

Serial 165  
Youth Justice Amendment Bill 2016  
Mr Elferink

A Bill for an Act to amend the *Youth Justice Act*



**NORTHERN TERRITORY OF AUSTRALIA**

**YOUTH JUSTICE AMENDMENT ACT 2016**

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**Act No. [ ] of 2016**

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2016

An Act to amend the *Youth Justice Act*

[Assented to [ ] 2016]  
[Second reading [ ] 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.

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## 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

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(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

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**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.