

LEGISLATIVE ASSEMBLY

TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL

(Amendments and New Clauses to be moved by Mr Bracks)

1. Clause 1, line 6, after "orders" insert "and the detention of persons subject to those orders".
2. Clause 1, line 17, omit "detention" and insert "legal custody".
3. Clause 1, line 18, omit "orders." and insert "orders;".
4. Clause 1, after line 18 insert—

"(c) to amend the **Children and Young Persons Act 1989** and the **Children, Youth and Families Act 2005** to provide for the searching of visitors to juvenile justice facilities and generally regulate visits to those facilities."
5. Clause 2, line 20, after "Act" insert "(other than sections 17 and 18)".
6. Clause 2, line 22, after "Act" insert "(other than sections 17 and 18)".
7. Clause 2, after line 24 insert—

"(3) Sections 17 and 18 come into operation on the day on which section 478 of the **Children, Youth and Families Act 2005** comes into operation."
8. Clause 4, page 4, line 22, after "recordings" insert "other than video recordings made in the ordinary course of operation of a security camera fitted at, or in the immediate vicinity of, a place where the person is being detained under a preventative detention order".
9. Clause 4, page 4, after line 26 insert—

' "**juvenile justice facility**" means a service established under section 249 of the **Children and Young Persons Act 1989** or, on and from the commencement of section 478 of the **Children, Youth and Families Act 2005**, under that section;'
10. Clause 4, page 5, line 23, omit "remotely;" and insert "remotely".
11. Clause 4, page 5, lines 24 to 26, omit all words and expressions on these lines.
12. Clause 4, page 5, after line 32 insert—

"(3) Unless the context otherwise requires, a reference in this Part to a provision of this Act is, in relation to a person who is being detained under an order for the person's detention made under a corresponding

preventative detention law, to be construed as a reference to the corresponding provision of that law."

13. Clause 4, page 6, lines 6 and 7, omit "or, subject to sub-section (3), to a senior police officer".
14. Clause 4, page 7, lines 19 to 26, omit all words and expressions on these lines.
15. Clause 4, page 9, line 6, omit "law." and insert—
"law; and
(g) set out a summary of the grounds on which the applicant considers that the order should be made."
16. Clause 4, page 9, after line 6 insert—
"(2) To avoid doubt, sub-section (1)(g) does not require information to be included in the summary if the disclosure of the information is likely to prejudice national security (within the meaning of the National Security Information (Criminal and Civil Proceedings) Act 2004 of the Commonwealth)."
17. Clause 4, page 9, line 7, omit "(2)" and insert "(3)".
18. Clause 4, page 9, line 26, omit "(3)" and insert "(4)".
19. Clause 4, page 10, line 10, omit "13K(3)" and insert "13K(2)".
20. Clause 4, page 10, line 11, omit "(4)" and insert "(5)".
21. Clause 4, page 10, line 13, omit "1".
22. Clause 4, page 10, lines 17 to 24, omit all words and expressions on these lines.
23. Clause 4, page 10, line 25, omit "to the Supreme Court".
24. Clause 4, page 10, lines 30 to 33, omit all words and expressions on these lines and insert "under an order for the person's detention made".
25. Clause 4, page 11, lines 2 and 3, omit "or the senior police officer".
26. Clause 4, page 12, lines 15 and 16, omit "or the senior police officer".
27. Clause 4, page 12, line 19, omit "or the officer (as the case requires)".
28. Clause 4, page 12, line 20, omit "or he or she".
29. Clause 4, page 12, line 35, omit "13G(3)" and insert "13G(2)".
30. Clause 4, page 13, line 18, omit "13G(2)" and insert "13G(1)".

31. Clause 4, page 13, line 28, after "it" insert "or vary the order to include, or omit, a provision of a kind referred to in section 13F(6)".
32. Clause 4, page 14, line 3, after "prison" insert "or juvenile justice facility".
33. Clause 4, page 14, line 6, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".
34. Clause 4, page 14, lines 16 and 17, omit "or a preventative detention order made by a senior police officer".
35. Clause 4, page 14, lines 26 to 37 and page 15, lines 1 to 15, omit all words and expressions on these lines.
36. Clause 4, page 15, line 16, omit "(12)" and insert "(10)".
37. Clause 4, page 15, line 28, omit "(13)" and insert "(11)".
38. Clause 4, page 15, line 31, omit "(12)" and insert "(10)".
39. Clause 4, page 16, line 31, after "order" insert "or, if the person is under 18 years of age, the place or class of place where the person must be detained under the order".
40. Clause 4, page 16, after line 31 insert—
 "Note: See sub-section (8) for rules as to where a person under 18 years of age may be detained.".
41. Clause 4, page 17, lines 3 to 6, omit all words and expressions on these lines.
42. Clause 4, page 17, line 7, omit "(f)" and insert "(e)".
43. Clause 4, page 17, lines 16 to 20, omit all words and expressions on these lines.
44. Clause 4, page 17, line 21, omit "(iv)" and insert "(iii)".
45. Clause 4, page 17, line 23, omit "(g)" and insert "(f)".
46. Clause 4, page 17, line 30, omit "(h)" and insert "(g)".
47. Clause 4, page 17, line 32, omit "order." and insert "order; and".
48. Clause 4, page 17, after line 33 insert—
 "(h) a summary of the grounds on which the order is made.
 (5) To avoid doubt, sub-section (4)(h) does not require information to be included in the summary if the disclosure of the information is likely to prejudice national security (within the meaning of the National Security Information (Criminal and Civil Proceedings) Act 2004 of the Commonwealth).
 (6) A preventative detention order may contain a provision directing that the contact that the person in relation to whom it is made has with a lawyer

under section 13ZF must not be monitored in accordance with section 13ZG if the Supreme Court is satisfied that it is appropriate to give such a direction."

