

South Australia

Young Offenders Regulations 2008

under the *Young Offenders Act 1993*

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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

- 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.

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
2010	147	<i>Gazette 17.6.2010 p3080</i>	27.6.2010: 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		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	27.6.2010
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>	27.6.2010
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>	27.6.2010
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
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

Young Offenders Regulations 2008—27.6.2010

Legislative history

<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>27.6.2010</i>
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