

South Australia

## Young Offenders Regulations 2008

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 2008*.

#### 2—Commencement

These regulations will come into operation on 1 September 2008.

#### 3—Interpretation

In these regulations—

*Act* means the *Young Offenders Act 1993*;

*Board* means the Training Centre Review Board.

## **Part 2—Practice and procedure of Board**

### **4—Meetings**

- (1) The Board—
  - (a) must meet at each training centre at least once in each calendar month; and
  - (b) may meet at such other times as the Chief Executive requests or as the Board considers appropriate.
- (2) 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.
- (3) Each member present at a meeting of the Board has 1 vote on a question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
- (4) A telephone or video conference between members will, for the purposes of this regulation, be taken to be a meeting of the Board at which the participating members are present.
- (5) 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 express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (6) 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.
- (7) However, the Board may exclude the manager of the training centre or nominee from a meeting while it deliberates any matter before it for decision.
- (8) The Board may inform itself on any matter before it in such manner as it thinks fit.

### **5—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.

### **6—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 7 days (or such lesser period as is approved by the Board) before a meeting of the Board at the training centre—
  - (a) provide 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 a report under this regulation 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.

### **7—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) If the Board makes an order under section 41 of the Act, the order must be signed on behalf of the Board by 2 members (1 of whom must be a Judge) and must be endorsed by the youth and—
  - (a) 1 copy retained by the manager of the training centre; and
  - (b) 1 copy given to the youth on his or her release; and
  - (c) 1 copy provided to the Commissioner of Police; and
  - (d) 1 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.

## **Part 3—Miscellaneous**

### **8—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.

### **9—Written statement of youth's rights in respect of legal representation**

For the purposes of section 30(2)(b) of the Act, the written statement to be provided to the youth must contain the following information:

- (a) a statement (in bold type) to the effect that, before a person goes to the Youth Court, the person is entitled to obtain legal advice and be represented by a lawyer in court;
- (b) information about how to obtain the services of a lawyer;

- (c) information about how to contact the Legal Services Commission;
- (d) information about how to contact the Aboriginal Legal Rights Movement.

**10—Transfer of youths under detention—corresponding law**

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

**Schedule 1—Revocation of *Young Offenders Regulations 1993***

The *Young Offenders Regulations 1993* are revoked.

## 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](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2008	236	<i>Gazette 28.8.2008 p4143</i>	1.9.2008: r 2