Serial 84
Youth Justice and Other Legislation Amendment Bill 2026
Mr Maley

A Bill for an Act to amend the *Bail Act 1982* and the *Youth Justice Act 2005* and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT ACT 2026

Act No. [ ] of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2026

An Act to amend the *Bail Act 1982* and the *Youth Justice Act 2005* and for related purposes

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

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 and Other Legislation Amendment Act 2026*.

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 23 November 2028, it commences on that day.

Part 2 Amendment of Bail Act 1982

3 Act amended

This Part amends the *Bail Act 1982*.

4 Section 27A amended (Conduct agreements)

(1) Section 27A(1)(iaa), before 'require'

insert

subject to section 28(3),

(2) Section 27A(1)(iab), before 'require'

insert

subject to section 28(3A),

(3) Section 27A(1)(ia) and (ib), before 'require'

insert

subject to section 28(3B),

(4) Section 27A(1), at the end

insert

Note for subsection (1)(iaa)

Section 28(3) limits the circumstances in which a conduct agreement can contain a provision mentioned in this paragraph.

Note for subsection (1)(iab)

Section 28(3A) limits the circumstances in which a conduct agreement can contain a provision mentioned in this paragraph.

Note for subsection (1)(ia) and (ib)

Section 28(3B) limits the circumstances in which a conduct agreement can contain a provision mentioned in these paragraphs.

5 Section 28 amended (Imposition of bail conditions)

Section 28(3A) and (3B)

omit, insert

(3A) A court may impose a condition that the accused person enter into a conduct agreement containing a provision mentioned in section 27A(1)(iab) only if:

(a) the court has not received an assessment report in relation to the accused person; and

(b) the court orders the preparation of an assessment report in relation to the accused person; and

(c) for an accused person who is not a youth – immediately before the accused person appeared before the court, a conduct agreement containing a provision mentioned in section 27A(1)(iaa) was in force for the accused person.

(3B) A court may impose a condition that the accused person enter into a conduct agreement containing a provision mentioned in section 27A(1)(ia) or (ib) only if the court:

(a) has received an assessment report in relation to the accused person; and

(b) is satisfied, after considering the report, that the accused person is a suitable person for the provision.

(3C) When an assessment report is received by the court following an order mentioned in subsection (3A)(b):

(a) the court must, as soon as practicable after receipt, review the decision to grant bail to the person in relation to whom the report was prepared; and

(b) on review:

(i) despite section 36(1)(b), the court may not affirm the bail decision; and

(ii) if the court decides to grant or vary bail – it may not impose a condition mentioned in subsection (3A) but may impose a condition mentioned in subsection (3B).

Note for subsection (3C)

Once an assessment report in relation to the accused person has been given to the court, the court cannot impose a condition mentioned in subsection (3A) due to subsection (3A)(a).

6 Section 36 amended (Provisions relating to review of bail decisions)

(1) Section 36(1)(a)

omit, insert

(a) may only be exercised:

(i) at the request of the accused person, the informant or complainant, being a police officer, or the Director of Public Prosecutions; or

(ii) on the receipt by the court of an assessment report as mentioned in section 28(3C); and

(2) Section 36(1)(b), before 'includes'

insert

subject to section 28(3C),

Part 3 Amendment of Youth Justice Act 2005

7 Act amended

This Part amends the *Youth Justice Act 2005*.

8 Section 5 amended (Interpretation)

(1) Section 5(1), definitions ***CEO*** and ***divert***

omit

(2) Section 5(1)

insert

agency officer means:

(a) a member of the staff of the youth justice agency; or

(b) a person engaged by the youth justice agency.

CEO means the Chief Executive Officer of the youth justice agency.

child protection CEO, for Part 6, Division 10A, see section 122B.

contraband means any article that, under section 197, a person is prohibited from conveying or delivering to a detainee.

corporal punishment means any action that inflicts, or is intended to inflict, physical pain or discomfort on a person.

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*.

diversion program, means a program approved under section 38B to be a diversion program for this Act.

divert, in relation to a youth, means to take an action under section 39(2)(a) to (d) or (3)(b) or 64(1)(a) or (b).

modified management plan, see section 152A(1).

suitable person, for Part 6, Division 10A, see section 122B.

temporary repatriation order, for Part 6, Division 10A, see section 122F(1).

youth justice agency means the Agency responsible for youth justice.

