NORTHERN TERRITORY OF AUSTRALIA

JUVENILE JUSTICE ACT

As in force at 1 June 2000

Table of provisions

Part I Preliminary

1 Short title 1
2 Commencement 1
3 Interpretation 1

Part II Administration

4 Delegation 4

Part III Boards of Management

6 Boards of Management 5
7 Resignation of members 5
8 Dismissal of members 5
9 Meeting of Boards 6
10 Function of Boards 6
11 Powers of Boards 6
12 Minister to provide information, &c. 7
13 Reports of Boards 7

Part IV Juvenile Court

14 Juvenile Court 7
15 Exercise of jurisdiction 7
16 Clerk of Juvenile Court 7
18 Application of *Justices Act* 7
19 Powers of Juvenile Court 7
20 Jurisdiction of Court of Summary Jurisdiction to cease 8
21 Where Juvenile Courts may be held 8
22 Proceedings to be in open Court 8
23 Restriction of publication of proceedings 9

Part V Apprehension and remand

24 Interpretation 9
25 Juveniles not to be interviewed in certain circumstances 10
26 Guidelines in relation to arrest of juveniles 11
27 Certain arrests not unlawful 11
28 Limitations in respect of criminal proceedings against juveniles 11
29 Procedure by summons 12

30 Parents, &c., to be informed of charge against juvenile 12
31 Intimate procedures 12
31A Certain non-intimate procedures on juveniles in custody 14
31B Non-intimate procedures on juveniles suspected of committing crimes or in lawful custody 16
32 Detention of juveniles 17
33 Arrested juveniles to be promptly brought before Court 18

Part VI Jurisdiction, &c., and proceedings

Division 1 Proceedings generally

34 Exclusion of evidence unlawfully obtained 18
35 Indictable offences to be triable summarily 19
36 Committal for trial in certain cases 19
37 Juvenile may elect to be committed for trial 19
38 Juvenile Court may decline jurisdiction 19
39 Powers of Supreme Court, &c. 20
40 Legal representation of juveniles 21
41 Court must explain proceedings to juvenile, &c. 21
42 Attendance of parents, &c. 21
43 Persons who may be in Court 22
44 Powers of Court in respect of reports 22
45 Provisions relating to pleas in Court 23
46 Powers of Court on remand 23
47 Examination as to mental condition of juvenile 24
48 Submissions to Court 24
49 Certain reports to be made available 24
49A Victim impact statements and victim reports 25
50 Dispute as to evidence, &c. 27
51 Destruction of identifying material 27
52 Juvenile in need of care 27
53 Disposition by Court 28

Division 2 Community service orders

53AA Community service orders 32
53AB Duties of juvenile in carrying out community service order 34
53AC Review of community service order 34
53AD Breach of community service order 35

Division 3 Repeat property offenders

53AE Sentencing of repeat property offenders who have attained the age of 15 years 36
53AF Additional orders for repeat property offenders 39
53AG Imprisonment and detention under this Division 39

Division 3A Punitive work orders

53AH Punitive work order 40
53AJ Circumstances in which punitive work order may be made 41
53AK Duties of juvenile in carrying out punitive work order 41
53AL Review of punitive work order 42
53AM Breach of punitive work order 42

Division 4 Miscellaneous

53AN Sentence of imprisonment or detention may be backdated 44
53A Power of Court to disqualify juvenile from holding driver's licence 45
54 Payment of fines 45
55 Restitution 45
55A Parents liable for costs of detention 46
55B Enforcement of orders 47
56 Clerk may disclose name of offender 47
57A Procedure where juvenile before wrong Court 47
57B Procedure where adult before Juvenile Court 48
57C Court has jurisdiction 48
57D Referred proceedings not to be rendered invalid 48

Part VIA Alternative fine and penalty payment procedures

Division 1 Definitions and application

58A Definitions 49
58B Application of Part 50

Division 2 Juveniles' infringement notices enforcement scheme

Subdivision 1 First stage: warning letters

58C Juvenile may be sent warning letter for infringement offence 52
58D Juvenile who receives warning letter may choose to have the matter dealt with by Court 52

Subdivision 2 Second stage: registration of certificates

58E Enforcement agency may lodge certificate 53
58F If certificate lodged infringement penalty and other costs may be registered 54
58G Withdrawal of certificate 55

Subdivision 3 Third stage: enforcement orders

58H If infringement penalty is registered enforcement order will be made 55
58J Enforcement order notices..... 56
58K Effect of enforcement order 57
58L Juvenile may apply for extension of time to pay etc. 57
58M Juvenile may apply for community service order to satisfy J.I.N.E.S. penalty..... 58

Subdivision 4 Fourth stage: detention of juvenile or matter referred to Court for hearing

58N Juvenile may be sent to detention centre if no community service order is made and penalty is not paid..... 58
58P Persons can seek to have matter dealt with by Court by having enforcement order revoked 58
58Q Clerk may revoke enforcement order 59
58R Notice of hearing to be given 60
58S Court to hear matter 61
58T Juvenile may be arrested for failing to appear in Court 61

Division 3 Detention of juvenile for failing to pay fine

58U Juvenile who fails to pay fine may be sent to detention centre 61

Division 4 Community service orders in respect of fines and penalties

Subdivision 1 Making of community service orders

58V Fines and penalties may be satisfied by way of community service order..... 61
58W Application for community service order 62
58X Director may make community service order..... 62
58Y Notice of order or variation of order to be given..... 64
58Z Effect of notice under section 58Y 64

Subdivision 2 Paying of fines and penalties if community service order made

58ZA Payment of fine or penalty after community service order is made 65
58ZB Completion of project under community service order..... 65
58ZC Duties of juvenile in carrying out community service order 66
58ZD Breach of community service order 66

Subdivision 3 Court to hear matter if community service order revoked

58ZE Revocation of community service order 67
58ZF Effect of revocation of order if juvenile was detained or was going to be detained 68
58ZG Effect of revocation of order if order relates to enforcement order 68

Division 5 Miscellaneous

58ZH Warrants of commitment under this part 69
58ZI Detention and imprisonment under this part 70
58ZJ Service of documents 71

Part VII Appeals and reconsideration of sentence

58 Appeals from orders, &c., under Part VI of this Act and other Acts 72
59 Single judge may refer appeal to Full Court 73
60 Powers of Supreme Court on appeal 73
61 Reconsideration of sentence by Juvenile Court 73

Part VIII Juvenile detention centres

62 Approval of juvenile detention centres 74
63 Admission to detention centre 74
64 Functions of superintendent of detention centre 74
65 Powers of superintendent of detention centre 75
65A Early release by superintendent 75
66 Discipline 76
66A Restraint devices may be used to escort certain juveniles 76
67 Delegation by superintendent 76
68 Reports 77
69 Register 77
70 Inspection of detention centre 78
70A Detainee may be tested for drugs, &c. 78
70B Buccal swabs 79

Part IX Official visitors

71 Appointment of official visitors 79
72 Functions of official visitors 80
73 Frequency of visits 80
74 Official visitors not to interfere 80

Part IXA Medical treatment

74A Access to medical practitioner 80

74B Direction of medical practitioner 80
74C Removal to hospital 81
74D Custody of juveniles in hospital 81
74E Juvenile may be required to be examined 81
74F Notification of illness 82
74G Notification of death 82

Part X Interstate transfer of juveniles serving periods of detention and on probation

75 Interpretation 82
76 Minister may order transfer of detainee to State 83
77 Order of transfer not to be made unless Minister satisfied as to certain matters 84
78 Receipt of request for transfer of detainee to the Territory 85
79 Consent not to be given under section 78 unless Minister satisfied as to certain matters 85
80 Transfer in custody of escort 86
81 Transfer of period of detention with detainee 86
82 Information to be sent to State 87
83 Period of detention deemed to have been imposed in the Territory 87
84 Escape from custody 88
85 Revocation of order of transfer on escape from custody 88
86 Reports 89
87 Probation 89
88 Interstate probation orders 90

Part XI Miscellaneous

89 Arrest without warrant where condition breached 91
90 Certain convictions not to be mentioned, &c. 91
90A Taking other offences into account 91
91 Offences 91
92 Obstruction, &c. 93
93 Personation 93
94 Offence to remove juvenile 93
95 Secrecy to be observed 93
96 Offences and penalties 95
97 Restriction of liability of Minister, &c. 95
98 Regulations 96
99 Transitional 96

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 June 2000

JUVENILE JUSTICE ACT

An Act relating to the investigation of offences alleged to have been committed by juveniles, the establishment of the Juvenile Court, the procedures to be adopted in and in relation to proceedings against juvenile offenders, the punishment of juvenile offenders, the transfer of juvenile offenders between the Territory and the States, and for other purposes, with the intention that juveniles be dealt with in the criminal law system in a manner consistent with their age and level of maturity (including their being dealt with, where appropriate, by means of admonition and counselling) and to extend to juveniles the same rights and protections before the law as apply to adults in similar circumstances

Part I Preliminary

1 Short title

This Act may be cited as the *Juvenile Justice Act*.

