) possession of it is unlawful under a law of the Territory, the Commonwealth or a State;
- (f) it is reasonable to infer from possession of it, an intention to facilitate, incite or use the thing in connection with an unlawful activity;
- (g) it may have a detrimental influence or effect on a detainee;
- (h) if it is written – it is in a language other than English or in code, and is not readily translatable to English;
- (i) it is prescribed as a prohibited thing by the Regulations.

25 Section 167 replaced

Section 167

repeal, insert

167 Arrest of unlawfully absent detainee

- (1) If the superintendent of a detention centre or a member of the staff of the centre believes on reasonable grounds that a detainee has escaped or is otherwise unlawfully absent from a detention centre, the superintendent or member of staff may arrest the person without a warrant.
- (2) For the purpose of exercising the power under subsection (1), the superintendent or member of staff may exercise the powers, and has the immunities, of a police officer under the *Police Administration Act 1978*.

26 Section 193 amended (Escaping from detention centre)

- (1) Section 193, heading

omit

detention centre

insert

lawful detention

- (2) Section 193(1) and (3)

omit

at a detention centre

insert

under this Act

- (3) Section 193(2)

omit, insert

- (2) For subsection (1), escape from lawful detention includes the following:

- (a) escaping from a detention centre;
- (b) escaping or absconding while being transferred from one detention centre to another detention centre;
- (c) escaping or absconding while away from a detention centre for the purpose of appearing in court;
- (d) escaping or absconding while absent from a detention centre to attend a hospital under section 151(3)(e) or 178;
- (e) escaping or absconding while absent from a detention centre under section 165;
- (f) escaping while being transferred to a State in accordance with a transfer order under Part 11.

27 Part 13 repealed

Part 13

repeal

28 Section 216A inserted

After section 216

insert

216A Annual report

The CEO must, in the report prepared under section 28 of the *Public Sector Employment and Management Act 1993*, include information about the register of persons under section 14.

29 Part 17, Division 10 inserted

After section 241

insert

**Division 10 Transitional matters for Youth Justice Legislation
Amendment Act 2025**

242 Definitions

In this Division:

amending Act means the *Youth Justice Legislation Amendment Act 2025*.

commencement means the day on which section 3 of the Act commences.

243 Register of appropriate support persons

On the commencement, the register maintained by the Youth Justice Advisory Committee under section 14, as in force before the commencement, becomes the register maintained by the CEO under section 14.

**244 Amendments to section 81: sentencing principles and
considerations**

Section 81, as amended by section 11 of the amending Act, applies in relation to the sentencing of a youth for an offence after the commencement even if the offence was committed before the commencement.

245 Amendments to section 122: offences during adjournment

Section 122, as amended by section 12 of the amending Act, applies in relation to a youth who after the commencement is found guilty of an offence mentioned in section 122(1)(b), regardless of when the youth committed the offence mentioned in section 122(1)(a).

Division 2 Youth Justice Regulations 2006

30 Regulations amended

This Division amends the *Youth Justice Regulations 2006*.

31 Regulation 3A amended (Prescribed offences)

(1) Regulation 3A(1)(a)

omit

228(1),

(2) Regulation 3A(1)(b) to (e)

omit, insert

(b) section 66, 161A, 174D, 174E, 174FA, 174FB, 188A, 189A(1), 193B(1), 218, 221 or 228AB of the Criminal Code;

(3) Regulation 3A(2)(a) and (b)

omit, insert

(a) section 211(1) or 212(1) of the Code;

32 Regulation 31A inserted

After regulation 31

insert

31A Daily routine of detention centre

The Superintendent must communicate the daily routine of the detention centre to detainees in the manner the Superintendent considers appropriate.

33 Regulation 65 amended (Detainee to follow instructions and rules)

After regulation 65(1)(b)

insert

(ba) follow the daily routine of the detention centre; and

34 Regulations 70 to 71A inserted

After regulation 69

insert

70 Permitted restraints

(1) For section 155(1) of the Act, the following devices that may be used to restrain a detainee are prescribed:

- (a) handcuffs;
- (b) ankle cuffs;
- (c) waist restraining systems;
- (d) anti-spit guards;
- (e) personal body shields.

(2) A personal body shield is to be used only to restrain the movement of a detainee.

71 Detainees under voluntary separation – monitoring requirements

(1) If a detainee is separated under section 158D of the Act:

- (a) the detainee must be monitored by closed-circuit television or physical observation by a member of staff; and
- (b) written observations of a member of staff and the date, time and name of the member of staff must be recorded at intervals not exceeding 30 minutes.

(2) The Superintendent must keep a journal recording the following:

- (a) the date and time a detainee is separated;
- (b) the name of the detainee;

- (c) the time the on-call person in charge was notified and that person's name;
- (d) the matters recorded under subregulation (1)(b);
- (e) the date and time the detainee is released from separation.

71A Detainees under medical separation – monitoring requirements

- (1) If a detainee is separated under section 158E of the Act:
 - (a) the detainee must be monitored by closed-circuit television or physical observation by a member of staff; and
 - (b) written observations of a member of staff and the date, time and name of the member of staff must be recorded at the intervals mentioned in subregulation (2); and
 - (c) if the detainee is separated under section 158E(1)(b) of the Act – the Superintendent must reassess the decision to separate the detainee every 2 hours.
- (2) For subregulation (1)(b), written observations must be recorded as follows:
 - (a) if a detainee is separated under section 158E(1)(a) of the Act – at intervals not exceeding:
 - (i) 30 minutes; or
 - (ii) another interval as directed by a medical practitioner; and
 - (b) if a detainee is separated under section 158E(1)(b) of the Act – at intervals not exceeding 15 minutes.
- (3) The Superintendent must keep a journal recording the following:
 - (a) the date and time a detainee is separated;
 - (b) the name of the detainee;
 - (c) the reason why the detainee was separated;
 - (d) the time the on-call person in charge was notified and that person's name;
 - (e) the matters recorded under subregulation (1)(b);

- (f) if the detainee is separated under section 158E(1)(b) of the Act – notes of all assessments made under subregulation (1)(c);
- (g) the date and time of exercise periods and ablutions;
- (h) the name of any visitor to the detainee and the date and time of the visit;
- (i) the date and time the detainee is released from separation.

35 Regulation 72 amended (Separation)

- (1) Regulation 72, heading

omit, insert

72 Detainee under behavioural separation – monitoring requirements

- (2) Regulation 72(1)

omit

155A

insert

158F

- (3) Regulation 72(1)(a)

omit

continuously

- (4) Regulation 72(1)(b)

omit

by a member of staff, including

insert

of a member of staff and

- (5) Regulation 72(2)(d)

omit

155A(3)(a)

insert

158F(2)(a)

(6) Regulation 72(2)(f)

omit, insert

(f) the matters recorded under subregulation (1)(b);

(7) Regulation 72(2)(k)

omit

the separation cell.

insert

separation.

Part 3 Consequential amendment of Criminal Records (Spent Convictions) Act 1992

36 Act amended

This Part amends the *Criminal Records (Spent Convictions) Act 1992*.

37 Section 4 amended (Application)

Section 4(3)

omit, insert

(3) This Act does not affect the operation of the *Evidence (National Uniform Legislation) Act 2011*.

Part 4 Repeal

38 Repeal of Act

This Act is repealed on the day after it commences.