49. Clause 4, page 18, line 1, omit "(5)" and insert "(7)".
50. Clause 4, page 18, after line 10 insert—
- "(8) If the person in relation to whom the order is made is under 18 years of age, the order must provide that the person must be detained in a juvenile justice facility unless the Supreme Court is satisfied that it is reasonably necessary for the person to be detained at a place other than a juvenile justice facility having regard to—
- (a) the person's age and vulnerability;
 - (b) the likely impact that detention in a place other than a juvenile justice facility will have on the person;
 - (c) the grounds on which the order is made;
 - (d) the risk posed by the person to—
 - (i) the national or international security of Australia; or
 - (ii) other persons detained in a juvenile justice facility; or
 - (iii) the good order and safe operation of a juvenile justice facility;
 - (e) the availability of a place in a juvenile justice facility for the person to be detained in compliance with the terms of the order;
 - (f) any other factor that the Supreme Court considers relevant.
- (9) Nothing in a preventative detention order about the place or places where the person may be, must be, or must not be, detained under the order prevents the person being taken to another place or class of place and detained there in connection with the carrying out of an examination for, or the provision of, any necessary medical, dental, psychiatric, physiological or pharmaceutical services.
- Note: Division 3 of Part 8 of the **Corrections Act 1986** (as modified by section 13W(6) of this Act) provides for the issue of a custodial community permit to a person detained in a prison for a purpose relating to his or her health. Section 271 of the **Children and Young Persons Act 1989** (as applied by section 13WA(5) of this Act) provides for medical services and operations in the case of a person detained in a juvenile justice facility.
- (10) The senior police officer nominated under section 13P(4) in relation to the preventative detention order must—
- (a) notify the Ombudsman under the **Ombudsman Act 1973** and the Director, Police Integrity under Part IVA of the **Police Regulation Act 1958** in writing of the making of the order; and
 - (b) give the Ombudsman and the Director, Police Integrity a copy of the order; and

(c) if the person in relation to whom the order is made is taken into custody under the order, notify the Ombudsman and the Director, Police Integrity in writing that the person has been taken into custody under the order."

51. Clause 4, page 18, lines 12 to 16, omit all words and expressions on these lines.
52. Clause 4, page 18, line 17, omit "(2)" and insert "(1)".
53. Clause 4, page 18, line 17, omit "(3)" and insert "(2)".
54. Clause 4, page 18, lines 25 to 31, omit all words and expressions on these lines and insert "under an order for the person's detention made under a corresponding preventative detention law on the same basis."
55. Clause 4, page 19, line 1, omit "(3)" and insert "(2)".
56. Clause 4, page 19, lines 8 to 15, omit all words and expressions on these lines.
57. Clause 4, page 19, line 16, omit "(5)" and insert "(3)".
58. Clause 4, page 19, line 17, omit "(2)" and insert "(1)".
59. Clause 4, page 20, lines 29 to 32, omit all words and expressions on these lines.
60. Clause 4, page 20, line 33, omit "(c)" and insert "(b)".
61. Clause 4, page 22, line 25, omit "13G(2)" and insert "13G(1)".
62. Clause 4, page 22, line 27, after "prison" insert "or juvenile justice facility".
63. Clause 4, page 22, line 33, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".
64. Clause 4, page 23, after line 21 insert—

"13JA. Special assistance for person with inadequate knowledge of English language or disability

If the member of the force who is detaining a person under a preventative detention order has reasonable grounds to believe that the person is unable because of inadequate knowledge of the English language or a disability, to communicate with reasonable fluency in that language—

- (a) the member has an obligation under section 13Z(3) to arrange for the assistance of an interpreter in informing the person about—
 - (i) the effect of the order or any extension, or further extension, of the order; and
 - (ii) the person's rights in relation to the order; and
- (b) the member has an obligation under section 13ZF(4) to give the person reasonable assistance to—

- (i) choose a lawyer to act for the person in relation to the order;
and
- (ii) contact the lawyer."

- 65. Clause 4, page 24, lines 6 to 20, omit all words and expressions on these lines.
- 66. Clause 4, page 24, line 21, omit "(3)" and insert "(2)".
- 67. Clause 4, page 25, lines 3 to 15, omit all words and expressions on these lines.
- 68. Clause 4, page 25, after line 15 insert—

"13KA. Basis for applying for, and making, prohibited contact order

- (1) An authorised member of the force may apply for a prohibited contact order in relation to a person only if the member is satisfied as set out in sub-section (4).
- (2) The Supreme Court may make a prohibited contact order in relation to a person's detention under a preventative detention order only if the Court is satisfied as set out in sub-section (4).
- (3) The person in relation to whose detention the prohibited contact order is applied for, or made, is the *subject* for the purposes of this section.
- (4) The authorised member of the force and the Supreme Court must be satisfied that making the prohibited contact order is reasonably necessary—
 - (a) to avoid a risk to action being taken to prevent a terrorist act occurring; or
 - (b) to prevent serious harm to a person; or
 - (c) to preserve evidence of, or relating to, a terrorist act; or
 - (d) to prevent interference with the gathering of information about—
 - (i) a terrorist act; or
 - (ii) the preparation for, or the planning of, a terrorist act; or
 - (e) to avoid a risk to—
 - (i) the arrest of a person who is suspected of having committed an offence against Part 5.3 of the Criminal Code of the Commonwealth; or
 - (ii) the taking into custody of a person in relation to whom the preventative detention order is in force, or in relation to whom a preventative detention order is likely to be made; or
 - (iii) the service on a person of a Commonwealth control order.
- (5) The Supreme Court may refuse to make a prohibited contact order unless the authorised member of the force applying for the order gives the Court any further information that it requests concerning the grounds on which the order is sought."

69. Clause 4, page 26, line 3, omit "1".
70. Clause 4, page 26, lines 7 to 10, omit all words and expressions on these lines.
71. Clause 4, page 26, lines 21 to 22, omit "or the senior police officer, as the case requires".
72. Clause 4, page 26, lines 25 to 28, omit all words and expressions on these lines and insert—
"(b) is satisfied as set out in section 13KA(4)—".
73. Clause 4, page 26, line 29, omit "or officer".
74. Clause 4, page 27, after line 2 insert—
"(7) The senior police officer nominated under section 13P(4) in relation to the preventative detention order must—
(a) notify the Ombudsman under the **Ombudsman Act 1973** and the Director, Police Integrity under Part IVA of the **Police Regulation Act 1958** in writing of the making of the prohibited contact order; and
(b) give the Ombudsman and the Director, Police Integrity a copy of the prohibited contact order."
75. Clause 4, page 27, lines 9 to 11, omit "or, if the order was made by a senior police officer, to a senior police officer".
76. Clause 4, page 27, line 22, omit "1".
77. Clause 4, page 27, lines 26 to 29, omit all words and expressions on these lines.
78. Clause 4, page 28, lines 5 and 6, omit "or the senior police officer (as the case requires)".
79. Clause 4, page 28, lines 6 to 10, omit "on reasonable grounds that making the prohibited contact order will assist in achieving the purpose for which the preventative detention order was made" and insert "as set out in section 13KA(4)".
80. Clause 4, page 28, line 11, omit "or officer".
81. Clause 4, page 28, after line 20 insert—
"(7) The senior police officer nominated under section 13P(4) in relation to the preventative detention order must—
(a) notify the Ombudsman under the **Ombudsman Act 1973** and the Director, Police Integrity under Part IVA of the **Police Regulation Act 1958** in writing of the making of the prohibited contact order; and

(b) give the Ombudsman and the Director, Police Integrity a copy of the prohibited contact order."

