

Serial 66
Youth Justice and Criminal Code Amendment Bill 2026
Mr Maley

A Bill for an Act to amend the *Youth Justice Act 2005* and the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

YOUTH JUSTICE AND CRIMINAL CODE AMENDMENT ACT 2026

Act No. [] of 2026

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Schedule Act further amended



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2026

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An Act to amend the *Youth Justice Act 2005* and the Criminal Code

[Assented to [] 2026]
[Introduced [] 2026]

The Legislative Assembly of the Northern Territory enacts as follows:

10 Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Youth Justice and Criminal Code Amendment Act 2026*.

2 Commencement

- 15 (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 11 May 2028, it commences on that day.

Part 2 Amendment of Youth Justice Act 2005

20 3 Act amended

This Part amends the *Youth Justice Act 2005*.

4 Section 5 amended (Interpretation)

(1) Section 5(1), definition **detainee**

omit

(2) Section 5(1)

5

insert

detainee, see section 5A.

intake and transfer facility means an intake and transfer facility approved under section 168B.

superintendent:

10

(a) of a detention centre – means the superintendent appointed for the detention centre under section 151(1); and

(b) of an intake and transfer facility – means the superintendent appointed for the facility under section 168D.

5 Section 5A inserted

15

After section 5

insert

5A Meaning of *detainee*

(1) A **detainee** is

20

(a) in relation to a detention centre – a youth lawfully detained in the centre; and

(b) in relation to an intake and transfer facility – a youth lawfully detained in the facility.

25

(2) A youth mentioned in subsection (1)(a) or (b) remains a detainee when the youth is outside of or absent from the precincts of the detention centre or the intake and transfer facility.

- (3) In this Act, a reference to a detainee in, or at, a detention centre or an intake and transfer facility includes a detainee of the centre or facility who is outside of or absent from the precincts of the centre or facility.

5 *Examples for subsections (2) and (3)*

A detainee who is, outside the precincts of a detention centre or intake and transfer facility, undertaking approved activities, attending court or in hospital receiving medical treatment, or who has absconded from a detention centre or intake and transfer facility.

10 **6 Sections 17A and 17B inserted**

After section 17

insert

17A Protected interview of youth

- 15 (1) This section applies in relation to a youth if a police officer suspects on reasonable grounds that the youth:
- (a) has committed an offence; or
 - (b) is implicated in the commission of an offence; or
 - (c) has knowledge in relation to an offence.
- 20 (2) The officer may invite the youth to participate in a protected interview for any of the following purposes:
- (a) to determine whether the youth may be eligible for a diversion program;
 - (b) to obtain information about an offence.
- 25 (3) Any statement, confession, admission or information given or made by the youth during a protected interview is not admissible in any criminal or civil proceedings against the youth.
- (4) The officer must do the following before interviewing the youth under this section:
- (a) inform the youth of the youth's right to silence;
 - 30 (b) inform the youth that anything the youth says in the interview cannot be used against them in any criminal or civil proceedings;
 - (c) inform the youth of the youth's right to access legal advice and representation;

(d) provide the youth with access to legal advice and representation in a place and a manner that allows the youth privacy;

5

(e) inform the youth of the youth's right to contact a support person and have them be present while the officer interviews the youth.

Note for subsection (4)

Section 15 applies to explanations by police officers in relation to an investigation of an offence.

10

(5) If the youth's right to silence is exercised the officer must not interview the youth under this section.

(6) The officer must not interview the youth under this section unless a support person is present.

15

(7) The officer must keep a record of the particulars prescribed by regulation in relation to the exercise of a power under this section.

(8) After interviewing a youth under this section, a police officer must give the youth a written notice:

(a) specifying the time and date of the protected interview; and

20

(b) stating that any statement, confession, admission or information given or made by the youth during the protected interview is not admissible in any criminal or civil proceedings against the youth.

(9) To avoid doubt, this section does not affect any of the following:

25

(a) the ability of a police officer to conduct an interview with the youth under section 18;

(b) the power of a police officer, under the *Police Administration Act 1978* or any other Act, to require a youth to give the youth's name and address.

17B Urgent protected interview of youth

30

(1) This section applies in relation to a youth if a police officer suspects on reasonable grounds that the youth has knowledge in relation to a serious and urgent matter concerning public safety.

(2) The officer may invite the youth to participate in an urgent protected interview to obtain information about the matter.

(3) Any statement, confession, admission or information given or made by the youth during an urgent protected interview is not admissible in any criminal or civil proceedings against the youth.

5

(4) The officer must do the following before interviewing the youth under this section:

(a) inform the youth of the youth's right to silence;

(b) inform the youth that anything the youth says in the interview cannot be used against them in any criminal or civil proceedings;

10

(c) inform the youth that the interview relates to a serious and urgent matter concerning public safety;

(d) inform the youth of what the serious and urgent matter concerning public safety is.

