

16A. Restrictions on powers of authorised officers and justices in certain cases

- (1) Where this section applies to a person who has been arrested for an offence jurisdiction does not arise under section 13 until the person is brought before —
 - (a) a court constituted by or so as to include a magistrate; or
 - (b) where section 15 applies, a Judge of the Supreme Court or a Judge of the Children’s Court as the case may require.
- (2) This section applies where —
 - (a) a person has been arrested in an urban area for a serious offence; and
 - (b) the serious offence is alleged to have been committed while the accused was —
 - (i) on bail for; or
 - (ii) at liberty under an early release order made in respect of, another serious offence.
- (3) This section also applies where a person has been arrested in an urban area for an offence against section 61(1) of the *Restraining Orders Act 1997* (which creates offences for breaches of violence restraining orders).
- (4) In this section —

“urban area” means —

 - (a) the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959* and any prescribed area that adjoins that region; and
 - (b) any other prescribed area of the State, being the whole or part of, or an area adjoining, a local government district under the *Local Government Act 1995* that is designated under that Act as a city or a town.

[Section 16A inserted by No. 54 of 1998 s. 6(1); amended by No. 38 of 2004 s. 59; No. 84 of 2004 s. 82.]