2 Commencement

(1) Subject to subsection (2), this Act shall come into operation on the commencement of the *Community Welfare Act*.

(2) Part III shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Interpretation

(1) In this Act, unless the contrary intention appears:

approved project, in relation to:

(a) a community service order, means a rehabilitation program or work, or both, approved under subsection (3); and

(b) a punitive work order, means a project approved under section 53AH(1).

authorized person means a person authorized in writing by the Minister to exercise powers and perform functions for the purposes of this Act.

Board means a Board of Management established under section 6.

community service order means an order made under section 53(1)(e).

Court means the Juvenile Court established by section 14 and, where the context so requires, includes the Supreme Court exercising its jurisdiction under or in pursuance of this Act.

detainee means a person lawfully detained in a detention centre.

detention centre means a juvenile detention centre approved under section 62.

Director means the Director of Correctional Services appointed under the *Prisons (Correctional Services) Act*.

intimate procedure includes the following procedures:

(a) examining the body, either internally or externally;

(b) taking from the body a substance on or in the body;

(c) taking a sample of a substance on or in the body;

(d) taking a sample of blood (other than by a swab or washing from an external part of the body);

(e) taking a sample of pubic hair;

(f) taking a sample from the external genital or anal area or the buttocks by swab or washing;

(g) taking a sample from the external genital or anal area or the buttocks by vacuum suction, scraping or lifting by tape;

(h) taking a dental impression or an impression of a bite mark;

(j) taking a photograph, or an impression or cast, of a wound to the genital or anal area or the buttocks;

(k) taking an X ray;

(m) taking a sample of urine;

(n) in the case of a female:

(i) examining the breasts;

(ii) taking a sample from the breasts by swab or washing;

(iii) taking a sample from the breasts by vacuum suction, scraping or lifting by tape; and

(iv) taking a photograph, or an impression or cast, of a wound to the breast.

juvenile means:

(a) a child who has not attained the age of 18 years; or

(b) in the absence of proof as to age, a child who apparently has not attained the age of 18 years.

mandatory period, in relation to a juvenile sentenced in respect of one or more property offences, means so much of a period of detention as is required to be imposed on the juvenile under section 53AE.

member means a member of a Board.

non-intimate procedure includes the following procedures:

(a) taking a sample of saliva or a sample by buccal swab;

(b) examining a part of the body other than the genital or anal area or the buttocks or, in the case of a female, the breasts;

(c) taking a sample of hair other than pubic hair;

(d) taking a sample by swab or washing from any external part of the body other than the genital or anal area or the buttocks or, in the case of a female, the breasts;

(e) taking a sample by vacuum suction, scraping or lifting by tape from any external part of the body other than the genital or anal area or the buttocks or, in the case of a female, the breasts;

(f) taking a hand print, fingerprint, footprint or toe print;

(g) taking a photograph of, or an impression or cast of a wound to, a part of the body other than the genital or anal area or the buttocks or, in the case of a female, the breasts;

(h) taking a photograph of a person.

official visitor means a person appointed to be an official visitor under section 71.

prison has the same meaning as in the *Prisons (Correctional Services) Act*.

probation officer means a parole officer appointed under the *Parole of Prisoners Act*.

property offence means an offence specified in the Schedule that is committed on or after 8 March 1997.

punitive work order means a punitive work order made under section 53AH(2).

supervising officer means a supervising officer appointed under the *Prisons (Correctional Services) Act*.

(2) In this Act, where the context so requires, ***magistrate*** includes a Judge of the Supreme Court.

(3) A community service advisory committee established under the *Prisons (Correctional Services) Act*, may approve a rehabilitation program or work, or both, as a project to be participated in under a community service order.

(4) A juvenile is under suspicion of committing a crime if a member of the Police Force suspects the person of having committed the crime on reasonable grounds.

Part II Administration

4 Delegation

(1) The Minister or Director may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister or Director, as the case may be.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister or Director.

Part III Boards of Management

6 Boards of Management

(1) The Minister may by notice in writing establish Boards of Management for such places or areas of the Territory as the Minister thinks fit.

(2) A Board shall be constituted by:

(a) an employee, within the meaning of the *Public Sector Employment and Management Act*, employed in the Agency for the time being principally responsible under the Minister for the administration of this Act; and

(b) not more than 4 other members,

appointed by the Minister.

(3) A member shall not be appointed under subsection (2)(b) unless that member has:

(a) an interest in the needs of young persons, particularly those young persons likely to be or who have been affected by the juvenile justice system; or

(b) special skills or experience in the needs and treatment of juvenile offenders.

(4) The Minister shall appoint a member to be the Chairman of a Board.

(5) A member appointed under subsection (2)(b) holds office, subject to this Act, for 3 years from the date of appointment, but is eligible for re-appointment.

7 Resignation of members

A member appointed under section 6(2)(b) may resign his office by writing signed by him and delivered to the Minister.

8 Dismissal of members

(1) The Minister may terminate the appointment of a member appointed under section 6(2)(b) for inability, inefficiency, misbehaviour or physical or mental incapacity.

9 Meeting of Boards

(1) The Chairman of a Board shall call such meetings of the Board as are necessary for the exercise of its powers and the performance of its functions.

(2) The Minister may at any time direct the Chairman to convene a meeting of the Board and the Chairman shall convene a meeting accordingly.

(3) The Chairman shall preside at all meetings of the Board at which he is present and, in his absence, the members present shall elect one of their number to act as the Chairman.

(4) At a meeting of a Board:

(a) 3 members constitute a quorum; and

(b) subject to this Act, a Board shall determine the procedure to be followed at or in connection with the meeting.

(5) A Board shall keep records of its meetings.

(6) Where a member appointed under section 6(2)(a) is, for any reason, unable to attend a meeting of a Board that member may appoint a person to attend the meeting in the absence of that member.

(7) A person appointed under subsection (6) shall, when attending a meeting, be deemed to be the member.

10 Function of Boards

The functions of a Board are, in respect of the place or area of the Territory for which it is established, to:

(a) examine and evaluate juvenile justice programmes;

(b) examine and evaluate new or proposed juvenile justice programmes including diversionary programmes;

(c) observe and report to the Minister on programmes within detention centres; and

(d) do such other things in relation to this Act as the Minister, from time to time, directs.

11 Powers of Boards

A Board has such powers as are necessary to carry out its functions.

12 Minister to provide information, &c.

(1) The Minister shall, in his discretion, on application by a Board, subject to subsection (2), provide such information and reports as the Board requires to enable it to carry out its functions.

(2) The information and reports referred to in subsection (1) do not include individual case files or reports.

13 Reports of Boards

(1) A Board shall, as soon as practicable after 30 June in each year, and in any event not later than the next following 30 September, furnish to the Minister a report on the activities of the Board during the year ending on that first-mentioned date.

(2) The Minister shall cause a copy of each report referred to in subsection (1) to be laid before the Legislative Assembly within 3 sitting days of the Legislative Assembly after its receipt by him.

Part IV Juvenile Court

14 Juvenile Court

(1) There is hereby established a court to be known as the Juvenile Court.

(2) Each magistrate is a magistrate of the Court.

15 Exercise of jurisdiction

The jurisdiction of the Court is exercisable by a magistrate sitting alone.

16 Clerk of Juvenile Court

A Registrar of the Local Court is a Clerk of the Court.

18 Application of *Justices Act*

Subject to this Act, the *Justices Act* applies to the proceedings, orders and convictions of the Court as if the Court were the Court of Summary Jurisdiction established by that Act.

19 Powers of Juvenile Court

Subject to this Act, the Court shall hear and determine:

(a) all charges, both of a summary or indictable nature, against a juvenile for having committed an offence; and

(b) all applications in the Territory relating to unlawful activity, or alleged unlawful activity, of juveniles, whether or not that activity took place, or is alleged to have taken place, in the Territory.

20 Jurisdiction of Court of Summary Jurisdiction to cease

(1) Subject to subsection (2), the jurisdiction of the Court of Summary Jurisdiction under the *Justices Act* ceases to exist in relation to a matter in which the Court has jurisdiction.

(2) Nothing in subsection (1) derogates from the powers of a Justice of the Peace to:

(a) take an information or complaint;

(b) issue a summons;

(c) grant, issue or endorse a warrant; or

(d) grant bail.

21 Where Juvenile Courts may be held

(1) The Juvenile Court shall sit in such places as the Minister directs and in a building approved or appointed by the Minister for the holding of the Court.

22 Proceedings to be in open Court

(1) Proceedings under this Act against a juvenile shall be held in open court, but the magistrate before whom the proceedings are taken may, if it appears to him that the ends of justice will be best served by him so doing, order that the Court be closed and, subject to subsection (2), that no persons remain in or enter a room or place in which the Court is being held, or remain within the hearing of the Court, without his permission.

(2) Subsection (1) does not authorize a magistrate to exclude from the Court during proceedings against a juvenile a legal practitioner representing the juvenile or the prosecution or the Minister or his delegate.

(3) Where a magistrate has made an order under subsection (1), a person shall not remain in or enter a room or place, or remain within the hearing of the Court, in contravention of the order.

