

South Australia

## Young Offenders Regulations 2008

under the *Young Offenders Act 1993*

---

### Contents

#### Part 1—Preliminary

- 1 Short title
- 3 Interpretation

#### Part 2—Practice and procedure of Training Centre Review Board

- 4 Training Centre Review Board meeting procedures
- 5 Obtaining information from Youth Court
- 6 Reviews etc and proceedings of Training Centre Review Board
- 7 Conditional release from detention

#### Part 3—Miscellaneous

- 8 Detention of youths outside specified area
- 9 Written statement of youth's rights in respect of legal representation
- 10 Transfer of youths under detention—corresponding law

#### Legislative history

---

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Young Offenders Regulations 2008*.

#### 3—Interpretation

- (1) In these regulations—  
*Act* means the *Young Offenders Act 1993*.
- (2) In these regulations, a reference to the **Training Centre Review Board**, or the **Board**, if made in relation to a youth who is a recidivist young offender, will be taken to be a reference to the Training Centre Review Board sitting as the Youth Parole Board and constituted in accordance with section 39(2)(b) of the Act.

## **Part 2—Practice and procedure of Training Centre Review Board**

### **4—Training Centre Review Board meeting procedures**

- (1) The Training Centre Review 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 Training Centre Review 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 matter under consideration by the Board.

### **6—Reviews etc and proceedings of Training Centre Review Board**

- (1) If the Training Centre Review Board is to meet at a training centre—
  - (a) to conduct a review of the progress and circumstances of a youth while in the training centre; or
  - (b) to hear and determine any other matter relating to the youth,

the manager of the training centre must, not later than 7 days (or such lesser period as is approved by the Board) before the meeting, provide the Board and the youth with a copy of a report in respect of the youth.

- (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) The following persons (and only the following persons) may attend a meeting of the Board during a review by the Board of the progress and circumstances of a youth while in a training centre:
  - (a) the manager of the training centre;
  - (b) the youth to whom the review relates;
  - (c) a guardian of the youth;
  - (d) the legal representative of the youth;
  - (e) if, in relation to an offence for which the youth was detained, there is a registered victim and he or she has made prior arrangement with the Board to attend the meeting—the registered victim;
  - (f) any other person who has the permission of the Board to so attend.

## **7—Conditional release from detention**

- (1) The Training Centre Review Board must give consideration to the recommendations of the manager of a training centre as to—
  - (a) authorising the Chief Executive to grant a youth a period of unsupervised leave from the training centre under section 40A of the Act; or
  - (b) releasing a youth from detention in the training centre under Part 5 Division 3 Subdivision 3 of the Act.
- (2) If the Board makes an order under Part 5 Division 3 Subdivision 3 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 Part 5 Division 3 Subdivision 3 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.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- 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).

### Legislation revoked by principal regulations

The *Young Offenders Regulations 2008* revoked the following:

*Young Offenders Regulations 1993*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2008	236	<i>Gazette 28.8.2008 p4143</i>	1.9.2008: r 2
<b>2010</b>	<b>147</b>	<b><i>Gazette 17.6.2010 p3080</i></b>	<b>27.6.2010: r 2</b>
2013	14	<i>Gazette 21.2.2013 p488</i>	4.3.2013: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>27.6.2010</i>
r 3		
r 3(1)	r 3 redesignated as r 3(1) by 147/2010 r 4(2)	27.6.2010
<i>Board</i>	<i>deleted by 147/2010 r 4(1)</i>	<i>27.6.2010</i>
r 3(2)	inserted by 147/2010 r 4(2)	27.6.2010
Pt 2		
heading	varied by 147/2010 r 5	27.6.2010
r 4		
r 4(1)	varied by 147/2010 r 6	27.6.2010
r 5	varied by 147/2010 r 7(1), (2)	27.6.2010
r 6		
r 6(1)	substituted by 147/2010 r 8(1)	27.6.2010
<i>r 6(2)</i>	<i>deleted by 147/2010 r 8(1)</i>	<i>27.6.2010</i>
r 6(4)	substituted by 147/2010 r 8(2)	27.6.2010
r 7		
r 7(1)	substituted by 147/2010 r 9(1)	27.6.2010

**Young Offenders Regulations 2008—27.6.2010 to 3.3.2013**  
Legislative history

---

r 7(2)	varied by 147/2010 r 9(2)	27.6.2010
r 7(3)	varied by 147/2010 r 9(3)	27.6.2010
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	27.6.2010