9 Section 10 amended (Use of force generally)

(1) Section 10(1), note

omit, insert

Notes for subsection (1)(b)(iv)

1 This provision does not apply to a correctional services dog handler seconded and providing assistance under section 147BA.

2 A police officer providing assistance under section 147D is not required to hold the qualification mentioned in this provision.

(2) Section 10, at the end

insert

Note for section 10

This section does not apply to correctional officers providing assistance under section 147E.

10 Section 37 amended (Purpose and application of Part)

Section 37(1), at the end

insert

Note for subsection (1)

Section 64 also enables the Court to divert youths.

11 Section 38 repealed (Definitions)

Section 38

repeal

12 Section 38A amended (Meaning of *prescribed offence*)

Section 38A

omit

prescribed offence

insert

prescribed offence

13 Section 38B inserted

After section 38A

insert

38B Approval of diversion program

The minister responsible for youth justice may, by notice published on the youth justice agency website, approve a program to be a diversion program for this Act.

14 Section 39 amended (Diversion of youth)

Section 39(2) to (6)

omit, insert

(2) Instead of charging the youth with the offence, the police officer must do one or more of the following, as the officer considers appropriate, unless the youth is unsuitable for diversion as mentioned in subsection (5):

(a) give the youth a verbal warning;

(b) give the youth a written warning;

(c) refer the youth to the youth justice agency to convene a Youth Justice Conference involving the youth;

(d) refer the youth to the youth justice agency for inclusion in a diversion program.

(3) If the police officer does not divert the youth under subsection (2) and the youth has not been charged with the offence:

(a) the Commissioner of Police may authorise or require any police officer to:

(i) refer the youth to the youth justice agency to convene a Youth Justice Conference involving the youth; or

(ii) refer the youth to the youth justice agency for inclusion in a diversion program; and

(b) the police officer may refer the youth as authorised or required.

(4) To avoid doubt, subsection (3) applies in relation to a youth even if the youth is unsuitable for diversion as mentioned in subsection (5).

(5) A youth is unsuitable for diversion if:

(a) the youth's whereabouts is unknown; or

(b) the offence the youth is alleged to have committed is a prescribed offence; or

(c) the youth has some other history that makes diversion an unsuitable option, including a history of previous diversion or previous convictions.

15 Section 40 replaced

Section 40

repeal, insert

40 Diversion when youth denies alleged offence

Despite section 39, if a youth denies being involved in the conduct constituting the alleged offence:

(a) the youth must not be diverted under section 39(2)(c) or (d) or (3)(b); and

(b) a police officer may:

(i) divert the youth under section 39(2)(a) or (b); or

(ii) 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.

16 Section 41 amended (Effect of diverting youth)

Section 41(1)

omit

a police officer,

insert

the CEO,

17 Section 42 amended (Extension of limitation period)

Section 42(1)

omit

but

insert

under section 39(2)(c) or (d) or (3)(b) but declines to participate in or

18 Section 42A replaced

Section 42A

repeal, insert

42A Reporting in relation to diversion of youth

(1) If a police officer decides not to divert a youth under section 39(2) because the officer considers that the youth is unsuitable for diversion as mentioned in section 39(5), the officer must prepare a report containing:

(a) a statement of that fact; and

(b) the reasons why the officer considers that the youth is unsuitable for diversion.

(2) If a police officer decides not to refer a youth under section 39(3)(b) after being authorised to do so, the officer must prepare a report containing a statement of that fact and the reasons for the officer's decision.

(3) If, due to the operation of section 40(a), a police officer cannot divert a youth under section 39(2)(c) or (d) and decides not to divert the youth under section 39(2)(a) or (b), the officer must prepare a report containing:

(a) a statement of those facts; and

(b) details of the youth's denial of being involved in the conduct constituting the alleged offence; and

(c) the reasons why the officer decided not to divert the youth under section 39(2)(a) or (b).

(4) If, under section 39(2)(c) or (d) or (3)(b), a youth is referred for involvement in a Youth Justice Conference or inclusion in a diversion program and the youth declines to participate in, or does not complete, the Conference or program, the CEO must:

(a) prepare a report containing a statement of that fact and any reasons offered by the youth for declining to participate in or not completing the Conference or program; and

(b) give a copy of the report to the Commissioner of Police as soon as practicable after it is completed.