82. Clause 4, page 29, after line 23 insert—

"(5) To avoid doubt, if the variation applied for relates to the place or places where the person may be, must be, or must not be, detained under the preventative detention order, the Supreme Court must have regard to the requirements of section 13F(8)."
83. Clause 4, page 29, line 24, omit "(5)" and insert "(6)".
84. Clause 4, page 29, line 27, after "prison" insert "or juvenile justice facility".
85. Clause 4, page 29, line 32, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".
86. Clause 4, page 30, line 1, omit "(6)" and insert "(7)".
87. Clause 4, page 30, line 19, omit "(7)" and insert "(8)".
88. Clause 4, page 30, line 22, after "prison" insert "or juvenile justice facility".
89. Clause 4, page 30, line 24, omit "(6)" and insert "(7)".
90. Clause 4, page 30, line 29, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".
91. Clause 4, page 31, lines 6 to 8, omit "or, if the order was made by a senior police officer, to a senior police officer".
92. Clause 4, page 31, lines 19 to 21, omit "or, if the order was made by a senior police officer, to a senior police officer".
93. Clause 4, page 31, lines 25 to 27, omit "or, if the order was made by a senior police officer, a senior police officer".
94. Clause 4, page 31, lines 31 and 32, omit "or the officer, by writing,".
95. Clause 4, page 31, after line 32 insert—

"(4) To avoid doubt, if the variation applied for relates to the place or places where the person may be, must be, or must not be, detained under the preventative detention order, the Supreme Court must have regard to the requirements of section 13F(8)."
96. Clause 4, page 32, line 1, omit "(4)" and insert "(5)".
97. Clause 4, page 32, line 3, after "prison" insert "or juvenile justice facility".
98. Clause 4, page 32, line 6, omit "instrument" and insert "order".

99. Clause 4, page 32, line 8, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".
100. Clause 4, page 32, line 10, omit "(5)" and insert "(6)".
101. Clause 4, page 32, lines 27 to 29, omit "or, if the order was made by a senior police officer, to a senior police officer".
102. Clause 4, page 32, line 30, omit "(6)" and insert "(7)".
103. Clause 4, page 32, line 34 to 36, omit "or, if the order was made by a senior police officer, a senior police officer".
104. Clause 4, page 33, line 2, omit "(5)" and insert "(6)".
105. Clause 4, page 33, line 5 and 6, omit "or the officer, by writing,".
106. Clause 4, page 33, line 8, omit "(7)" and insert "(8)".
107. Clause 4, page 33, line 11, after "prison" insert "or juvenile justice facility".
108. Clause 4, page 33, line 13, omit "(6)" and insert "(7)".
109. Clause 4, page 33, line 15, omit "instrument" and insert "order".
110. Clause 4, page 33, line 17, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".
111. Clause 4, page 33, after line 17 insert—
 "(9) A person in relation to whom a preventative detention order is in force may make representations to the senior police officer nominated under section 13P(4) in relation to the order with a view to having the order, or a prohibited contact order that is in force in relation to the person's detention under the preventative detention order, revoked or varied under this section."
112. Clause 4, page 43, line 16, after "age" insert "if the preventative detention order provides for the person to be detained in a prison".
113. Clause 4, page 43, after line 16 insert—
 "Note: See section 13ZBA for the rules as to how persons under 18 are to be detained."
114. Clause 4, page 44, line 32, omit "Division 2 of Part 6" and insert "sections 37(1), 38(2) and (4), 40 and 41".
115. Clause 4, page 45, line 6, omit all words and expressions on this line and insert—
 "(l) paragraphs (b) and (c) of section 57(1) and paragraph (a) of that section to the extent that it relates to a purpose other than the purpose referred to in section 57A(1)(a);

(m) sections 57(2), 57A(1)(b) to (e), 57A(3)(a), 57B and 57C;"

116. Clause 4, page 45, line 7, omit "(m)" and insert "(n)".

117. Clause 4, page 45, after line 7 insert—

- '(7) The provisions of Division 2 of Part 6 of the **Corrections Act 1986** that apply in respect of the detention of a person in a prison under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law apply as if—
- (a) in the definition of "visitor" in section 33—
 - (i) paragraphs (i) and (j) were omitted;
 - (ii) in paragraph (h) for the reference to section 37 there were substituted a reference to section 13ZD, 13ZF or 13ZH of this Act;
 - (iii) in paragraph (k) after "force" the words "visiting under section 13W(5)(d) of the **Terrorism (Community Protection) Act 2003**" were inserted;
 - (iv) in paragraph (l) the words "or a residential visiting programme" were omitted;
 - (b) in section 37(2)—
 - (i) for the reference to a relative or friend who visits a prisoner there were substituted a reference to a person who visits a prisoner under section 13ZD, 13ZF or 13ZH of this Act;
 - (ii) the words "or residential visiting programme" were omitted;
 - (c) in section 37(3) for the word "under" there were substituted the words "referred to in";
 - (d) in section 38(1) for the reference to a prisoner's family and friends there were substituted a reference to persons who visit a prisoner under section 13ZD, 13ZF or 13ZH of this Act;
 - (e) in section 38(3) the words "or a residential visiting programme" were omitted;
 - (f) in section 39(1) or (2) for the reference to a relative or friend or person wishing to visit, or visiting, a prisoner under section 37 or 38 there were substituted a reference to a person wishing to visit, or visiting, a prisoner under section 13ZD, 13ZF or 13ZH of this Act;
 - (g) section 43 prevented a senior police officer nominated under section 13P(4) in relation to the order being made the subject of an order under that section.
- (8) If a provision of the **Corrections Act 1986** applies (with or without modification) in respect of the detention of a person in a prison or police gaol under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law, any

provision of the regulations made under that provision, or under that Act for or with respect to that provision, also applies in respect of that detention with any necessary modifications.