Penalty: $50 or imprisonment for 10 days.

23 Restriction of publication of proceedings

(1) A magistrate may, either by a separate order or in an order under section 22, direct that a report of or information relating to proceedings in, or the result of proceedings against a juvenile before the Court, be not published except by a person in the performance of his duties under this Act.

(2) Subject to subsection (3), a person who publishes a report or information in contravention of a direction under subsection (1) is guilty of an offence.

Penalty: $200 or imprisonment for 3 months.

(3) It is not an offence against subsection (1) for a member of the Police Force, acting in the course of his duties, to send to the Police Force of a State or another Territory of the Commonwealth, in pursuance of an arrangement for the exchange of such information, information relating to the conviction of a juvenile for an offence.

Part V Apprehension and remand

24 Interpretation

(1) In this Part, unless the contrary intention appears:

authorized officer means:

(a) the Commissioner of Police or a Deputy or Assistant Commissioner of Police appointed under the *Police Administration Act*, or

(b) a member of the Police Force:

(i) of or above the rank of Senior Sergeant; or

(ii) who is in charge of a police station,

authorized by an officer referred to in paragraph (a) to act under this Part.

to interview includes to ask questions of a person.

(2) The Commissioner of Police or a Deputy or Assistant Commissioner of Police may make an authorization referred to in the definition of ***authorized officer*** in subsection (1) by reference to a particular rank and/or particular duties (including duties as the member in charge of a particular police station) and a person from time to time holding the rank or performing those duties is an

authorized officer accordingly.

25 Juveniles not to be interviewed in certain circumstances

(1) Subject to subsections (2), (3) and (4) where a member of the Police Force or other person with the power to arrest believes, on reasonable grounds, that a juvenile:

(a) has committed an offence which, if committed by an adult, is punishable by imprisonment for 12 months or longer; or

(b) is implicated in the commission of such an offence,

the member or that other person shall not interview the juvenile in respect of an offence or cause the juvenile to do anything in connection with the investigation of an offence:

(c) unless a person who is not a juvenile or a member of the Police Force but is:

(i) a parent or guardian of the juvenile;

(ii) a relative or friend of the juvenile acceptable to the juvenile;

(iii) some other person acceptable to the juvenile who is not, in the opinion of the member of the Police Force or that other person, an accomplice of the juvenile in the alleged offence or likely to lose, destroy or fabricate evidence relating to the offence; or

(iv) a legal practitioner acting for the juvenile,

is present while the member or that other person interviews the juvenile or the juvenile does the act, as the case may be; or

(d) unless:

(i) the member or that other person has taken reasonable steps to secure the presence of a person referred to in paragraph (c);

(ii) it was not practicable for such a person to be present within 2 hours after he was requested to be present; and

(iii) another person who is a person of good repute who has not been concerned in the investigation of the offence and who has no interest in the outcome of the investigation is present during the interview or while the

act is done, as the case may be.

(2) Nothing in subsection (1) shall prevent a member of the Police Force from interviewing a juvenile in respect of an offence, or causing a juvenile to do anything in connection with the investigation of an offence, in the presence of a member of the Police Force who is a parent or guardian of the juvenile.

(3) Nothing in subsection (1) derogates from the power of a member of the Police Force or any other person with the power to arrest to require, under section 134 of the *Police Administration Act* or under any other Act, a juvenile to furnish to him the name and address of the juvenile.

(4) Nothing in this section affects the operation of Part V or VI of the *Traffic Act* and, subject to section 53, a juvenile may be dealt with under Part V or VI of that Act as if the juvenile were an adult.

26 Guidelines in relation to arrest of juveniles

The Commissioner of Police may, by general orders issued under section 14A of the *Police Administration Act*, issue guidelines, not inconsistent with that Act or this Act, in relation to the arrest of juveniles and the investigation of offences committed or believed to have been committed by juveniles.

27 Certain arrests not unlawful

(1) Where a member of the Police Force who arrested a juvenile in respect of an offence, otherwise than in pursuance of a warrant, did so in accordance with the guidelines referred to in section 26, the arrest is not unlawful by reason only that an authorized officer did not consent to a prosecution or it subsequently appears, or it is found by a court or a jury, that the juvenile did not commit the offence.

(2) The arrest of a juvenile is not unlawful by reason only that the member of the Police Force or other person arresting him did not do so in accordance with this Act or, in the case of an arrest by a member of the Police Force, the guidelines referred to in section 26 if, at the time of the arrest the member or that other person, as the case may be, believed, on reasonable grounds, that the juvenile was not a juvenile.

28 Limitations in respect of criminal proceedings against juveniles

(1) A complaint or information against a juvenile for an offence shall not be laid unless an authorized officer has consented to its being so laid.

(2) An averment in a complaint or information that an authorized officer has consented to it being laid and naming the officer who is purported to be the authorized officer is prima facie evidence that the officer named is an authorized officer and that the complaint or information is laid with his consent.

(3) Subsection (1) does not affect a requirement under any other law to obtain consent to a prosecution.

29 Procedure by summons

A member of the Police Force shall not charge a juvenile at a police station with an offence unless he believes, on reasonable grounds, that proceedings by summons will not effectively ensure the appearance of the juvenile to stand his trial for the offence or that his release from custody will be accompanied by a substantial risk of:

(a) a continuation or repetition of the offence or another offence by the juvenile;

(b) the loss or destruction of evidence relating to the offence; or

(c) bodily harm to the juvenile.

30 Parents, &c., to be informed of charge against juvenile

As soon as practicable after a juvenile is arrested or charged at a police station with an offence, the member of the Police Force who charged him shall:

(a) take all reasonable steps to cause a parent or guardian of the juvenile to be notified of the charge and of the time and place when the juvenile will be brought before the Court, whether the parent or guardian resides in the Territory or not; and

(b) if the member is not an authorized officer, notify an authorized officer.

31 Intimate procedures

(1) Subject to section 25 and this section, an authorized officer or a member of the Police Force for the time being in charge of a police station may arrange for a medical practitioner or registered dentist to carry out an intimate procedure on a juvenile who:

(a) is in lawful custody in respect of an offence; or

(b) has been summoned to appear in respect of proceedings against the juvenile for an offence,

if the authorized officer or member believes on reasonable grounds that the procedure may provide evidence relating to the offence or any other offence punishable by imprisonment.

(2) The intimate procedure may be carried out only after the approval of a magistrate is obtained.

(3) An authorized officer or a member of the Police Force for the time being in charge of a police station may apply to a magistrate for the approval:

(a) in person; or

(b) if that is not practicable – by telephone.

(4) The magistrate may approve an intimate procedure being carried out if, after hearing:

(a) the authorized officer or the member of the Police Force; and

(b) the juvenile to whom the application relates,

he or she is satisfied that the authorized officer or member has reasonable grounds for the belief referred in subsection (1).

(5) The approval is to:

(a) be in writing; and

(b) specify the intimate procedure that may be carried out.

(6) A copy of the approval is to be sent to the authorized officer or the member of the Police Force.

(7) The authorized officer or the member of the Police Force may proceed under the approval despite not having received it if he or she is informed of it by the magistrate by telephone.

(8) A medical practitioner or registered dentist may carry out the intimate procedure in accordance with the approval given under subsection (4).

(9) A member of the Police Force:

(a) may assist a medical practitioner or registered dentist to carry out the intimate procedure; and

(b) may use reasonable force when assisting the medical practitioner or registered dentist.

(10) Before arranging for a medical practitioner or registered dentist to carry out the intimate procedure, a member of the Police Force must inquire whether the juvenile or the person who is with the juvenile in accordance with section 25 wishes to have a medical practitioner or registered dentist of his or her own choice present when the procedure is carried out.

(11) If the juvenile or person with the juvenile wishes to have a medical practitioner or registered dentist present, the member of the Police Force must:

(a) provide reasonable facilities to enable the juvenile or person to arrange for a medical practitioner or a registered dentist to be present; and

(b) unless it would be impracticable to do so – arrange for the intimate procedure to be carried out at a time when the medical practitioner or registered dentist can be present.

(12) After the intimate procedure is carried out, the juvenile or person with the juvenile must be provided with a copy of the report of the medical practitioner or registered dentist provided in respect of the procedure if the juvenile or person requests it.

(13) No action or proceeding, civil or criminal, can be commenced against a medical practitioner or registered dentist in respect of anything reasonably done by him or her in carrying out an intimate procedure under this section.

(14) Nothing in this section prevents a medical practitioner or registered dentist from examining a juvenile in lawful custody at the request of the juvenile or treating the juvenile for an illness or injury.

(15) In this section, ***registered dentist*** means a dentist or dental specialist registered under the *Dental Act*.

31A Certain non-intimate procedures on juveniles in custody

(1) Subject to section 25, an authorized officer or a member of the Police Force for the time being in charge of a police station may carry out or cause to be carried out an identifying non-intimate procedure on a juvenile who:

(a) is in lawful custody in respect of an offence; or

(b) has been summoned to appear in respect of proceedings against the juvenile for an offence,

if the approval of a magistrate is obtained.