(5) If a youth successfully completes a Youth Justice Conference or diversion program to the satisfaction of the CEO, the CEO must notify the Commissioner of Police as soon as practicable after the completion.

(6) On the request of the CEO, a police officer must provide information required for the preparation of a report mentioned in subsection (4).

(7) If the Commissioner of Police receives a report mentioned in subsection (4), a police officer may, in accordance with this Act but despite section 39, charge the youth who is the subject of the report with the offence in relation to which the youth was diverted.

(8) If a youth who is the subject of a report mentioned in subsection (1), (2), (3) or (4) is charged with the offence in relation to which the report was prepared:

(a) the Commissioner of Police must ensure that, as soon as practicable after the youth is charged, a copy of the report is given to the prosecution; and

(b) the prosecution must, as soon as practicable after receiving the report, give a copy of the report to the youth's legal representative and the Court.

42B Information sharing for diversion purposes

(1) A police officer may disclose information, including personal information, about a youth to an agency officer if the police officer considers it reasonably necessary for any of the following purposes:

(a) determining the suitability of the youth for diversion;

(b) convening a Youth Justice Conference involving the youth;

(c) administering a diversion program that includes the youth;

(d) monitoring the youth's participation in a Youth Justice Conference or diversion program;

(e) reporting on the youth's completion of or failure to complete a Youth Justice Conference or diversion program.

(2) An agency officer may disclose information, including personal information, about a youth to:

(a) a police officer if the agency officer considers it reasonably necessary for any purpose mentioned in subsection (1); or

(b) a facilitator of a Youth Justice Conference or a provider of a diversion program if the agency officer considers it reasonably necessary for a purpose mentioned in subsection (1)(b) to (e).

(3) In this section:

personal information means information from which a person's identity is apparent or reasonably able to be ascertained.

19 Section 44 amended (No review or appeal)

(1) Section 44(1)

omit, insert

(1) The following decisions cannot be reviewed or appealed against in any court or tribunal:

(a) a decision under this Part to divert or not to divert a youth;

(b) a decision under this Part that a youth did or did not complete a diversion satisfactorily.

(2) Section 44(2)

omit

refer a youth for assessment under section 64.

insert

divert a youth under section 64(1).

20 Section 60A inserted

After section 60

insert

60A Attendance at proceeding by youth in custody

(1) Despite section 49EB of the *Evidence Act 1939*, the Court must not give a direction under section 49EB(2)(b) of that Act that a youth appear physically before the Court instead of by audiovisual link unless it is satisfied that:

(a) exceptional circumstances exist that necessitate the youth appearing physically before the Court; and

(b) it would be in the interests of justice to require the youth to appear physically before the Court.

(2) If the Court requires that a youth who is in custody appear physically before the Court, the Court must:

(a) ensure sufficient time is allowed to enable the youth to be brought before the Court; and

(b) if the youth is required to appear physically before the Court because the Court has given a direction mentioned in subsection (1) – give reasons for its decision.

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

(1) Section 64, heading

omit

refer youth to diversion

insert

divert youth

(2) Section 64(1AA)(b)

omit, insert

(b) the youth was previously considered unsuitable for diversion under section 39(5)(c).

(3) Section 64(1)

omit, insert

(1) The Youth Justice Court may, in respect of the offence, adjourn the proceedings and do either of the following:

(a) refer the youth to the youth justice agency to convene a Youth Justice Conference involving the youth;

(b) refer the youth to the youth justice agency for inclusion in a diversion program.

22 Section 64A replaced

Section 64A

repeal, insert

64A Reporting to Court on diversion of youth

(1) This section applies in relation to a youth if, under section 64(1), the youth is referred for involvement in a Youth Justice Conference or inclusion in a diversion program.

(2) If the youth declines to participate in, or does not complete, the Youth Justice Conference or diversion program, the CEO must, as soon as practicable after that event, give the Court written notice containing:

(a) a statement of that fact; and

(b) any reasons offered by the youth for declining to participate in, or not completing, the Conference or program.

(3) If the youth successfully completes the Youth Justice Conference or diversion program to the satisfaction of the CEO, the CEO must, as soon as practicable after the completion, give the Court written notice of that fact.