- (9) The **Corrections Act 1986**, in its application in respect of the detention of a person in a prison or police gaol under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law, has effect subject to this Part and to the terms of the order under which the person is detained and, in the event of any inconsistency between that Act and this Part or the order, this Part or the order (as the case requires) prevails over that Act.'

118. Clause 4, page 45, line 8, omit "(7)" and insert "(10)".

119. Clause 4, page 45, after line 15 insert—

"13WA. Arrangement for detainee to be held in juvenile justice facility

- (1) If the preventative detention order in relation to a person who is under 18 years of age provides for him or her to be detained in a juvenile justice facility, the member of the force who is detaining the person under the order must request the Secretary to the Department of Human Services to authorise the transfer of that person to a juvenile justice facility.
- (2) A request under sub-section (1) must be accompanied by a copy of—
- (a) the preventative detention order on which is endorsed the date on which, and time at which, the person was first taken into custody or detained under the order; and
 - (b) any extension or further extension of the order under section 13I; and
 - (c) any prohibited contact order in force in relation to the person's detention.
- (3) If requested to do so under sub-section (1), the Secretary to the Department of Human Services may, by instrument, authorise the transfer to a juvenile justice facility of a person being detained under a preventative detention order from any place where he or she is being detained.
- (4) If a person is being detained in a juvenile justice facility under a preventative detention order—
- (a) the preventative detention order is taken to authorise the officer in charge of the facility to detain the person at the facility while the order is in force in relation to the person; and
 - (b) section 13ZB applies in relation to the person's detention under the order at the facility as if—
 - (i) the officer in charge of that facility; or
 - (ii) any other person involved in the person's detention at that facility—

were a person exercising authority under the order or implementing or enforcing the order; and

- (c) the member of the force who made the request under sub-section (1) is taken, while the person is detained at the facility, to be the member of the force detaining the person for the purposes of Divisions 4 and 5; and
 - (d) a member of the force may at any time enter the facility and visit the person being detained in the facility in connection with the exercise of powers under, and the performance of obligations in relation to, the order.
- (5) No provision of the **Children and Young Persons Act 1989** applies in respect of the detention of a person in a juvenile justice facility under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law other than—
- (a) section 7(1) and, to the extent that it relates to section 271(3) or (4), section 7(1A);
 - (b) section 252(1) other than paragraphs (b) to (d);
 - (c) section 252(2) other than paragraphs (a) and (b);
 - (d) section 252(3);
 - (e) section 253(1) and (1A);
 - (f) section 256A;
 - (g) section 256B other than paragraph (f) to the extent that that paragraph applies to discriminatory treatment that is reasonable and necessary having regard to the nature of the person's detention;
 - (h) sections 256D to 256J;
 - (i) section 270;
 - (j) section 271.
- (6) If a provision of the **Children and Young Persons Act 1989** applies (with or without modification) in respect of the detention of a person in a juvenile justice facility under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law, any provision of the regulations made under that provision, or under that Act for or with respect to that provision, also applies in respect of that detention with any necessary modifications.
- (7) The **Children and Young Persons Act 1989**, in its application in respect of the detention of a person in a juvenile justice facility under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law, has effect subject to this Part and to the terms of the order under which the person is detained and, in the event of any inconsistency between that Act and this Part or

the order, this Part or the order (as the case requires) prevails over that Act.

- (8) Nothing in this section prevents an AFP member entering a juvenile justice facility and visiting a person being detained in the facility in connection with the exercise of powers under, and the performance of obligations in relation to, an order for the person's detention made under a corresponding preventative detention law.
- (9) The Secretary to the Department of Human Services may, by instrument, delegate any function or power of the Secretary under this section (except this power of delegation) to any person, or class of person, employed in the Department of Human Services under Part 3 of the **Public Administration Act 2004**."

120. Clause 4, page 46, lines 12 to 16 omit all words and expressions on these lines and insert—

"(d) the person's entitlement under section 13O(9) to make representations to the senior police officer nominated under section 13P(4) in relation to the order with a view to having the order, or a prohibited contact order, revoked or varied under section 13O; and".

121. Clause 4, page 46, lines 23 and 24, omit ", or the making of,".

122. Clause 4, page 47, after line 18 insert—

"(3) Without limiting sub-section (2)(c), the member of the force who is detaining a person under a preventative detention order must inform the person under that sub-section about the persons that he or she may contact under section 13ZD or 13ZH."

123. Clause 4, page 48, line 21, omit "physical".

124. Clause 4, page 49, lines 4 and 5, omit "the preventative detention order or" and insert "any".

125. Clause 4, page 50, line 4, omit "the" and insert "any".

126. Clause 4, page 50, line 29, omit "the summary" and insert "any summary given under sub-section (1)(b)".

127. Clause 4, page 51, after line 32 insert—

"13ZBA. Detention of persons under 18

- (1) Subject to sub-section (2), the member of the force detaining a person who is under 18 years of age under a preventative detention order must ensure that the person is not detained together with persons who are 18 years of age or older.

Note: A contravention of this sub-section may be an offence under section 13ZN.

- (2) Sub-section (1) does not apply if a senior police officer approves the person being detained together with persons who are 18 years of age or older.
 - (3) The senior police officer may give an approval under sub-section (2) only if there are exceptional circumstances justifying the giving of the approval.
 - (4) An approval under sub-section (2) must—
 - (a) be given in writing; and
 - (b) set out the exceptional circumstances that justify the giving of the approval."
128. Clause 4, page 52, line 10, after "prison" insert "or juvenile justice facility".
129. Clause 4, page 52, line 27, after "**1986**" insert "or the officer in charge of a juvenile justice facility".
130. Clause 4, page 52, line 29, after "prison" insert "or juvenile justice facility".
131. Clause 4, page 53, line 2, after "prison" insert "or juvenile justice facility".
132. Clause 4, page 53, after line 5 insert—
- "(4) This section applies to legal documents exchanged between a lawyer and a person being detained in a prison or juvenile justice facility under an order referred to in sub-section (2) as if that document were a letter.
 - (5) A person being detained in a prison or juvenile justice facility under an order referred to in sub-section (2) may retain any legal documents that are in his or her possession, subject to reasonable quantity limits imposed by the Governor of the prison or the officer in charge of the juvenile justice facility (as the case requires)."
133. Clause 4, page 54, lines 22 to 25, omit all words and expressions on these lines and insert "and is being detained."
134. Clause 4, page 54, line 27, omit "not".
135. Clause 4, page 54, line 31, omit "or" and insert "and".
136. Clause 4, page 54, line 33, omit "detained." and insert "detained; and".
137. Clause 4, page 54, after line 33 insert—
- "(c) the period for which the person is being detained."
138. Clause 4, page 55, lines 17 and 18, omit "unless the preventative detention order otherwise provides,".
139. Clause 4, page 57, lines 8 and 9, omit ", or the making of,".