(2) Despite subsection (1), an authorized officer or the member of the Police Force for the time being in charge of a police station may carry out or cause to be carried out an identifying non-intimate procedure on a juvenile who is in lawful custody in respect of an offence if the juvenile appears to the authorized officer or member to be 14 years of age or older.

(3) An authorized officer or the member of the Police Force for the time being in charge of a police station may apply to a magistrate for the approval:

(a) in person; or

(b) if that is not practicable – by telephone.

(4) The magistrate may approve an identifying non-intimate procedure being carried out after hearing:

(a) the authorized officer or the member of the Police Force; and

(b) the juvenile to whom the application relates.

(5) The approval is to:

(a) be in writing; and

(b) specify the identifying non-intimate procedure that may be carried out.

(6) A copy of the approval is to be given to the authorized officer or the member of the Police Force.

(7) The authorized officer or the member of the Police Force may proceed under the approval despite not having received it if he or she is informed of it by the magistrate by telephone.

(8) The authorized officer or the member of the Police Force may use reasonable force in carrying out the identifying non-intimate procedure.

(9) In this section, ***identifying non-intimate procedure*** means taking:

(a) prints of the hands, fingers, feet or toes; or

(b) photographs.

31B Non-intimate procedures on juveniles suspected of committing crimes or in lawful custody

(1) Subject to section 25 and this section, an authorized officer or a member of the Police Force may carry out or cause to be carried out a non-intimate procedure on a juvenile who:

(a) is under suspicion of committing a crime;

(b) is in lawful custody charged with an offence punishable by imprisonment; or

(c) has been summoned to appear in respect of proceedings against the juvenile for an offence punishable by imprisonment.

(2) The non-intimate procedure may be carried out:

(a) if the approval of a magistrate is obtained; or

(b) if the approval of a member of the Police Force of the rank of Superintendent or a higher rank is obtained.

(3) An approval under subsection (2)(b) must not be given unless the member referred to in the subsection is satisfied the juvenile is 14 years of age or older.

(4) An authorized officer or a member of the Police Force may apply to a magistrate for the approval:

(a) in person; or

(b) if that is not practicable – by telephone.

(5) The magistrate may approve a non-intimate procedure being carried out after hearing:

(a) the authorized officer or the member of the Police Force; and

(b) the juvenile to whom the application relates.

(6) The approval is to:

(a) be in writing; and

(b) specify the non-intimate procedure that may be carried out.

(7) A copy of the approval is to be sent to the authorized officer or the member of the Police Force.

(8) The authorized officer or the member of the Police Force may proceed under the approval despite not having received it if he or she is informed of it by the magistrate by telephone.

(9) Subject to this section, an authorized officer or a member of the Police Force may cause a sample by buccal swab of a person to be taken by directing the juvenile to provide the sample.

(10) A juvenile is not to be taken to have provided a sample unless the sample is sufficient to enable an analysis of it to be carried out.

(11) The authorized officer or the member of the Police Force may use reasonable force in carrying out the non-intimate procedure.

32 Detention of juveniles

(1) Subject to this section, a juvenile who has been charged with an offence and is not admitted to bail shall, as soon as practicable, be taken to a detention centre or other place approved by the Minister for the purpose, and shall be detained there on an order to that effect having been made by the Court or a magistrate.

(1A) A member of the Police Force may make an application for an order under subsection (1) in person or, if it is not practicable for an application to be made in person, it may be made by telephone to a magistrate.

(2) Where a juvenile referred to in subsection (1) requires medical attention, instead of being taken to a detention centre or other place referred to in that subsection he may be taken to a hospital within the meaning of the *Medical Services Act* or a private hospital within the meaning of the *Private Hospitals and Nursing Homes Act* and, if the person in charge of the hospital or private hospital consents, be detained there.

(3) A juvenile taken to a hospital in accordance with subsection (2) shall, while in that hospital, remain in the custody of the Police Force.

(4) Upon his being discharged from hospital, a juvenile referred to in subsection (2) shall be taken to a detention centre or other place approved by the Minister for the detention of juveniles, unless he has in the meantime been admitted to bail.

(5) Where it is necessary to take a juvenile from the place at which he is detained to a court, or from a court to that place, he shall, as far as practicable, be kept apart from other persons under detention who are not juveniles.

33 Arrested juveniles to be promptly brought before Court

(1) Where a juvenile has been charged with an offence and has not been released from custody, he shall be brought before the Court as soon as practicable and in any case within 7 days after the arrest.

(2) Where a juvenile referred to in subsection (1) is not brought before the Court in accordance with that subsection, he shall immediately be released from custody.

Part VI Jurisdiction, &c., and proceedings

Division 1 Proceedings generally

34 Exclusion of evidence unlawfully obtained

(1) Where, in proceedings against a juvenile in respect of an offence, upon objection being taken to the admission of evidence on the ground that the evidence was obtained in contravention of, or in consequence of a contravention of or a failure to comply with, this Act or the general orders referred to in section 26 in relation to the juvenile, the Court is satisfied, on the balance of probabilities, that the evidence was so obtained, the Court shall not admit the evidence unless it is also satisfied, on the balance of probabilities, that admission of the evidence would specifically and substantially benefit the public interest without unduly prejudicing the rights and freedom of any person.

(2) The matters that a Court may have regard to in satisfying itself as required by subsection (1) include:

(a) the seriousness of the offence in the course of the investigation of which the provision was contravened or was not complied with, the difficulty of detecting the offender, the need to apprehend the offender urgently and the need to preserve evidence of the facts;

(b) the nature and seriousness of the contravention or failure; and

(c) the extent to which the evidence that was obtained in contravention of, or in consequence of the contravention of, or the failure to comply with, the Act might have been lawfully obtained.

(3) This section is in addition to, and does not derogate from, any other law or rule under which a Court may refuse to admit evidence.

35 Indictable offences to be triable summarily

Subject to sections 36, 37 and 38, where a juvenile is charged before the Court with an offence which, if committed by an adult, is punishable by imprisonment for 12 months or longer, other than an offence punishable by imprisonment for life, the Court shall hear and determine the matter in a summary manner.

36 Committal for trial in certain cases

Where a juvenile is charged before the Court with an offence and:

(a) the Court is not empowered to hear and determine the matter in a summary manner; or

(b) the Court is so empowered but decides not to hear and determine the matter in a summary manner,

the Court shall, subject to this Act, deal with the charge in accordance with the provisions of the *Justices Act* relating to indictable offences.

37 Juvenile may elect to be committed for trial

(1) Where a juvenile is charged before the Court with an indictable offence and the offence is such that, if the juvenile were an adult, the Court would not be empowered to deal with it in a summary manner without the consent of the accused, the Court shall not so deal with it except with the consent of the juvenile.

(2) Before the case for the prosecution is opened, the Court shall inform the juvenile, and a parent or guardian of the juvenile who is present, of the provisions of subsection (1).

(3) Where the parent or guardian of a juvenile referred to in subsection (1) is not present, the Court may adjourn the hearing so as to enable the parent or guardian to be present.

(4) The Court may continue a hearing at a time to which it was adjourned under subsection (3), notwithstanding that a parent or guardian of the juvenile is not present.

38 Juvenile Court may decline jurisdiction

(1) Where a juvenile is charged before the Court with an indictable offence that the Court is empowered to deal with in a summary manner, the Court may, of its own motion or on application by or on behalf of the informant, if it is of the opinion that the evidence has established a prima facie case against the juvenile in respect of an indictable offence, decline to deal with the charge in a summary

manner and, in that case, shall, subject to this Act, deal with the charge in accordance with the provisions of the *Justices Act* relating to indictable offences.

(2) Before declining under subsection (1) to deal with a charge, the Court shall have regard to such matters as seem to it to be relevant and, in particular:

(a) the nature of the facts;

(b) the seriousness of the offence;

(c) the circumstances in which the offence is alleged to have been committed;

(d) the age of the juvenile;

(e) the apparent maturity of the juvenile;

(f) the apparent mental capacity of the juvenile;

(g) the suitability of the penalties available to the Court; and

(h) the difficulty of any question of law that is likely to arise.

39 Powers of Supreme Court, &c.

(1) Where a juvenile is found guilty before the Supreme Court of an offence, the Supreme Court:

(a) has, in addition to its powers, the powers of the Juvenile Court;

(b) may order that the juvenile be detained in a detention centre for a period not exceeding the period of imprisonment for which such an offence, if committed by an adult, is punishable; or

(c) may remit the case to the Juvenile Court and that Court may deal with the juvenile in any way in which it might have dealt with him if he had been convicted of the offence in that Court.

(2) Without limiting its power under subsection (1)(b), where a juvenile is found guilty before the Supreme Court of the offence of murder, the Supreme Court may, notwithstanding section 164 of the Criminal Code, sentence the juvenile to life imprisonment or such shorter period of imprisonment as it thinks fit.