64B No review or appeal

The following decisions cannot be reviewed or appealed against in any court or tribunal:

(a) a decision of the Court to divert or not to divert a youth;

(b) a decision that a youth did or did not complete a diversion satisfactorily.

64C Court may dismiss charge if diversion completed

(1) Without limiting the powers of the Youth Justice Court, the Court may, at any stage of the proceedings against a youth in respect of an offence, dismiss the charge in respect of the offence if the Court receives written notice from the CEO that the youth has, to the satisfaction of the CEO:

(a) completed a Youth Justice Conference; or

(b) completed a diversion program.

(2) Subsection (1) applies to the Youth Justice Court whether or not the Court finds the charge proven against the youth.

23 Section 65 amended (Court may remand youth)

Section 65(1)(a), (b) and (c)

omit, insert

(a) release the youth in accordance with Part 6, Division 10A; or

(b) release the youth on bail; or

24 Section 67 replaced

Section 67

repeal, insert

67 Psychiatric assessment report on youth

(1) Subsection (2) applies in relation to a youth who is charged with an offence if the Court is satisfied, having regard to information before the Court, that the youth may have a cognitive impairment that affects, or the mental condition of the youth may affect:

(a) the youth's criminal responsibility for the offence; or

(b) the youth's ability to understand or participate effectively in the proceedings in relation to the offence.

(2) The Court may:

(a) order the appropriate officer to arrange for a psychiatric assessment of the youth to be conducted; or

(b) if a psychiatric assessment of the youth has previously been conducted under this section and the Court is satisfied it remains relevant to the issues before the Court – use the written report prepared in relation to the previous assessment.

(3) A psychiatric assessment of a youth who is charged with an offence is an examination of the youth by a psychiatrist to determine:

(a) whether the youth has a cognitive impairment and, if so, whether it affects the youth's criminal responsibility for the offence or ability to understand or participate effectively in the proceedings in relation to the offence; or

(b) whether the mental condition of the youth may otherwise affect the youth's criminal responsibility for the offence or ability to understand or participate effectively in the proceedings in relation to the offence.

(4) After conducting a psychiatric assessment of a youth, a psychiatrist must give a written report to the Court as to the psychiatrist's findings.

(5) In this section:

appropriate officer means:

(a) the CEO; or

(b) the CEO of the Agency responsible for health; or

(c) the CEO of the Agency responsible for child protection.

cognitive impairment, see section 6A(2) of the *Mental Health and Related Services Act 1998*.

psychiatrist means a medical practitioner who holds specialist registration under the Health Practitioner Regulation National Law in the recognised specialty of psychiatry.

25 Section 72 replaced

Section 72

repeal, insert

72 Court may adjourn for assessment or report

If the Court has requested an assessment of a youth or a report in relation to a youth, the Court may:

(a) adjourn the proceedings to enable the assessment to be conducted or the report to be prepared; and

(b) remand the youth in accordance with section 65.

26 Section 94 amended (Making community work order)

Section 94(1)(a) and (3)

omit

27 Part 6, Division 10A inserted

After section 122

insert

Division 10A Release of youth

122A Application of Division

This Division applies in relation to a youth if the Court intends to order the release of a youth from detention (other than release on bail).

122B Definitions

In this Division:

child protection CEO means the CEO as defined in section 13 of the *Care and Protection of Children Act 2007*.

suitable person, in respect of a youth, means a person whom the Court considers suitable to assume care of the youth.

temporary repatriation order, see section 122F(1).

122C Court to make enquiries

(1) Before ordering the release of a youth from detention, the Court must determine whether:

(a) a responsible adult or other suitable person in respect of the youth is present at the proceedings to assume care of the youth upon release; or

(b) suitable arrangements have been made to facilitate the return of the youth to the care of a responsible adult or other suitable person as soon as practicable after the youth is released.

(2) The Court may direct the CEO to make reasonable attempts to contact a responsible adult or other suitable person and have them attend proceedings to assume care of the youth or make arrangements mentioned in subsection (1)(b).

(3) If the Court is satisfied of the matters mentioned in subsection (1)(a) or (b), the Court may release the youth into the care of the responsible adult or other suitable person.

122D No responsible adult or suitable person

If the Court is not satisfied that there is a responsible adult or other suitable person available to assume care of the youth upon release, the Court may:

(a) make a temporary repatriation order in relation to the youth if the Court considers it to be in the youth's best interests; or

(b) order the release of the youth.