15

(5) If the youth's right to silence is exercised the officer must not interview the youth under this section.

(6) The police officer must keep a record of the particulars prescribed by regulation in exercising a power under this section.

(7) To avoid doubt, this section does not affect any of the following:

20

(a) the ability of a police officer to conduct an interview with the youth under section 18;

(b) the power of a police officer, under the *Police Administration Act 1978* or any other Act, to require a youth to give the youth's name and address.

7 Section 18 amended (Interview of youth)

25

(1) Section 18(1A)(a) to (c)

omit, insert

(a) inform the youth of the youth's right to silence;

30

(b) inform the youth that anything the youth says or does in the interview can be used against them in any criminal or civil proceedings;

(c) inform the youth of the youth's right to access legal advice and representation;

(d) provide the youth with access to legal advice and representation in a place and a manner that allows the youth privacy;

5

(e) inform the youth of the youth's right to contact a support person and have them be present while the officer interviews the youth or causes the youth to do the act.

(2) Section 18(2) and (2A)

omit

person mentioned in subsection (1A)(c)

10

insert

support person

8 Section 25A inserted

After section 25A

insert

15

25A Youth may be held in police station

(1) This section applies in relation to a youth if:

(a) the youth is charged with an offence and detained in custody under section 24; and

20

(b) the youth has not yet been brought before the Court under section 27 in relation to the charge; and

(c) it is not reasonably practicable to deliver the youth to:

(i) a detention centre or other place as ordered by the Court under section 24; or

(ii) an intake and transfer facility under section 168F.

25

(2) The youth may be detained in a police station or watch house for a period of up to 48 hours before being transferred to a place mentioned in paragraph (c), unless earlier brought before the Court.

9 Section 154 amended (Use of force)

(1) Section 154(1)(a)(iv), after "escaping"

insert

, or attempting to escape,

5 (2) Section 154(1)(b)(ii)

omit

centre.

insert

centre; or

10 (3) After section 154(1)(b)

insert

(c) arrest a detainee under section 167(1); or

(d) take a detainee to a detention centre or another place under section 167A; or

15 (e) escort a detainee to or from a place outside a detention centre.

10 Section 161 amended (Search of detainees)

(1) Section 161(2)(d)

omit, insert

20 (d) if the detainee is within the precincts of the detention centre – 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

25 (ii) the search is necessary to ensure the good order or security of the detention centre; or

(iii) the detainee possesses a prohibited thing;

(e) if the detainee is not within the precincts of the detention centre – the superintendent suspects or believes or reasonable grounds that:

5

(i) the search is necessary to ensure the safety of any person, including the detainee; or

(ii) the detainee possesses a prohibited thing.

(2) Section 161(6), definition ***pat down search***

omit, insert

10

pat down search means a search of a person for objects concealed in or beneath the person's clothing conducted using one or both of the following means:

(a) feeling clothing from the outside;

(b) lifting the waistband of an item of clothing and feeling both sides of the waistband.

15

(3) Section 161(6), definition ***prohibited thing***, paragraph (d)

omit, insert

(d) it might reasonably constitute a threat to the safety, good order or security of a detention centre;

20

(da) it might reasonably constitute a threat to the safety of a detainee or other person;

(db) it might reasonably be used to escape from lawful custody;

11 Section 168A amended (Transfer of detainee to another detention centre)

(1) Section 168A, heading

25

omit

to another detention centre

(2) Section 168A

omit

centre.

insert

centre or an intake and transfer facility.

12 Part 8A inserted

After section 168A

5

insert

Part 8A Intake and transfer facilities

168B Approval of intake and transfer facility

The Minister may approve an establishment to be an intake and transfer facility.

10

168C Purpose of intake and transfer facility

The purpose of an intake and transfer facility is to provide a place to temporarily hold detainees.

168D Superintendent of intake and transfer facility

15

(1) The CEO must appoint a public sector employee to be the superintendent of an intake and transfer facility.

(2) The superintendent of an intake and transfer facility:

(a) is responsible, as far as reasonably practicable, for the physical, psychological and emotional welfare of detainees in the facility; and

20

(b) must maintain order and ensure the safe custody and protection of all persons who are within the precincts of the facility, whether as detainees or otherwise; and

(c) is responsible for the maintenance and efficient conduct of the facility; and

25

(d) must supervise the health of detainees in the facility, including the provision of medical treatment and, where necessary, authorise the removal of a detainee to a hospital for medical treatment.

168E Powers of superintendent of intake and transfer facility

30

(1) The superintendent of an intake and transfer facility has the powers that are necessary or convenient for the performance of the superintendent's functions.