40 Legal representation of juveniles

Where, in proceedings before the Court, or the Supreme Court in pursuance of this Act, the Juvenile Court or the Supreme Court, as the case may be, is of the opinion that the juvenile the subject of the proceedings needs legal representation and that such representation has not been arranged by or on behalf of the juvenile, it may, by order, make such provision for the legal representation of the juvenile as it thinks fit.

41 Court must explain proceedings to juvenile, &c.

(1) In proceedings before the Court, or before the Supreme Court in pursuance of this Act, the Court or the Supreme Court, as the case may be, shall satisfy itself that the juvenile the subject of the proceedings understands the nature of the proceedings.

(2) Where a juvenile who has been charged with an offence before the Court, or before the Supreme Court in pursuance of this Act, is not represented by a legal practitioner, the Court shall explain to him as simply as practicable in a language that he understands, the nature of the allegations against him, the legal implications of those allegations and the elements of the offence that must be established by the prosecution.

(3) No order or adjudication of the Court is defective on the ground of failure to comply with this section where the Court has substantially complied with this section.

42 Attendance of parents, &c.

(1) The parents, guardian or person having the custody of a juvenile against whom proceedings before the Court or the Supreme Court are taken shall attend the Court, and remain in attendance, during the proceedings unless the Court is satisfied that it would be unreasonable to require that attendance.

(2) Where a parent, guardian or person having the custody of a juvenile referred to in subsection (1) fails without reasonable excuse to attend the Court, or remain in attendance during the proceedings, the Court may direct that a warrant be issued to bring him before the Court at that or a further hearing.

(3) The Court may proceed in the hearing referred to in this section notwithstanding that the parents, guardian or person having the custody of the juvenile against whom proceedings before the Court are taken are absent.

43 Persons who may be in Court

(1) The Registrar or Master, as the case may be, of the Court dealing under this Act with a juvenile shall advise the Minister, or the Minister's delegate where known to him, of the time and place of all hearings (including the hearing of submissions relating to sentence) before the Court concerning the juvenile.

(2) The Minister or his delegate, or a legal practitioner representing the Minister or his delegate, may be heard in relation to a matter being dealt with by the Court dealing under this Act with a juvenile.

44 Powers of Court in respect of reports

(1) If the Court dealing under this Act with a juvenile finds a charge proven against the juvenile and is considering imposing a sentence of detention or imprisonment in respect of the offence charged, the Court must, except in a case to which subsection (1A) applies, require the Minister or such other person as it thinks fit to provide to it a report on the circumstances of the juvenile.

(1A) If the offence charged is a property offence, the Court may, but need not, require a report to be provided under subsection (1).

(2) Notwithstanding anything in this Act, for the purpose of giving effect to a requirement under subsection (1), the Minister or the person referred to in that subsection, or an authorized person, may:

(a) make such inquiries as he is required to make or as he thinks fit; and

(b) request the juvenile to submit to being interviewed and medically examined by a medical practitioner or interviewed or examined by another specified person.

(3) Without limiting the generality of subsection (2), a requirement under subsection (1) to furnish a report may include an order that the juvenile to whom it relates be interviewed and medically examined by a medical practitioner or interviewed or examined by another specified person and, when it so orders, the report shall contain details of the results of that interview or examination.

(4) Where a report required under subsection (1) to be furnished is furnished in good faith to the Court:

(a) the report shall not, in relation to information obtained as a result of an interview or examination conducted in pursuance of the order referred to in subsection (3), be held to constitute a breach of confidence or of professional etiquette or ethics or of a rule of professional conduct; and

(b) liability for defamation is not incurred by any person as a result of the furnishing of the report.

(5) Subsection (4) has effect both within and outside the Territory.

45 Provisions relating to pleas in Court

(1) Where a juvenile is charged with an offence, he shall, unless he is to be tried in the Supreme Court pursuant to this Act, plead guilty or not guilty to the charge at the commencement of the hearing in the Court.

(2) Where a juvenile has pleaded guilty to a charge for an offence, the Court may, at any stage of the proceedings, if it is of the opinion that the juvenile may not be guilty of the offence charged, order that the plea of guilty be withdrawn and a plea of not guilty be entered.

(3) Where the Court has exercised its powers under subsection (2), the juvenile is not entitled to plead autrefois convict by reason of his plea of guilty.

46 Powers of Court on remand

(1) Subject to this section, a juvenile may, from time to time, be remanded by the Court at any stage of proceedings under this Part, and upon remand the Court may, by order:

(a) allow the juvenile to go at large;

(b) release the juvenile on bail;

(c) release the juvenile into the care and supervision of any person; or

(d) remand the juvenile in custody:

(i) where the Court has under this Part committed the juvenile to another court for trial – until the juvenile is released or delivered in due course of law; or

(ii) in any other case – for a period not exceeding 28 days,

to be detained:

(iii) in the case of a juvenile who has attained the age of 15 years – in a prison or a detention centre; and

(iv) in any other case – in a detention centre.

(2) A juvenile shall not under subsection (1) be remanded in custody unless, in the opinion of the Court:

(a) the juvenile is likely to abscond; or

(b) it is necessary for the protection of the juvenile, the general public, or any person or property, that the juvenile be remanded in custody.

(3) The Court may revoke an order made under subsection (1) and may substitute therefor any other order it is empowered to make under that subsection.

47 Examination as to mental condition of juvenile

The Court may, if it has reason to suspect that the mental condition of a juvenile brought before it is such as to affect his criminal responsibility, cause the juvenile to be examined by a properly qualified person, and may accept as evidence the written or oral report (whether on oath or otherwise) of that person as to the juvenile's mental condition.

48 Submissions to Court

(1) Subject to subsection (3), the Court may, in its discretion, whether before or after the completion of proceedings against a juvenile, seek submissions or reports in relation to the juvenile.

(2) A submission or report under subsection (1) may be written or oral.

(3) A submission or report under subsection (1) shall not be sought by the Court before an offence by a juvenile has been proved.

49 Certain reports to be made available

(1) Subject to this section, a copy of every report received by the Court in proceedings before it shall be furnished to the juvenile against whom the proceedings are taken, to a parent or guardian of the juvenile who is present in court and to the prosecutor, and any of those persons, or a legal practitioner representing any of them, shall be permitted by the Court to cross-examine the person by whom the report was made or who carried out an investigation on which the report was based.

(2) The Court may order that a report received by it in a proceeding, or part of such a report, shall not be made available to a juvenile to whom it relates or to any other person who, under subsection (1), would be entitled to receive a copy of the report, where it is of the opinion that the report contains material that, if disclosed to the juvenile or that person, may be prejudicial to the welfare of the

juvenile.

(3) The juvenile to whom a report referred to in subsection (1) relates, or a parent, guardian or person having the custody of the juvenile, may give evidence or call witnesses to rebut the contents of the report.

(4) A person forwarding to the Court a report referred to in subsection (1), which is not a report under section 44, shall have the same protection in relation to the report as if the report were a report under section 44.

49A Victim impact statements and victim reports

(1) In this section:

harm includes:

(a) physical injury;

(b) psychological of emotional suffering, including grief;

(c) pregnancy; and

(d) economic loss.

relative includes a relative according to Aboriginal tradition or contemporary social practice, a spouse and a de facto partner.

victim means:

(a) a person who suffers harm arising from an offence; or

(b) where the person referred to in paragraph (a) dies as a result of the commission of the offence, a person who was a relative of, or who was financially or psychologically dependent on, the person.

victim impact statement means an oral or written statement prepared for the purposes of subsection (2) containing details of the harm suffered by a victim of an offence arising from the offence.

victim report means an oral or written statement, prepared by the prosecutor for the purposes of subsection (3), containing details of the harm suffered by a victim of an offence arising from the offence.

(2) The prosecutor shall present to the Court, before it sentences a juvenile in relation to an offence, a victim impact statement where the victim consents to its presentation.

(3) The prosecutor shall present to the Court, before it sentences a juvenile in relation to an offence, a victim report in relation to each victim of the offence where:

(a) the victim has not consented to the presentation to the Court of a victim impact statement in relation to him or her and has been informed of the contents of the victim report and does not object to its presentation; or

(b) the victim cannot, after reasonable attempts have been made by the prosecutor, be located,

and there are readily ascertainable details of the harm suffered by the victim arising from the offence that are not already before the Court as evidence or as part of a report prepared under section 49 in relation to the juvenile.

(4) With the permission of the Court, a person other than the prosecutor may present a victim impact statement.

(5) Subject to subsections (8) and (9), the Court shall consider each victim impact statement and each victim report, if any, in relation to an offence before determining the sentence to be imposed in relation to the offence.

(6) A victim impact statement or a victim report may contain details of the harm caused to the victim of the offence to which the statement or report relates arising from another offence:

(a) for which the juvenile has already been sentenced, or will be sentenced in the proceedings then before the Court; or

(b) which, under section 90A, has already been taken into account in a sentence or which may be taken into account under that section in the proceedings then before the Court.

(7) The Court shall not draw an inference in favour of a juvenile or against a victim because a victim impact statement or victim report is not presented to the Court.

(8) The Court shall not take into account a written victim impact statement unless it has been signed.