122E Best interests of youth

In deciding whether it is in the youth's best interests to make a temporary repatriation order, the Court must consider the following:

(a) the age of the youth;

(b) the youth's safety and welfare;

(c) the availability of suitable accommodation while the youth is the subject of the order;

(d) any submissions made by the CEO, a community youth justice officer, a detention centre superintendent, the child protection CEO, a police officer, a legal representative of the youth or any other person the Court considers appropriate;

(e) any other matter the Court considers relevant.

122F Temporary repatriation order

(1) A ***temporary repatriation order*** is an order giving temporary daily care and control of a youth to the CEO.

(2) While a temporary repatriation order is in force in relation to a youth, the CEO is entitled to exercise all the powers and rights, and has all the responsibilities, for the youth that would ordinarily be vested in the parents of the youth.

(3) If a temporary repatriation order is made in relation to a youth, the CEO must take reasonable steps to facilitate the return of the youth to a responsible adult as soon as practicable.

(4) The requirement to take reasonable steps under subsection (3) does not require the CEO to transport the youth to a responsible adult or to the youth's home community.

(5) To avoid doubt, a youth who is the subject of a temporary repatriation order is not a detainee or in custody.

122G Records and reports

(1) If a temporary repatriation order is made in relation to a youth, the CEO must keep records of the following:

(a) the steps taken under section 122F(3);

(b) details of any communications had with a responsible adult;

(c) any instances of the youth absconding from the care of the CEO;

(d) any reports made by the CEO in relation to the youth under subsection (2) or under section 26 of the *Care and Protection of Children Act 2007*;

(e) if the youth is returned to the care of a responsible adult – details of the date and time when, and place where, the transfer of care occurred and the contact details of the responsible adult.

(2) If the CEO is unsuccessful in facilitating the return of the youth to a responsible adult within 72 hours after the temporary repatriation order is made, the CEO must give a report to the child protection CEO:

(a) informing the child protection CEO that the youth has not been returned to a responsible adult; and

(b) setting out the attempts that have been made to facilitate the return of the youth to a responsible adult.

(3) If the youth absconds from the care of the CEO, the CEO must notify the child protection CEO that the youth has absconded.

(4) The CEO must notify the Court of the following events as soon as practicable after they occur:

(a) a youth the subject of a temporary repatriation order is successfully returned to a responsible adult;

(b) a report or notification is given to the child protection CEO under subsection (2) or (3).

122H Term of temporary repatriation order

A temporary repatriation order has effect until the earliest of the following:

(a) the CEO is satisfied that the youth has been successfully returned to a responsible adult;

(b) the youth absconds from the care of the CEO;

(c) the youth enters the child protection CEO's care, as defined in section 67 of the *Care and Protection of Children Act 2007*;

(d) 7 days have elapsed since the temporary repatriation order was made.

122J Youth to enter care of child protection CEO

If a temporary repatriation order in relation to a youth ceases to have effect under section 122H(d), the child protection CEO is taken to have daily care and control of the youth for the purposes of section 67(1)(b) of the *Care and Protection of Children Act 2007* until:

(a) the youth is returned to a responsible adult; or

(b) a protection order or a temporary protection order under the *Care and Protection of Children Act 2007* is made for the youth.

28 Section 137 amended (Procedure where youth before another court)

Section 137(2)(b)(i), (ii) and (iii)

omit, insert

(i) release the youth in accordance with Part 6, Division 10A;

(ii) release the youth on bail;

29 Section 138 amended (Procedure where adult before Youth Justice Court)

Section 138(2)(b)(i)

omit, insert

(i) release the defendant;

30 Section 140AA amended (Community youth justice officers)

Section 140AA(2)(a)(iv)

omit, insert

(iv) to perform other duties as directed by the CEO;

31 Section 147BA inserted

After section 147B

insert

147BA Assistance from correctional services dog handlers and dogs

(1) The CEO may request the Commissioner of Correctional Services to second one or more correctional services dog handlers and correctional services dogs to assist the superintendent of a detention centre to perform the function mentioned in section 151(3)(c).

