

South Australia

Young Offenders Regulations 1993

under the *Young Offenders Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Young Offenders Regulations 1993*.

2—Commencement

These regulations will come into operation on 1 January 1994.

3—Revocation

All regulations previously made under the *Children's Protection and Young Offenders Act 1979* are revoked.

4—Interpretation

In these regulations, unless the contrary intention appears—

the Act means the *Young Offenders Act 1993*;

the Board means the Training Centre Review Board.

5—Forms

The forms set out in the Schedule must be used for the purposes of the Act.

6—Detention of youths outside specified area

For the purposes of sections 15(2) and 59A(4) of the Act, the area within a 40 kilometre radius of the General Post Office at Adelaide is the specified area outside of which a youth may be detained in a police prison or approved police station, watch-house or lock-up in accordance with those sections.

7—Transfer of youths under detention—corresponding law

For the purposes of Part 5 Division 4 of the Act the *Juvenile Justice Act 1983* of the Northern Territory is declared to be a law corresponding to that Division.

Part 2—Practice and procedure of Training Centre Review Board

8—Meetings

- (1) The Board must meet at each training centre at least once in each calendar month.
- (2) The Board may meet at such other times as the Chief Executive requests or as the Board considers appropriate.
- (3) A decision carried by the votes of a majority of the members of the Board present and voting at a meeting is a decision of the Board.
- (4) Each member present at a meeting of the Board has one vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
- (4a) A conference by telephone or other electronic means between members of the Board will, for the purposes of this regulation, be taken to be a meeting of the Board (being a meeting held pursuant to subregulation (2)) at which the participating members are present if—
 - (a) notice of the conference is given to all members of the Board in the manner determined by the Board for that purpose; and
 - (b) each participating member is capable of communicating with every other participating member during the conference.
- (4b) A proposed resolution of the Board becomes a valid decision of the Board despite the fact that it is not voted on at a meeting of the Board if—
 - (a) notice of the proposed resolution is given to all members of the Board in accordance with procedures determined by the Board; and
 - (b) a majority of the members expresses concurrence in the proposed resolution by letter, telex, facsimile transmission or other written communication setting out the terms of the resolution.
- (5) Subject to this regulation, the manager of the training centre at which a meeting of the Board is held, or a nominee of the manager, is entitled to attend the meeting.

- (6) The Board may exclude the manager of the training centre or nominee from a meeting while it deliberates any matter before it for decision.
- (7) The Board may inform itself on any matter before it in such manner as it thinks fit.

9—Obtaining information from Youth Court

The Registrar of the Youth Court must, at the request of the Board, provide the Board with a copy of any records, depositions, notes of evidence, exhibits or other things that relate to a matter heard in the Court which the Board considers relevant to a case under consideration by it.

10—Review of detention

- (1) The Board must give a youth whose progress and circumstances while in a training centre are to be reviewed under section 39 of the Act at a meeting of the Board written notice of the date and time for the review and an opportunity to make oral or written representations to the Board.
- (2) The manager of a training centre must, not later than seven days (or such lesser period as is approved by the Board) before a meeting of the Board at the training centre—
 - (a) furnish the Board with a report in respect of each youth detained at the centre whose progress and circumstances while in the training centre are to be reviewed by the Board under section 39 of the Act at that meeting; and
 - (b) provide each such youth with a copy of the report relating to him or her.
- (3) The Board must give consideration to such a report and any explanation of the report given by the manager of a training centre at a meeting of the Board.
- (4) While a review under section 39 of the Act is under consideration at a meeting of the Board, no person other than the manager of the training centre, the youth under review and the legal representative or guardian of the youth may be present except with the leave of the Board.

11—Conditional release from detention

- (1) The Board must give consideration to any recommendations of the manager of a training centre as to unsupervised leave or release of a youth under section 41 of the Act.
- (2) Where the Board makes an order under section 41 of the Act, the order must be signed on behalf of the Board by two members (one of whom must be a Judge) and must be endorsed by the youth and—
 - (a) one copy retained by the manager of the training centre; and
 - (b) one copy given to the youth on his or her release; and
 - (c) one copy furnished to the Commissioner of Police; and
 - (d) one copy retained by the Board.
- (3) The Board must give a youth who is conditionally released from a training centre under section 41 of the Act written notice of the youth's right to apply under section 42 of the Act for absolute discharge from the detention order.