(9) The Court shall not take into account a victim impact statement or victim report, where the statement or report:

(a) is in writing, unless a copy of the statement or report is provided to the juvenile; or

(b) is to be presented to the Court orally, unless a written or oral summary of the contents of the statement or report is provided to the juvenile.

(10) A legal practitioner representing the juvenile or, with the leave of the Court, the juvenile:

(a) where a victim impact statement is in writing, may cross-examine the person who signed the statement; or

(b) where a victim impact statement is presented to the Court orally, may cross-examine the person, not being the prosecutor, presenting the statement,

about its contents.

50 Dispute as to evidence, &c.

(1) Where matter contained in a report referred to in section 49 is disputed by a juvenile against whom proceedings are taken or a parent or guardian of the juvenile, the Court shall not take that matter into account in its disposition unless it has decided that it is correct beyond reasonable doubt.

(2) Where matter contained in a report referred to in section 49 is disputed by the prosecution, the Court shall not take that matter into account in its disposition unless it has decided that it is correct on the balance of probabilities.

51 Destruction of identifying material

(1) The Court may order that identifying material referred to in section 31, relating to an offence committed by a juvenile, or for the commission of which a juvenile was detained, shall be destroyed by a person specified in the order at a time and place directed by the Court or determined by that person.

(2) Where the Court makes an order under subsection (1) in respect of identifying material relating to a person, it shall cause a copy of the order to be served on the person and, if the person is a juvenile, where practicable, on the parents, guardian or person having the custody of the juvenile.

52 Juvenile in need of care

(1) If the Court believes, on reasonable grounds, that:

(a) a juvenile against whom proceedings for an offence are brought is, or may be, a child in need of care within the meaning of section 4(2) of the *Community Welfare Act*; or

(b) the welfare of a juvenile against whom proceedings for an offence are brought is endangered in any way,

it may require the Minister responsible for the administration of the *Community Welfare Act*:

(c) to make an investigation of the circumstances of the juvenile; and

(d) to take appropriate action to secure the proper care of and attention to the juvenile's welfare.

(2) If the Court requires the Minister responsible for the administration of the *Community Welfare Act* to make an investigation under subsection (1), that Minister is, as soon as practicable, to cause to be provided to the Court a report on:

(a) the circumstances of the juvenile (including whether or not the juvenile is a child in need of care); and

(b) the action, if any, that has been taken.

53 Disposition by Court

(1) Subject to Division 3 and Division 3A (in relation to a property offence), where the Court finds a charge proven against a juvenile it may, as it thinks fit, whether or not it proceeds to conviction, but subject to subsection (2), do one or more of the following:

(a) discharge the juvenile without penalty;

(b) adjourn the matter for a period not exceeding 6 months and, if during that period the juvenile does not commit a further offence, may discharge the juvenile without penalty;

(c) fine the juvenile not more than the maximum penalty that may be imposed under the relevant law in relation to the offence or $500, whichever is the lesser amount;

(d) order the juvenile to be of good behaviour for a period not exceeding 2 years, and on such security, as it thinks fit, and subject to one or more of the conditions:

(i) that the juvenile reside with the person or at the place specified in the order;

(ii) that the juvenile obey the reasonable directions of a person specified in the order under subparagraph (i);

(iii) that the juvenile refrain from the activities, or from associating with persons, specified in the order; or

(iv) any other condition the Court thinks fit;

(e) order in accordance with section 53AA that the juvenile participate, within such time as the Court orders, in an approved project for such number of hours, not exceeding 480, as are specified in the order;

(ea) order in accordance with section 53AH(2) that the juvenile participate, within such time as the Court orders, in an approved project for 224 hours;

(f) place the juvenile under probation for a maximum of 2 years and subject to one or more of the conditions:

(i) that the juvenile reside with the person or at the place specified in the order;

(ii) that the juvenile refrain from the activities, or from associating with persons, specified in the order;

(iii) that the juvenile be under the supervision of the Minister and that he reports to a person nominated by the Minister at the place and time as determined by that person;

(iv) where the juvenile is ordered under subparagraph (i) to reside with a person or under subparagraph (iii) to be under the supervision of the Minister – that the juvenile will obey the lawful directions of that person or the Minister, as the case may be; or

(v) any other condition the Court thinks fit;

(g) subject to subsection (10), order that the juvenile to be detained at a detention centre or imprisoned for a period not exceeding the maximum period that may be imposed under the relevant law in relation to the offence or 12 months, whichever is the lesser;

(h) order the juvenile to participate in a project or programme provided or approved by the Minister as specified in the order; or

(j) make such other order in respect of the juvenile under the relevant law that it could make if the juvenile were an adult convicted of that offence under that law.

(2) Subject to section 53AE, where the Court finds a charge proven against a juvenile and, under subsection (1)(b), discharges the juvenile without penalty and the juvenile is subsequently found guilty of an offence committed during the period of the adjournment upon the expiration of which he was discharged under that subsection, the Court which finds him guilty of the further offence may, in addition to imposing a penalty it may impose in respect of that offence, impose on the juvenile any penalty the Court could have imposed on him in respect of the former offence, notwithstanding that the aggregate of both penalties exceeds a limit referred to in subsection (1).

(3) The Court may suspend all or part of a sentence of detention or imprisonment under this section on such conditions as it thinks fit.

(4) Where the Court:

(a) makes an order under subsection (1)(d), (h) or (j);

(b) under subsection (1)(f) places the juvenile under probation subject to conditions; or

(c) under subsection (3) suspends all or part of a sentence subject to conditions,

the Court may, on the application of the juvenile, the Director or a prosecutor, vary or revoke the order, probation or suspension (if it is still in force) and whether or not it is still in force, subject to subsection (4D), deal with the juvenile for the offence or offences with respect to which it was made or imposed in any manner in which the Court could deal with the juvenile if it had just found the juvenile guilty of the offence or those offences.

(4A) The Court shall not vary or revoke the order, probation or suspension under subsection (4) unless the Court is satisfied that:

(a) circumstances, including those of the juvenile, have materially altered since the order, probation or suspension was made or imposed and, as a result, the juvenile will not be able to comply with the order or a condition of the probation or suspension; or

(b) the juvenile is no longer complying with, or is no longer willing to comply with, the order or a condition of the probation or suspension.

(4B) Where the Court:

(a) makes an order under subsection (1)(d), (h) or (j);

(b) under subsection (1)(f) places the juvenile under probation subject to conditions; or

(c) under subsection (3) suspends all or part of a sentence subject to conditions,

the Court may, on the application, in the prescribed form, if any, of the Director or a prosecutor:

(d) confirm the order, probation or suspension (if it is still in force);

(e) vary the order, probation or suspension (if it is still in force); or

(f) revoke the order, probation or suspension (if it is still in force) and, whether or not the order, probation or suspension is still in force, subject to subsection (4D), deal with the juvenile for the offence or offences with respect to which it was made or imposed in any manner in which the Court could deal with the juvenile if it had just found the juvenile guilty of the offence or those offences.

(4C) The Court shall not vary or revoke an order, probation or suspension under subsection (4B) unless the Court is satisfied, by evidence on oath or by affidavit, or by the admission of the juvenile, that the juvenile has failed without reasonable excuse to comply with the order or a condition of the probation or suspension.

(4D) The Court:

(a) shall, in determining how to deal with the juvenile under subsection (4) or (4B), take into account the extent to which the juvenile had complied with the order or conditions of the probation or suspension before the revocation or expiration of the order, probation or suspension; and

(b) shall not under subsection (4) or (4B) impose on the juvenile, as a result of his so breaching the order or condition, or the revocation of the order, probation or suspension, a penalty greater than the maximum penalty it could have imposed on him in respect of the original offence.

(4E) Where an application is made under subsection (4) or (4B), a Justice may:

(a) issue a summons directing the juvenile to appear before the Court on a date and at a time specified in the summons; or

(b) where the Justice is satisfied the juvenile may not appear, or having been served with a summons issued under paragraph (a), has failed to attend before the Court, issue a warrant for the arrest of the juvenile.

(5) A period of detention or imprisonment under this section may be served continuously or periodically at the discretion of the Court.

(6) Where the Court sentences a juvenile to a period of detention in a detention centre during which period the juvenile will attain the age of 18 years, the juvenile shall, not later than 28 days after attaining the age of 18 years, be transferred from the detention centre to a prison, within the meaning of the *Prisons (Correctional Services) Act*, to serve the remainder of the sentence.

(6A) Where a detainee is transferred to a prison under subsection (6), the order of the Court sentencing the juvenile to a period of detention in a detention centre shall, notwithstanding anything to the contrary in this Act, be deemed to be an order of the Court sentencing the juvenile to a term of imprisonment for the period remaining to be served under the order.

(7) Nothing in this section shall be construed as limiting the power of the Supreme Court to impose on a juvenile a sentence it could otherwise than under this section impose on him.

(8) Subject to subsection (6), where the Court makes an order under subsection (1) in respect of a juvenile that order shall remain in force, provided that the juvenile complies with the Act and the order, notwithstanding that the juvenile has attained the age of 18 years.