(2) Without limiting the powers of a correctional services dog handler under this or any other Act or the common law, a correctional services dog handler who is seconded and assisting the superintendent of a detention centre as mentioned in subsection (1) may:

(a) exercise any of the handler's powers under the *Correctional Services Act 2014* in relation to the detention centre or a detainee as if:

(i) a reference in that Act to a custodial correctional facility were a reference to a detention centre; and

(ii) a reference in that Act to a prisoner were a reference to a detainee; and

(iii) a reference in that Act to prohibited things includes a reference to contraband; and

(b) use a correctional services dog for the following:

(i) to search for a person who has escaped from the detention centre;

(ii) to assist the superintendent of the detention centre, or a member of staff of the centre, in performing the function mentioned in section 151(3)(c), if the handler considers it appropriate to do so.

(3) When a correctional services dog handler is seconded and assisting the superintendent of a detention centre as mentioned in subsection (1):

(a) the handler must exercise the handler's powers subject to:

(i) section 10, other than section 10(1)(b)(iv); and

(ii) subsection (4); and

(iii) any limitations in the *Correctional Services Act 2014*, including the Commissioner's Directions (if any) issued under section 140 of that Act; and

(b) sections 10(1)(b)(iv), 153(2), 154(1), 155 and 161 do not apply to the handler; and

(c) despite anything to the contrary in the *Correctional Services Act 2014*, the handler must give the superintendent each prohibited thing or item of contraband that the handler confiscates during a search.

(4) Despite anything to the contrary in the *Correctional Services Act 2014*, each of the following actions is prohibited in relation to a detainee:

(a) the use of force or a restraint for the purpose of disciplining a detainee;

(b) the use of any form of physical, verbal or emotional abuse, including the following:

(i) the administering of corporal punishment;

(ii) any act or omission intended to degrade or humiliate the detainee;

(iii) excessive control over the detainee's access to basic human needs, including toilet facilities, food and clean drinking water;

(c) the use of any form of psychological pressure intended to intimidate or humiliate the detainee;

(d) any kind of unlawful discriminatory treatment.

32 Section 147C amended (Assistance to deal with or prevent emergency or escape)

(1) Section 147C(1)

omit

(1)

(2) Section 147C(2) to (7)

omit

33 Sections 147D and 147E inserted

After section 147C, in Part 8, Division 1AA

insert

147D Assistance from police officers

(1) The Commissioner of Police may arrange for police officers to assist the CEO if assistance is requested under section 147C.

(2) Without limiting the powers of police officers under this or any other Act or the common law, a police officer may, in providing that assistance, exercise the powers and perform the functions of a superintendent of a detention centre under section 151(3)(c).

(3) Despite section 10(1)(b)(iv), a police officer assisting the CEO under this section is not required to hold the qualification mentioned in that provision to use force under this Act.

147E Assistance from correctional officers

(1) The Commissioner of Correctional Services may arrange for correctional officers, including correctional services dog handlers together with correctional services dogs, to assist the CEO if assistance is requested under section 147C.

(2) Without limiting the powers of correctional officers under this or any other Act or the common law, a correctional officer may, in providing that assistance, exercise the officer's powers under the *Correctional Services Act 2014* in relation to a detention centre or a detainee as if:

(a) a reference in that Act to a custodial correctional facility were a reference to a detention centre; and

(b) a reference in that Act to a prisoner were a reference to a detainee; and

(c) a reference in that Act to prohibited things includes a reference to contraband.

(3) When a correctional officer is providing assistance under this section:

(a) the officer must exercise the officer's powers subject to:

(i) subsection (4); and

(ii) any limitations in the *Correctional Services Act 2014*, including the Commissioner's Directions (if any) issued under section 140 of that Act; and

(b) sections 10, 153(2), 154(1), 155 and 161 do not apply to the officer; and

(c) despite anything to the contrary in the *Correctional Services Act 2014*, the officer must give the superintendent each prohibited thing or item of contraband that the officer confiscates during a search.

(4) Despite anything to the contrary in the *Correctional Services Act 2014*, each of the following actions is prohibited in relation to a detainee:

(a) the use of force or a restraint for the purpose of disciplining a detainee;

(b) the use of any form of physical, verbal or emotional abuse, including the following:

(i) the administering of corporal punishment;

(ii) any act or omission intended to degrade or humiliate the detainee;

(iii) excessive control over the detainee's access to basic human needs, including toilet facilities, food and clean drinking water;

(c) the use of any form of psychological pressure intended to intimidate or humiliate the detainee;

(d) any kind of unlawful discriminatory treatment.