140. Clause 4, page 57, line 30, omit "email." and insert—
"email; and
(c) exchanging legal documents with the lawyer."
141. Clause 4, page 58, after line 22 insert—
"(4) If the member of the force who is detaining a person under a preventative detention order has reasonable grounds to believe that—
(a) the person is unable, because of inadequate knowledge of the English language, or a disability, to communicate with reasonable fluency in that language; and
(b) the person may have difficulties in choosing or contacting a lawyer because of that inability—
the member must give the person reasonable assistance (including, if appropriate, by arranging for the assistance of an interpreter) to choose and contact a lawyer under sub-section (1)."
142. Clause 4, page 58, line 23, omit "(4)" and insert "(5)".
143. Clause 4, page 58, line 24, after "(3)" insert "or (4)".
144. Clause 4, page 58, line 30, omit "(5)" and insert "(6)".
145. Clause 4, page 58, line 30, omit "(4)" and insert "(5)".
146. Clause 4, page 58, line 34, omit "(4)" and insert "(5)".
147. Clause 4, page 59, line 4, after "or" insert "(unless the Supreme Court has otherwise directed under section 13F(6))".
148. Clause 4, page 60, after line 8 insert—
"(6) The contact the person being detained has with a lawyer under section 13ZF must not be monitored in accordance with this section if the preventative detention order so provides under section 13F(6).
Note: A contravention of this sub-section may be an offence under section 13ZN."
149. Clause 4, page 62, line 8, omit "13F(5)" and insert "13F(7)".
150. Clause 4, page 63, after line 13 insert—
"(11) If—
(a) the person being detained has contact under sub-section (2) with a parent or guardian of the person; and
(b) a prohibited contact order is in force in relation to another parent or guardian of the person—
the senior police officer nominated under section 13P(4) in relation to the preventative detention order must inform the parent or guardian with

whom the person being detained has had contact that he or she must not disclose to the other parent or guardian information of the kind referred to in section 13ZJ(3)(b).

Note: A contravention of this sub-section may be an offence under section 13ZN."

151. Clause 4, page 65, lines 11 and 12, omit ", or making of,".
152. Clause 4, page 66, lines 18 to 21, omit all words and expressions on these lines and insert—
"(c) the other person is not a person the detainee is entitled to have contact with under section 13ZH; and".
153. Clause 4, page 66, lines 31 and 32, omit ", or the making of,".
154. Clause 4, page 67, after line 24 insert—
"(4) A person who is employed in the Department of Human Services under Part 3 of the **Public Administration Act 2004** does not contravene sub-section (3) merely by making a disclosure to another person employed in that Department in the exercise of powers or performance of functions under or in connection with any Act.
Note: A child may be in the custody or under the guardianship of the Secretary to the Department of Human Services under the **Children and Young Persons Act 1989**. The Secretary may also be the guardian of a child under the **Adoption Act 1984**. The Secretary's functions may be delegated to staff in the Department."
155. Clause 4, page 67, line 25, omit "(4)" and insert "(5)".
156. Clause 4, page 67, lines 29 to 31, omit all words and expressions on these lines and insert "specified period."
157. Clause 4, page 67, after line 31 insert—
"(6) A person (the *parent/guardian*) commits an offence if—
(a) the parent/guardian is a parent or guardian of a person who is being detained under a preventative detention order (the *detainee*); and
(b) the detainee has contact with the parent/guardian under section 13ZH; and
(c) while the detainee is being detained under the order, the parent/guardian intentionally discloses information of the kind referred to in sub-section (3)(b) to another parent or guardian of the detainee (the *other parent/guardian*); and
(d) when the disclosure is made, the detainee has not had contact with the other parent/guardian under section 13ZH while being detained under the order; and
(e) when the disclosure is made, the parent/guardian has been informed under section 13ZH(11) by the senior police officer nominated under

section 13P(4) in relation to the order that the parent/guardian must not disclose information of that kind to the other parent/guardian.

Penalty: Level 6 imprisonment (5 years maximum).

(7) If—

- (a) a person (the *parent/guardian*) is a parent or guardian of a person being detained under a preventative detention order (the *detainee*); and
- (b) the parent/guardian informs the senior police officer nominated under section 13P(4) in relation to the order that the parent/guardian proposes to disclose information of the kind referred to in sub-section (3)(b) to another parent or guardian of the detainee (the *other parent/guardian*)—

that senior police officer may inform the parent/guardian that the detainee is not entitled to contact the other parent/guardian under section 13ZH.

Note: The parent/guardian may commit an offence against sub-section (3) if the other parent/guardian is a person the detainee is not entitled to have contact with under section 13ZH and the parent/guardian does disclose information of that kind to the other parent/guardian. This is because of the operation of sub-section (3)(c)."

158. Clause 4, page 68, line 1, omit "(5)" and insert "(8)".

159. Clause 4, page 68, line 25, omit "(6)" and insert "(9)".

160. Clause 4, page 69, line 9, omit "or (5)" and insert ", (6) or (8)".

161. Clause 4, page 69, line 28, omit "(7)" and insert "(10)".

162. Clause 4, page 71, after line 4 insert—

"(3) If a member of the force questions a person while the person is being detained under a preventative detention order, the member of the force who is detaining the person must ensure that—

- (a) a video recording is made of the questioning if it is practicable to do so; or
- (b) an audio recording is made of the questioning if it is not practicable for a video recording to be made of the questioning.

(4) Sub-section (3) does not apply if—

- (a) the questioning occurs to—
 - (i) determine whether the person is the person in relation to whom the order is made; or
 - (ii) ensure the safety and well-being of the person being detained; and
- (b) complying with sub-section (3) is not practicable because of the seriousness and urgency of the circumstances in which the questioning occurs.