(10) The Court shall not make an order under subsection (1)(g) ordering the imprisonment of a juvenile unless the juvenile has attained the age of 15 years.

Division 2 Community service orders

53AA Community service orders

(1) The Court shall not make a community service order unless the juvenile consents to the making of the order and to the terms of the order and the Court is:

(a) notified by a probation officer that arrangements have been or will be made for the juvenile to participate in an approved project under the order; and

(b) satisfied, after considering a report from a probation officer about the juvenile and his circumstances, and if the Court thinks necessary, hearing a probation officer, that:

(i) the juvenile is a suitable person to participate in the approved project; and

(ii) the project is approved and can be provided under the arrangements referred to in paragraph (a) for the juvenile to carry out.

(2) A community service order may require the juvenile to present himself:

(a) at a place and to a person and within a time, specified in the order; or

(b) at a place and to a person and within the time and by the means as directed by the Director in writing.

(3) Where the Court makes a community service order, the juvenile shall not leave the precincts of the Court until he signs the order.

(4) Where the Court makes a community service order, it shall ensure that a copy of the order is:

(a) given to the juvenile; and

(b) sent to the Director.

(5) Where a community service order contains a requirement in accordance with subsection (2)(b), the Director shall cause written notice of the direction to be given to the juvenile as soon as practicable after the order is made.

(6) Where the Court makes a community service order in respect of 2 or more offences, the Court shall not order the juvenile to participate in an approved project under the order for a number of hours that exceeds 480.

(7) Where the Court makes a community service order and there is in force one or more other community service orders in respect of the juvenile, the Court shall not order the juvenile to participate in an approved project for a number of hours that would require the juvenile, after the making of the first-mentioned order, to participate in the project under the order and the previous order or orders for a number of hours that, in the aggregate, exceeds 480.

53AB Duties of juvenile in carrying out community service order

(1) A juvenile in respect of whom a community service order is in force:

(a) shall participate, for the number of hours specified in the order, in such approved project as a probation officer directs;

(b) shall participate in the project in a satisfactory manner;

(c) shall, while participating in the project, comply with any reasonable direction of a probation officer or supervising officer; and

(d) shall inform a probation officer of a change in his residential address not later than 48 hours after the change.

(2) Except where the juvenile consents, a juvenile shall not be required to participate in an approved project under a community service order for more than 8 hours (exclusive of time allowed for meals) in any one day.

53AC Review of community service order

(1) The Court, on the application of the Director or the juvenile, may:

(a) discharge a community service order;

(b) revoke a community service order and deal with the juvenile as if the juvenile had come before the Court for sentence for the offence in respect of which the order was made;

(c) reduce the number of hours the juvenile is required to participate in an approved project under the order; or

(d) vary the time within which the juvenile is to complete his participation in the approved project.

(2) Where the Director makes an application under subsection (1), the Court shall summons the juvenile to appear before it on the hearing of the application and, if the juvenile does not appear in answer to the summons, may order that a warrant to arrest the juvenile be issued.

(3) Where the juvenile makes an application under subsection (1), the Court shall cause notice of the application and of the time and place fixed for the hearing to be served on the Director.

(4) Without limiting the matters that the Court may take into consideration in reviewing a community service order, the grounds for reviewing such an order include the fact:

(a) that the juvenile is in custody on a charge for another offence;

(b) that the juvenile's behaviour is such that the carrying out of the terms of the order is impracticable; or

(c) that the operation of the order offends other persons.

(5) This section does not apply to a community service order made by the Director under this Act.

53AD Breach of community service order

(1) A juvenile is in breach of a community service order if he:

(a) fails to comply with a term or condition of the order;

(b) fails to carry out his obligations under section 53AB;

(c) disturbs or interferes with any other person participating in or doing anything under a community service order;

(d) assaults, threatens, insults or uses abusive language to a probation officer or supervising officer;

(e) changes his address for the purposes of evading the execution of this Act; or

(f) commits an offence against a law in force in the Territory during a time when he is participating in an approved project under the order.

(2) Where a Justice is satisfied that a juvenile is in breach of a community service order, the Justice may:

(a) issue a summons directing the juvenile to appear before the Court on a date and at a time specified in the summons; or

(b) where the Justice is satisfied the juvenile may not appear, issue a warrant for the arrest of the juvenile.

(3) Where a juvenile served with a summons issued under subsection (2)(a) fails to attend before the Court, the Court may issue a warrant for the arrest of the juvenile.

(4) Where the Court is satisfied, by evidence on oath or by affidavit, or by the admission of the juvenile, that a juvenile is in breach of a community service order, the Court may revoke the order (if it is still

in force) and, whether or not it is still in force, subject to subsection (5), deal with the juvenile for the offence or offences with respect to which the order was made in any manner in which the Court could deal with the juvenile if it had just found him guilty of the offence or those offences.

(5) The Court:

(a) shall, in determining how to deal with the juvenile under subsection (4), take into account the extent to which the juvenile had complied with the order before the revocation or expiration of the order; and

(b) shall not under subsection (4) impose on the juvenile, as a result of his so breaching the order or the revocation of the order, a penalty greater than the maximum penalty it could have imposed on him in respect of the original offence.

(6) Where the Court is satisfied that a juvenile is in breach of a community service order and there is more than one community service order in force in respect of the juvenile, the juvenile shall, for the purposes of this section, be deemed:

(a) to be in breach of all the orders; and

(b) in respect of the juvenile's participation in the approved projects under the orders, to have participated in the projects in the order in which the orders were made.

(7) Where a community service order is made in respect of more than one offence and the Court is satisfied that the juvenile is in breach of the order, the Court shall deal with the juvenile under this section for all the offences in respect of which the order was made.

Division 3 Repeat property offenders

53AE Sentencing of repeat property offenders who have attained the age of 15 years

(1) In this section, ***juvenile*** means a juvenile who has attained the age of 15 years.

(2) Where:

(a) a juvenile who has been found guilty of one or more property offences is before the Court to be sentenced in respect of those offences; and

(b) the Court has on a previous day dealt with the juvenile under section 53(1) in respect of one or more property offences,

the Court must do one of the following:

(c) order the juvenile to participate in a program approved under subsection (3) and adjourn the matter for that purpose;

(d) record a conviction and order the juvenile to serve one period of detention of not less than 28 days in respect of all of the offences referred to in paragraph (a).

(3) The Minister may, by notice in the *Gazette*, approve a program for the purposes of subsection (2)(c).

(4) If the Court is satisfied that a juvenile ordered under subsection (2)(c) to participate in a program has satisfactorily completed the program, the Court may:

(a) make an order under section 53(1)(a) discharging the juvenile without penalty in respect of all of the offences referred to in subsection (2)(a); or

(b) do any of the other things specified in section 53(1) in respect of all of those offences.

(5) If:

(a) the Court is satisfied that a juvenile ordered under subsection (2)(c) to participate in a program has failed to satisfactorily complete the program;

(b) the juvenile is found guilty of one or more offences committed while the matter stands adjourned under subsection (2)(c); or

(c) both of the events described in paragraphs (a) and (b) occur,

the Court must:

(d) if the order under subsection (2)(c) is still in force – revoke the order; and

(e) record a conviction and order the juvenile to serve one period of detention of not less than 28 days in respect of all of the offences in relation to which the order under subsection (2)(c) was made and, if any of the offences referred to in paragraph (b) are property offences, all of those property offences.

(6) Where:

(a) a juvenile who has been found guilty of one or more property offences is before the Court to be sentenced in respect of those offences; and

(b) the juvenile has on one or more previous days been dealt with under subsection (2)(d), (4)(a) or (b) or (5) or this subsection by the Court in respect of one or more property offences,

the Court must record a conviction and order the juvenile to serve one period of detention of not less than 28 days in respect of all of the offences referred to in paragraph (a).

(7) If a juvenile who has on a previous day been dealt with under subsection (2)(d), (4)(a) or (b), (5) or (6) is before the Court to be sentenced in respect of one or more additional property offences that were committed before the juvenile was dealt with under that provision:

(a) this section (other than this subsection) does not apply in relation to those additional property offences; and

(b) the Court may do any of the things specified in section 53(1) in relation to those additional property offences.

(8) A reference in subsection (6) to a juvenile who has been dealt with under a provision of this section is to be read as including a reference to a juvenile who has been sentenced under section 53AE as in force at any time on or after 8 March 1997.

(9) The mandatory period of a period of detention imposed under subsection (2)(d), (5)(e) or (6) is not to be served concurrently with either of the following:

(a) a period of detention for another offence that is not a property offence regardless of when the sentence for the other offence was imposed;

(b) the period of detention for another property offence if the sentence in respect of that other property offence was imposed on a different day.

(10) The Court must not make an order under subsection (2)(d), (5)(e) or (6) detaining a juvenile in respect of all of the property offences for which the juvenile is being sentenced on a particular day that exceeds:

(a) the sum of the maximum periods of detention that could be imposed if a separate period were imposed in respect of each offence; or

(b) 12 months,

whichever is the lesser.

53AF Additional orders for repeat property offenders

(1) In addition to the order required to be made under section 53AE, the Court may make a punitive work order or any other order it may make under this Act.

