



Children (Detention Centres) Amendment Bill.

Second Reading

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.28 a.m.], on behalf of Ms Diane Beamer: I move:

That this bill be now read a second time.

This bill amends the Children (Detention Centres) Act 1987. It will allow a child arrested under section 50 (1) of the Bail Act 1978 for breach of a bail condition to be detained in the custody of a juvenile justice centre, or detention centre. Honourable members would be aware that it is far more desirable to hold such young people in a detention centre rather than in police cells, where they risk coming into contact with adult offenders. The bill will clarify the Minister's power to hold such young people until they are taken before a magistrate. The magistrate can adjudicate as to whether the juvenile has breached his or her bail. In circumstances where a police officer has reasonable grounds to believe that a person has breached a condition of his or her bail, section 50 (1) of the Bail Act authorises the arrest of that person, without warrant, in order to take him or her before a court as soon as practicable.

Section 50 (1) of the Bail Act does not create an offence. Breach of a bail condition itself is not an offence. As such, it cannot be dealt with according to the normal principles of arrest for commission of an offence. This section only allows a police officer to arrest a person in breach of bail. Once arrested, the person is in the lawful custody of the police officer. Just like adults, juveniles may be arrested for allegedly breaching their bail conditions. If the juvenile is arrested during the night or on weekends, they must be detained overnight or over the weekend pending a court appearance to re-consider their bail agreement. Under section 50 (1) they can remain in the lawful custody of the police during this time.

However, it is preferable that juveniles are instead detained in juvenile detention centres. As already stated, it is not desirable for young people arrested on suspected breaches of bail to mix with adult offenders. The Department of Juvenile Justice is in the most appropriate position to provide detention that is in the best interests of alleged juvenile offenders. Currently, under the Children (Detention Centres) Act, detention centres have the authority to detain "persons on remand" and "persons subject to control". A juvenile arrested under section 50 (1) does not fall into either of those categories. To resolve this ambiguity, the bill grants express provision for juveniles to be detained in Juvenile Justice Centres (detention centres) for breaching a bail condition. I commend the bill to the House.

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