- (2) The superintendent of an intake and transfer facility may exercise the superintendent's powers and functions in relation to a detainee of the facility even if the detainee is outside the precincts of the facility.

5 **168F Youth may be held at intake or transfer facility following Court order for detention**

- (1) This section applies in relation to a youth if the Court orders that the youth be detained or remanded in a detention centre under this Act.

- 10 (2) The youth may, instead of being taken to a detention centre, be taken to, and held in, an intake and transfer facility to await transfer to the detention centre.

- 15 (3) To avoid doubt, a youth may be taken to an intake and transfer facility under this section even if the youth is first taken to a hospital under section 25 or a police station or watch house under section 25A.

168G Transfer of detainee

20 The superintendent of an intake and transfer facility may determine, as the superintendent considers appropriate, that a detainee held in the facility is to be transferred to another intake and transfer facility or to a detention centre.

168H Provisions to apply in relation to intake and transfer facilities

- (1) The provisions specified in subsection (2) apply in relation to:

- 25 (a) an intake and transfer facility as if it were a detention centre; and
- (b) a superintendent of an intake and transfer facility as if the superintendent were the superintendent of a detention centre; and
- (c) a member of staff of an intake and transfer facility as if the member were a member of staff of a detention centre; and
- 30 (d) a detainee in an intake and transfer facility as if the detainee were a detainee in a detention centre.

- (2) The following provisions are specified for subsection (1):

- (a) Part 8, other than sections 148, 149, 151, 152, 164, 167B and 168A;
- 35 (b) Part 10;

-
- (c) Part 12, other than section 194;
- (d) a provision of the regulations prescribed by regulation.

13 Section 215 amended (Immunity)

- (1) Section 215(1)(c)

5

omit

centre;

insert

centre or an intake and transfer facility;

- (2) Section 215(1)(e)

10

omit

Act.

insert

Act;

- (3) After section 215(1)(e)

15

insert

(f) a police officer performing functions under this Act.

14 Act further amended

The Schedule has effect.

Part 3 Amendment of Criminal Code

20

15 Act amended

This Part amends the Criminal Code.

16 Section 1 amended (Definitions)

Section 1

insert

25

corrections worker, for Part VI, Division 5, see section 187(2).

17 Section 187 amended (Definitions)

Section 187(2)

insert

corrections worker means any of the following:

- 5 (a) a correctional services officer as defined in section 16 of the *Correctional Services Act 2014*;
- (b) the superintendent of a detention centre or an intake and transfer facility as defined in section 5(1) of the *Youth Justice Act 2005*;
- 10 (c) a member of staff of a detention centre or an intake and transfer facility, as defined in section 5(1) of the *Youth Justice Act 2005*.

18 Section 188A amended (Assaults on workers)

(1) Section 188A(4)(b)

15 *omit*

worker.

insert

worker;

(2) After section 188A(4)(b)

20 *insert*

(c) a corrections worker.

(3) Section 188A(4), note

omit

officers and emergency workers.

25 *insert*

officers, emergency workers and corrections workers.

19 Section 189A amended (Assaults on police or emergency workers)

(1) Section 189A, heading

omit

5 **police or emergency workers**

insert

police, emergency workers or corrections workers

(2) Section 189A(1)

omit

10 officer or emergency worker

insert

officer, an emergency worker or a corrections worker

(3) Section 189A(2)

omit

15 officer or emergency worker

insert

officer, emergency worker or corrections worker

Part 4 Repeal

20 Repeal of Act

20 This Act is repealed on the day after it commences.

Schedule Act further amended

section 14

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 9(c)	a detention centre	a detention centre or intake and transfer facility
	the detention centre	the centre or facility
section 14(3)	centre.	centre or intake and transfer facility.
sections 35(4) and 50(5), after "centre"		or intake and transfer facility
section 133(1) and 133(2)(a) and (b)	the detention centre	a detention centre or intake and transfer facility
section 149(2), definition admitted to	the detention centre staff,	staff of the detention centre,
section 151(3)(a), (b) and (e)	detainees	detainees in the centre
section 152(2)	superintendent has power to approve the participation of a detainee	superintendent of a detention centre has power to approve the participation of a detainee in the centre
sections 153(1)(b) and 157(a)	the staff	staff
section 158C(b)	superintendent,	superintendent of the centre,
sections 158E(5)(a), 158F(7)(a), 160(7), 165(b)(i), 167(1), 167A, 172 and 175(3)	the staff	staff
section 179(1)	section 151(3)(e) or 178	Part 8 or section 178

Provision	Amendment	
sections 196(b) and 200(1)(a)	<i>omit</i>	<i>insert</i>
	the staff	staff