(5) To avoid doubt, a correctional officer who is providing assistance under this section and is a correctional services dog handler may use a correctional services dog in providing that assistance.

(6) In this section:

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

34 Section 152A inserted

After section 152

insert

152A Modified management plan for detainee or detainees

(1) A ***modified management plan*** is a plan in relation to one or more detainees at a detention centre that provides for the detainee or detainees to be accommodated or managed differently to other detainees at the centre.

(2) The superintendent of a detention centre may approve a modified management plan for a detainee if the superintendent considers it is necessary to accommodate or manage the detainee under the plan because the conduct or circumstances of the detainee pose an ongoing risk to:

(a) the safety and wellbeing of the detainee, other detainees or a member of staff of the detention centre; or

(b) the security of the detention centre.

Examples for subsection (2)

1 *The detainee has a history of aggression or violence towards particular members of staff of the detention centre.*

2 *There are cultural reasons for keeping the detainee away from another detainee.*

(3) The modified management plan must be in writing and specify:

(a) the detainee or detainees to whom it applies;

(b) the grounds for making the plan;

(c) the objectives of the plan;

(d) the modifications to any of the following that are to apply to the detainee or detainees under the plan:

(i) accommodation arrangements;

(ii) movement arrangements;

(iii) participation in educational or work programs or other activities;

(iv) access to recreation or association;

(v) supervision requirements;

(vi) behavioural expectations;

(vii) safety, security and welfare arrangements;

(viii) any other matter prescribed by regulation.

(4) If a modified management plan is approved for a detainee, the superintendent of the detention centre:

(a) must, as soon as practicable after it is approved:

(i) give a copy of the plan to the detainee; and

(ii) ensure the detainee is informed of the content of the plan in a manner appropriate to the detainee's age, maturity, cultural background and understanding; and

(b) must give a copy of the plan to the CEO within 7 days after it is approved; and

(c) may accommodate and manage the detainee in accordance with the plan; and

(d) must review the plan at intervals not exceeding 7 days.

(5) The superintendent of a detention centre must revoke a modified management plan if satisfied the grounds for making the plan no longer exist or it is otherwise no longer necessary.

35 Section 153 amended (Prohibited actions)

Section 153(2)(d)(i)

omit

all words after 'corporal'

insert

punishment;

36 Section 154 amended (Use of force)

(1) Section 154(2)

omit

the superintendent or authorised

insert

a

(2) Section 154(2), at the end

insert

Note for subsection (2)

Sections 147BA, 147D and 147E permit persons other than the superintendent or an authorised person to use force on a detainee.

37 Section 158C amended (Operational matters)

After section 158C(a)

insert

(ab) when the detainee is accommodated or managed in accordance with a modified management plan; or

38 Section 193 amended (Escaping from lawful detention)

Section 193(1)

omit, insert

(1) A detainee commits an offence if the detainee escapes or attempts to escape from lawful detention under this Act.

Maximum penalty: See subsection (4).

39 Section 194 amended (Escape of interstate detainee)

Section 194(1)

omit, insert

(1) An interstate detainee commits an offence if the interstate detainee:

(a) is being transferred from a State to a detention centre in the Territory; and

(b) escapes or attempts to escape from custody while in the Territory.

Maximum penalty: See subsection (2).

Part 4 Consequential amendments

Division 1 Correctional Services Act 2014

40 Act amended

This Division amends the *Correctional Services Act 2014*.

41 Section 35 amended (Correctional services dogs)

(1) Section 35(3)

omit, insert

(3) The handler may use the dog as a use of force against a person only if:

(a) the handler could lawfully use force against the person; and

(b) the handler considers the use of the dog is reasonably necessary.

Note for subsection (3)

Part 3.4 makes provision in relation to the use of force.

(2) Section 35(4)(a), before 'another'

insert

another part of the Agency or to

Division 2 Youth Justice Regulations 2006

42 Regulations amended

This Division amends the *Youth Justice Regulations 2006*.

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

Regulation 65(1)(ba)

omit

centre;

insert

centre, or if a modified management plan applies to the detainee, the plan;

Part 5 Repeal of Act

44 Repeal of Act

This Act is repealed on the day after it commences.