- (5) A recording made under sub-section (3) must be kept for the period of 12 months after the recording is made."
163. Clause 4, page 71, line 29, omit "made." and insert "made; or".
164. Clause 4, page 71, after line 29 insert—
"(c) the member believes on reasonable grounds that it is necessary to do so for the purpose of documenting an illness or injury suffered by the person while being detained under the order."
165. Clause 4, page 74, line 25, after "prison" insert "or juvenile justice facility".
166. Clause 4, page 74, line 28, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".
167. Clause 4, page 74, lines 29 and 30, omit "on his or her reception into the prison" and insert "while he or she is detained in the prison or juvenile justice facility".
168. Clause 4, page 75, line 14, after "Justice" insert "or the Secretary to the Department of Human Services".
169. Clause 4, page 75, after line 25 insert—
"(v) section 13ZBA(1); or".
170. Clause 4, page 75, line 26, omit "(v)" and insert "(vi)".
171. Clause 4, page 75, after line 26 insert—
"(vii) section 13ZG(6); or
(viii) section 13ZH(11); or".
172. Clause 4, page 75, line 27, omit "(vi)" and insert "(ix)".
173. Clause 4, page 75, line 27, omit "or (2)" and insert ", (2) or (3)".
174. Clause 4, page 75, line 28, omit "(vii)" and insert "(x)".
175. Clause 4, page 75, line 29, omit "(viii)" and insert "(xi)".
176. Clause 4, page 76, lines 19 to 32 and page 77, lines 1 to 12, omit all words and expressions on these lines.
177. Clause 4, page 77, line 13, omit "**13ZR.**" and insert "**13ZQ.**".
178. Clause 4, page 77, line 27, omit "**13ZS.**" and insert "**13ZR.**".
179. Clause 4, page 78, lines 4 to 8, omit all words and expressions on these lines.
180. Clause 4, page 78, line 9, omit "(b)" and insert "(a)".

181. Clause 4, page 78, line 14, omit "(c)" and insert "(b)".
182. Clause 4, page 78, after line 17 insert—
"(c) the number of persons in relation to whom a preventative detention order was made who were charged during the year with an offence against Part 5.3 of the Criminal Code of the Commonwealth;"
183. Clause 4, page 78, line 30, omit "year." and insert "year;"
184. Clause 4, page 78, after line 30 insert—
"(f) the number of preventative detention orders, and the number of prohibited contact orders, that during the year a court has found not to have been validly made."
185. Clause 4, page 79, line 1, omit "**13ZT.**" and insert "**13ZS.**".
186. Clause 4, page 79, line 8, omit "**13ZU.**" and insert "**13ZT.**".
187. Clause 4, page 79, line 12, omit "**13ZV.**" and insert "**13ZU.**".
188. Clause 4, page 80, lines 13 and 14, omit "or the senior police officer (as the case requires)".
189. Clause 4, page 80, line 24, omit "**13ZW.**" and insert "**13ZV.**".
190. Clause 5, page 93, lines 14 and 15, omit "within the meaning of section 28" and insert "and for the purposes of this section a part of the essential service may include a part referred to in section 28(2)".
191. Clause 5, page 93, line 34, after "authorisation" insert "and name or describe any person or vehicle targeted by it".
192. Clause 5, page 94, lines 6 to 9, omit "means relevant Minister, in relation to a declared essential service, within the meaning of Part 6" and insert ", in relation to an essential service, means the Minister for the time being responsible for the essential service".
193. Clause 6, page 108, line 29, after "may" insert "only".
194. Clause 6, page 108, line 32, omit "suspects" and insert "believes".
195. Clause 6, page 111, lines 3 and 4, omit ", unless it is not reasonably practicable in the circumstances,".
196. Clause 6, page 111, after line 11 insert—
"(4) Sub-clause (3) does not apply if a parent, guardian or other acceptable person is not then present and the seriousness and urgency of the circumstances require the strip search to be conducted without delay."
197. Clause 6, page 111, line 12, omit "(4)" and insert "(5)".

198. Clause 6, page 111, line 14, omit "(5)" and insert "(6)".
199. Clause 6, page 111, line 18, omit "(6)" and insert "(7)".
200. Clause 6, page 111, line 22, omit "(7)" and insert "(8)".
201. Clause 6, page 111, line 26, omit "(8)" and insert "(9)".
202. Clause 6, page 111, line 28, omit "(9)" and insert "(10)".

NEW CLAUSES

203. Insert the following New Clauses to follow Clause 14—

" 'AA. Amendment of Children and Young Persons Act 1989

- (1) After section 253(1) of the **Children and Young Persons Act 1989** insert—

'(1A) A person who is detained in a remand centre, youth residential centre or youth training centre under an order referred to in section 13WA(5) of the **Terrorism (Community Protection) Act 2003** (preventative detention) ceases to be in the legal custody of the Secretary during any time when he or she is in the legal custody of the Chief Commissioner of Police under section 6D of the **Corrections Act 1986**.'

- (2) In section 280(1) of the **Children and Young Persons Act 1989**—

(a) in paragraph (lc) after '256A' insert 'or 256H';

(b) after paragraph (ld) insert—

'(le) visits to remand centres, youth residential centres or youth training centres and searches of visitors; and'.

BB. New sections 256D to 256J inserted in Children and Young Persons Act 1989

After section 256C of the **Children and Young Persons Act 1989** insert—

'256D. Definitions

In sections 256E to 256J—

"detainee" means a person detained in a juvenile justice facility including a person detained under a preventative detention order (within the meaning of Part 2A of the **Terrorism (Community Protection) Act 2003**) or an order for his or her detention made under a corresponding preventative detention law (within the meaning of that Part);

"juvenile justice facility" means a remand centre, youth residential centre or youth training centre;

"officer" means any person employed in a juvenile justice facility with duties in relation to ensuring the security or good order of the facility or the safety and security of any detainee in the facility;

"visitor" means a person who visits a juvenile justice facility to have contact with a detainee.

256E. Visitors required to comply with orders

(1) The officer in charge of the juvenile justice facility may give to a visitor such orders as are necessary for the management and good order and security of the juvenile justice facility.

(2) A visitor must not disobey an order given under sub-section (1).

Penalty: 5 penalty units.

256F. Visitors to give prescribed information

(1) The officer in charge of the juvenile justice facility may require any person who wishes to enter, or who has entered, a juvenile justice facility as a visitor to give the officer information as to—

(a) the purpose of the visit or intended visit;

(b) the person's identity, address, occupation and age;

(c) the person's relationship (if any) to any detainee the person wishes to visit.

(2) A person who wishes to enter or has entered a juvenile justice facility as a visitor must not knowingly give to the officer in charge of the facility or any other officer information that is false or misleading.