Schedule—Forms

Form 1

The following form is to be used for the purposes of section 30(2)(b) of the Act:

BEFORE YOU GO TO THE YOUTH COURT
remember that you have the right
TO GET LEGAL ADVICE AND
TO BE REPRESENTED BY A LAWYER IN COURT

There are three main ways to get legal help. But do not delay. It is in your interests to contact the person or agency of your own choice as soon as possible.

1 To get a private lawyer to advise or to act for you, you can—

- Choose a lawyer already known to you.
- Call **The Law Society** (231 9972). They will give you names of suitable lawyers.
- Look in the yellow pages.

If you qualify for legal aid, the costs of your private lawyer may be met by the Legal Services Commission.

If you do not qualify, you must pay for the lawyer's services.

2 You can contact the Legal Services Commission.

- For telephone advice call one of these numbers:

City (Monday - Friday 9-12.30, 2-4 pm)	205 0155
Outside of metropolitan area	008 188 126
- For all other services contact the office nearest you to make an appointment.

ADELAIDE 82 Wakefield Street	205 0111
ELIZABETH Elizabeth City Centre	255 4233
NOARLUNGA Colonnades Centre	207 3877
PORT ADELAIDE Old Port Canal Shopping Centre, Commercial Rd	341 1333
WHYALLA L1/25 Forsyth Street	(086) 45 5877

3 If you are an Aboriginal youth, you can contact the Aboriginal Legal Rights Movement.

ADELAIDE 321 King William Street	211 8824
PORT AUGUSTA 6 Gibson Street	(086) 424 366
MURRAY BRIDGE 26 Mannum Road	(085) 324 788
CEDUNA 17 Marat Terrace	(086) 252 432
PORT LINCOLN Ravendale Road	(086) 824 823

Form 2

The following form is to be used for the purposes of section 41(8) of the Act:

South Australia

Young Offenders Act 1993
(Section 41)

Warrant issued by a judge for the apprehension of a youth

To all members of the police force of South Australia and to all officers of the *Department for Family and Community Services* authorised under section 41(11) of the *Young Offenders Act 1993*.

- 1
has been released from Training Centre
under section 41 of the *Young Offenders Act 1993*.
- 2 The Minister has applied for an order that the youth be returned to the Training Centre on the ground that the youth has failed to observe a condition imposed by the *Training Centre Review Board*.
- 3 I am satisfied, by information given on oath, that there are reasonable grounds to believe that, if served with the application, the youth would be likely to abscond.
- 4 I have dispensed with service of the application on the youth.

You are commanded to apprehend the youth and bring the youth as soon as is reasonably practicable before the *Training Centre Review Board*.

The youth may be detained by the Chief Executive Officer of the *Department of Family and Community Services* in any place (other than a prison) approved by the Minister until brought before the Board.

Date:

.....
Judge of the Youth Court

Form 3

The following form is to be used for the purposes of section 41(10) of the Act:

South Australia

Young Offenders Act 1993
(Section 41)

Warrant issued by a justice for the apprehension of a youth

To all members of the police force of South Australia and to all officers of the Department of Family and Community Services authorised under section 41(11) of the *Young Offenders Act 1993*.

- 1
has been released from Training Centre
under section 41 of the *Young Offenders Act 1993*.
- 2 The Minister has applied for an order that the youth be returned to the Training Centre on the ground that the youth has failed to observe a condition imposed by the *Training Centre Review Board*.
- 3 A member of the Board has applied for a warrant for the apprehension of the youth on the ground that—
 - (a) the youth cannot be found; or
 - (b) the youth, having been served with the application, failed to attend before the Board.

You are commanded to apprehend the youth and bring the youth as soon as is reasonably practicable before the *Training Centre Review Board*.

The youth may be detained by the Chief Executive Officer of the *Department of Family and Community Services* in any place (other than a prison) approved by the Minister until brought before the Board.

Date:

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Justice of the Peace

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Young Offenders Regulations 1993* were revoked by Sch 1 of the *Young Offenders Regulations 2008* on 1.9.2008.

Principal regulations and variations

Year	No	Reference	Commencement
1993	273	<i>Gazette 9.12.1993 p2897</i>	1.1.1994: r 2
1996	220	<i>Gazette 26.9.1996 p1239</i>	8.10.1996: r 2

Provisions varied

Provision	How varied	Commencement
Pt 1		
r 6	varied by 220/1996 r 3	8.10.1996
Pt 2		
r 8		
r 8(2)	varied by 220/1996 r 4(a)	8.10.1996
r 8(4a) and (4b)	inserted by 220/1996 r 4(b)	8.10.1996