Penalty: 5 penalty units.

(3) If, when asked, a person does not give the required information to the officer in charge of the juvenile justice facility or gives information to that officer or any other officer that is false or misleading, the officer in charge of the facility may—

(a) if the person has not entered the facility, by order prohibit the person from entering the facility; or

(b) if the person has entered the facility, order the person to leave the facility immediately.

(4) A person must not disobey an order under sub-section (3).

Penalty: 5 penalty units.

(5) A person ordered to leave a juvenile justice facility under this section may only re-enter the facility with the permission of the officer in charge of the facility.

256G. Officer in charge may refuse or terminate visits for security reasons

- (1) If the officer in charge of a juvenile justice facility believes on reasonable grounds that the security of the facility or the safety of a visitor is threatened, the officer may—
 - (a) by order prohibit a person from entering the facility as a visitor;
or
 - (b) order the visitor to leave the facility immediately.
- (2) Without limiting any other power of the Secretary under this Act, if the Secretary believes on reasonable grounds that the good order or security of juvenile justice facilities or the safety of detainees or visitors to juvenile justice facilities is threatened, the Secretary may by order prohibit a person from entering all or any juvenile justice facilities in Victoria as a visitor.
- (3) An order under sub-section (2) in relation to a matter prevails over any order under sub-section (1) in relation to that matter.
- (4) A person must not disobey an order under this section.

Penalty: 5 penalty units.

256H. Search of visitors

- (1) In this section—

"electronic metal detection device" means an electronic device that is capable of detecting the presence of metallic objects;

"frisk search" means—

- (a) a search of a visitor conducted by quickly running the hands over the visitor's outer clothing or by passing an electronic metal detection device over or in close proximity to the visitor's outer clothing; and
- (b) an examination of anything worn or carried by the visitor that is conveniently and voluntarily removed by the visitor, including an examination conducted by passing an electronic metal detection device over or in close proximity to that thing;

"ordinary search" means a search of a visitor or of things in the possession or under the control of a visitor that may include—

- (a) requiring the visitor to remove only his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat; and
- (b) an examination of those items;

"strip search" means a search of a visitor or of things in the possession or under the control of a visitor that may include—

- (a) requiring the visitor to remove all of his or her clothes; and
 - (b) an examination of the visitor's body (but not of the visitor's body cavities) and of those clothes.
- (2) The officer in charge of a juvenile justice facility may cause any person who wishes to enter the facility as a visitor to be asked to submit to a frisk search or an ordinary search to detect the presence of any article or thing which the officer carrying out the search believes on reasonable grounds jeopardises or is likely to jeopardise the security of the facility or the safety of persons in the facility (including any article or thing of a kind covered by section 270(1)(b)).
- (3) The officer in charge of a juvenile justice facility may cause any person who is in the facility as a visitor to be asked to submit to a search of a kind referred to in sub-section (2) if he or she suspects on reasonable grounds that the visitor may have in his or her possession or under his or her control any article or thing of a kind referred to in that sub-section.
- (4) In carrying out a frisk search, the officer carrying it out may, if he or she has asked the visitor to remove a coat or jacket, treat the visitor's outer clothing as being the visitor's outer clothing after the coat or jacket has been removed.
- (5) A visitor must not be asked to submit to a strip search or a search of his or her body cavities.
- (6) If, when asked, a person does not submit to a search authorised to be carried out under this section, an officer may prohibit the person from entering the juvenile justice facility or, if the person is in the juvenile justice facility, order the person to leave the facility immediately.
- (7) A person must not disobey an order under sub-section (6).
Penalty: 5 penalty units.
- (8) An officer is not liable for injury or damage caused in carrying out searches in accordance with this section.
- (9) The officer in charge of the juvenile justice facility may at any time make an order terminating a search under this section.

256I. Search requirements

- (1) Before carrying out a search of a person under section 256H, the officer who is to carry out the search must—
- (a) inform the person of his or her authority to carry out the search; and
 - (b) inform the person that he or she may refuse the search; and
 - (c) inform the person of the consequences of refusal.

- (2) If a person consents to a search, the officer who is to carry out the search must—
 - (a) ask the person if he or she has in his or her possession an article or thing of a kind referred to in section 256H(2); and
 - (b) ask the person to produce any article or thing referred to in paragraph (a).
- (3) An officer carrying out a search of a person under section 256H must do so—
 - (a) expeditiously; and
 - (b) with regard to the decency and self-respect of the person searched; and
 - (c) in compliance with any other prescribed requirement.

256J. Seizure

- (1) In carrying out a search of a person under section 256H an officer may seize any article or thing of a kind referred to in section 256H(2) that is found in the person's possession or produced in response to a request under section 256I(2)(b).
- (2) An officer who seizes any thing under sub-section (1) must immediately inform the officer in charge of the juvenile justice facility.
- (3) The officer in charge of the juvenile justice facility must deal in accordance with the regulations with any article or thing seized under this section.'

CC. Amendment of Children, Youth and Families Act 2005

- (1) In Part 5.8 of the **Children, Youth and Families Act 2005**—

- (a) before section 483 **insert** the following heading—

'Division 1—Legal Custody';

- (b) after section 483(1) **insert**—

'(1A) A person who is detained in a remand centre, youth residential centre or youth justice centre under an order referred to in section 13WA(5) of the **Terrorism (Community Protection) Act 2003** (preventative detention) ceases to be in the legal custody of the Secretary during any time when he or she is in the legal custody of the Chief Commissioner of Police under section 6D of the **Corrections Act 1986**.'

- (c) after section 485 **insert** the following heading—

'Division 2—Management of Detainees';

- (d) before section 489 **insert** the following heading—

'Division 4—General'

(2) In section 600(1) of the **Children, Youth and Families Act 2005**—

(a) in paragraph (o) after '486' insert 'or 488E';

(b) after paragraph (p) insert—

'(pa) visits to remand centres, youth residential centres or youth justice centres and searches of visitors; and'.

DD. New Division 3 inserted in Part 5.8 of Children, Youth and Families Act 2005

After section 488 of the **Children, Youth and Families Act 2005** insert—

'Division 3—Visitors

488A. Definitions

In this Division—

"detainee" means a person detained in a juvenile justice facility including a person detained under a preventative detention order (within the meaning of Part 2A of the **Terrorism (Community Protection) Act 2003**) or an order for his or her detention made under a corresponding preventative detention law (within the meaning of that Part);

"juvenile justice facility" means a remand centre, youth residential centre or youth justice centre;

"officer" means any person employed in a juvenile justice facility with duties in relation to ensuring the security or good order of the facility or the safety and security of any detainee in the facility;

"visitor" means a person who visits a juvenile justice facility to have contact with a detainee.

488B. Visitors required to comply with orders

(1) The officer in charge of the juvenile justice facility may give to a visitor such orders as are necessary for the management and good order and security of the juvenile justice facility.

(2) A visitor must not disobey an order given under sub-section (1).

Penalty: 5 penalty units.

488C. Visitors to give prescribed information

(1) The officer in charge of the juvenile justice facility may require any person who wishes to enter, or who has entered, a juvenile justice facility as a visitor to give the officer information as to—

(a) the purpose of the visit or intended visit;

- (b) the person's identity, address, occupation and age;
 - (c) the person's relationship (if any) to any detainee the person wishes to visit.
- (2) A person who wishes to enter or has entered a juvenile justice facility as a visitor must not knowingly give to the officer in charge of the facility or any other officer information that is false or misleading.

Penalty: 5 penalty units.

- (3) If, when asked, a person does not give the required information to the officer in charge of the juvenile justice facility or gives information to that officer or any other officer that is false or misleading, the officer in charge of the facility may—
- (a) if the person has not entered the facility, by order prohibit the person from entering the facility; or
 - (b) if the person has entered the facility, order the person to leave the facility immediately.

- (4) A person must not disobey an order under sub-section (3).

Penalty: 5 penalty units.

- (5) A person ordered to leave a juvenile justice facility under this section may only re-enter the facility with the permission of the officer in charge of the facility.

488D. Officer in charge may refuse or terminate visits for security reasons

- (1) If the officer in charge of a juvenile justice facility believes on reasonable grounds that the security of the facility or the safety of a visitor is threatened, the officer may—
- (a) by order prohibit a person from entering the facility as a visitor; or
 - (b) order the visitor to leave the facility immediately.

- (2) Without limiting any other power of the Secretary under this Act, if the Secretary believes on reasonable grounds that the good order or security of juvenile justice facilities or the safety of detainees or visitors to juvenile justice facilities is threatened, the Secretary may by order prohibit a person from entering all or any juvenile justice facilities in Victoria as a visitor.

- (3) An order under sub-section (2) in relation to a matter prevails over any order under sub-section (1) in relation to that matter.

- (4) A person must not disobey an order under this section.

Penalty: 5 penalty units.

488E. Search of visitors

(1) In this section—

"electronic metal detection device" means an electronic device that is capable of detecting the presence of metallic objects;

"frisk search" means—

- (a) a search of a visitor conducted by quickly running the hands over the visitor's outer clothing or by passing an electronic metal detection device over or in close proximity to the visitor's outer clothing; and
- (b) an examination of anything worn or carried by the visitor that is conveniently and voluntarily removed by the visitor, including an examination conducted by passing an electronic metal detection device over or in close proximity to that thing;

"ordinary search" means a search of a visitor or of things in the possession or under the control of a visitor that may include—

- (a) requiring the visitor to remove only his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat; and
- (b) an examination of those items;

"strip search" means a search of a visitor or of things in the possession or under the control of a visitor that may include—

- (a) requiring the visitor to remove all of his or her clothes; and
- (b) an examination of the visitor's body (but not of the visitor's body cavities) and of those clothes.

(2) The officer in charge of a juvenile justice facility may cause any person who wishes to enter the facility as a visitor to be asked to submit to a frisk search or an ordinary search to detect the presence of any article or thing which the officer carrying out the search believes on reasonable grounds jeopardises or is likely to jeopardise the security of the facility or the safety of persons in the facility (including any article or thing of a kind covered by section 501(1)(b)).

(3) The officer in charge of a juvenile justice facility may cause any person who is in the facility as a visitor to be asked to submit to a search of a kind referred to in sub-section (2) if he or she suspects on reasonable grounds that the visitor may have in his or her possession or under his or her control any article or thing of a kind referred to in that sub-section.

- (4) In carrying out a frisk search, the officer carrying it out may, if he or she has asked the visitor to remove a coat or jacket, treat the visitor's outer clothing as being the visitor's outer clothing after the coat or jacket has been removed.
- (5) A visitor must not be asked to submit to a strip search or a search of his or her body cavities.
- (6) If, when asked, a person does not submit to a search authorised to be carried out under this section, an officer may prohibit the person from entering the juvenile justice facility or, if the person is in the juvenile justice facility, order the person to leave the facility immediately.
- (7) A person must not disobey an order under sub-section (6).
Penalty: 5 penalty units.
- (8) An officer is not liable for injury or damage caused in carrying out searches in accordance with this section.
- (9) The officer in charge of the juvenile justice facility may at any time make an order terminating a search under this section.

488F. Search requirements

- (1) Before carrying out a search of a person under section 488E, the officer who is to carry out the search must—
 - (a) inform the person of his or her authority to carry out the search; and
 - (b) inform the person that he or she may refuse the search; and
 - (c) inform the person of the consequences of refusal.
- (2) If a person consents to a search, the officer who is to carry out the search must—
 - (a) ask the person if he or she has in his or her possession an article or thing of a kind referred to in section 488E(2); and
 - (b) ask the person to produce any article or thing referred to in paragraph (a).
- (3) An officer carrying out a search of a person under section 488E must do so—
 - (a) expeditiously; and
 - (b) with regard to the decency and self-respect of the person searched; and
 - (c) in compliance with any other prescribed requirement.

488G. Seizure

- (1) In carrying out a search of a person under section 488E an officer may seize any article or thing of a kind referred to in section 488E(2)

that is found in the person's possession or produced in response to a request under section 488F(2)(b).

- (2) An officer who seizes any thing under sub-section (1) must immediately inform the officer in charge of the juvenile justice facility.
- (3) The officer in charge of the juvenile justice facility must deal in accordance with the regulations with any article or thing seized under this section.'".

AMENDMENT OF LONG TITLE

204. Long title, after "orders" (where first occurring) insert "and the detention of persons subject to those orders".
205. Long title, omit "detention" (where secondly occurring) and insert "legal custody".
206. Long title, after "orders" (where secondly occurring) insert ", to amend the **Children and Young Persons Act 1989** and the **Children, Youth and Families Act 2005** to provide for the searching of visitors to juvenile justice facilities and generally regulate visits to those facilities".