(2) An order referred to in subsection (1) cannot be made if its effect could be to release (whether conditionally or unconditionally) the juvenile from the requirement to serve the mandatory period at a detention centre or in a prison.

53AG Imprisonment and detention under this Division

(1) A period of imprisonment or detention under this Division may be served continuously or periodically at the discretion of the Court.

(2) Where the Court, under this Division, sentences a juvenile to a period of detention in a detention centre during which period the juvenile will attain the age of 18 years, the juvenile shall, not later than 28 days after attaining the age of 18 years, be transferred from the detention centre to a prison, within the meaning of the *Prisons (Correctional Services) Act*, to serve the remainder of the sentence.

(3) Where a detainee is transferred to a prison under subsection (2), the order of the Court sentencing the juvenile to a period of detention in a detention centre shall, notwithstanding anything to the contrary in this Act, be deemed to be an order of the Court sentencing the juvenile to:

(a) a term of imprisonment for the period remaining to be served under the order; and

(b) in respect of the remainder (if any) of the mandatory period – a term of actual imprisonment for that remainder.

(4) Nothing in this section shall be construed as limiting the power of the Supreme Court to impose on a juvenile a sentence it could otherwise than under this section impose on the juvenile.

(5) Subject to subsection (2), where the Court makes an order under this Division in respect of a juvenile that order shall remain in force, provided that the juvenile complies with the Act and the order, notwithstanding that the juvenile has attained the age of 18 years.

Division 3A Punitive work orders

53AH Punitive work order

(1) The Minister may approve work as a project to be participated in under a punitive work order.

(2) The Court that found a juvenile guilty of an offence may order the juvenile to participate, within such time as the Court may order, in an approved project for 224 hours.

(3) A punitive work order may require the juvenile to present himself:

(a) at a place and to a person and within a time, specified in the order; or

(b) at a place and to a person and within the time and by the means as directed by the Director in writing.

(4) Where the Court makes a punitive work order, the juvenile shall not leave the precincts of the Court until the juvenile signs the order.

(5) Where the Court makes a punitive work order, it shall ensure that a copy of the order is:

(a) given to the juvenile; and

(b) sent to the Director.

(6) Where a punitive work order contains a requirement in accordance with subsection (3)(b), the Director shall cause written notice of the direction to be given to the juvenile as soon as practicable after the order is made.

(7) Despite section 69 of the *Prisons (Correctional Services) Act*, a juvenile is not entitled to be paid for any work performed in compliance with a punitive work order while the juvenile is in a prison.

(8) In this section, ***juvenile*** means:

(a) a child who has attained the age of 15 years; or

(b) in the absence of proof as to age, a child who apparently has attained the age of 15 years.

53AJ Circumstances in which punitive work order may be made

The Court shall not make a punitive work order unless it:

(a) has been notified by a probation officer that arrangements have been or will be made for the juvenile to participate in an approved project under the order; and

(b) is satisfied, after:

(i) considering a report from a probation officer about the juvenile and his or her circumstances;

(ii) taking into account the juvenile's physical and mental capacity; and

(iii) if the Court thinks necessary – hearing a probation officer,

that:

(iv) the juvenile is a suitable person to participate in the approved project; and

(v) the project is approved and can be provided under the arrangements referred to in paragraph (a).

53AK Duties of juvenile in carrying out punitive work order

(1) A juvenile in respect of whom a punitive work order is in force shall:

(a) participate, for the number of hours specified in the order, in such approved project as a probation officer directs;

(b) participate in the project in a satisfactory manner;

(c) while participating in the project, comply with any reasonable direction of a probation officer or supervising officer; and

(d) in the case of a juvenile who is not at a detention centre or in a prison – inform a probation officer of a change in the juvenile's residential address not later than 48 hours after the change.

(2) Except where the juvenile consents, a juvenile shall not be required to participate in an approved project under a punitive work order for more than 8 hours (exclusive of time allowed for meals) in any one day.

53AL Review of punitive work order

(1) The Court that made a punitive work order, on the application of the Director, may:

(a) revoke the punitive work order and order the juvenile to be detained at a detention centre for not less than 28 days;

(b) revoke the punitive work order and sentence the juvenile to serve a term of imprisonment of 28 days; or

(c) vary the time within which the juvenile is to complete the juvenile's participation in the approved project or otherwise vary the terms of the order, but shall not reduce the number of hours the juvenile is required to participate in an approved project under the order.

(2) Where the Director makes an application under subsection (1), the Court shall summons the juvenile to appear before it on the hearing of the application and, if the juvenile does not appear in answer to the summons, may order that a warrant to arrest the juvenile be issued.

(3) Without limiting the matters that the Court may take into consideration in reviewing a punitive work order, the grounds for reviewing such an order include the fact:

(a) that the juvenile is in custody on a charge for another offence;

(b) that the juvenile's behaviour is such that the carrying out of the terms of the order is impracticable; or

(c) that the operation of the order offends other persons.

53AM Breach of punitive work order

(1) A juvenile is in breach of a punitive work order if the juvenile:

(a) fails to comply with a term or condition of the order;

(b) fails to carry out the juvenile's obligations under section 53AK(1);

(c) disturbs or interferes with any other person participating in or doing anything under a punitive work order or a community service order;

(d) assaults, threatens, insults or uses abusive language to:

(i) a probation officer;

(ii) a supervising officer; or

(iii) a member of the staff of a detention centre or prison officer responsible for supervising the order,

at any time during the period that the order is in force;

(e) in the case of a juvenile who is not at a detention centre or in a prison – changes his or her address for the purposes of evading execution of this Act;

(f) commits an offence against a law in force in the Territory, the Commonwealth or a State or another Territory of the Commonwealth at any time during the period that the order is in force; or

(g) commits a breach of the Regulations.

(2) Where a Justice is satisfied that a juvenile is in breach of a punitive work order, the Justice may:

(a) issue a summons directing the juvenile to appear before the Court on a date and at a time specified in the summons; or

(b) where the Justice is satisfied the juvenile may not appear, issue a warrant for the arrest of the juvenile.

(3) Where a juvenile served with a summons issued under subsection (2)(a) fails to attend before the Court, the Court may issue a warrant for the arrest of the juvenile.

(4) Where the Court that made a punitive work order is satisfied, by evidence on oath or by affidavit, or by the admission of the juvenile, that a juvenile is in breach of the punitive work order, the Court shall, whether or not the order is in force at the time the juvenile appears before the Court, and whether or not the juvenile has participated in a project under the order for some of the time the juvenile was required to participate in the project:

(a) order that the juvenile be detained at a detention centre for not less than 28 days; or

(b) order that the juvenile serve a term of imprisonment for 28 days.

(5) Where the Court imposes a term of detention or imprisonment under subsection (4), the punitive work order shall be deemed to be revoked and the Court:

(a) shall then deal with the juvenile for the offence in respect of which the punitive work order was made by:

(i) if that offence is a property offence;

(A) varying the order made in pursuance of section 53AE in respect of the offence by extending the mandatory period; or

(B) making any other order it may make under this Act, other than an order the effect of which would be that the offender would not serve the whole of the mandatory period or any extension of that period under sub-subparagraph (A) as a term of actual imprisonment; or

(ii) if that offence is not a property offence – making any other order it may make under this Act; and

(b) may, in dealing with the juvenile in accordance with paragraph (a), take into account the extent to which the juvenile had complied with the order or any other order made in respect of the offence.

(6) Where a punitive work order is made in respect of more than one offence and the Court that made the order is satisfied that the juvenile is in breach of the order, the Court shall deal with the juvenile under this section for all the offences in respect of which the order was made.

Division 4 Miscellaneous

53AN Sentence of imprisonment or detention may be backdated

Despite any other provision of this Act, where a juvenile:

(a) has been in custody on account of his or her arrest for an offence; and

(b) is convicted of that offence and sentenced to imprisonment or detention,

the Court may order that the imprisonment or detention is to be taken to have commenced on the day on which the juvenile was arrested or on any other day between that day and the day on which the Court passes sentence.

53A Power of Court to disqualify juvenile from holding driver's licence

(1) In addition to the powers given a court under the *Traffic Act*, or any other Act to make an order disqualifying a person from holding a licence to drive a motor vehicle, the Court may, in addition to any other order it may make on a charge for any offence being proved against a juvenile, make an order disqualifying the juvenile from holding a licence to drive a motor vehicle:

(a) as from a day or time specified in the order; and

(b) either for a period specified in the order or until further order,

if the Court is satisfied, having regard to all the facts and circumstances before it, that the juvenile is not a fit and proper person to hold such a licence.

(2) The powers of the Court under subsection (1) may be exercised on the charge being proved and with or without a conviction being recorded.

(3) An order made under this section shall have the same force and effect as if it were an order made by a court under the *Traffic Act*.

(4) Where the Court is satisfied that it is just and expedient to do so, it may, at any time on application by or on behalf of a juvenile disqualified from holding a licence under this section, vary or revoke an order made under this section.

54 Payment of fines

(1) Where under this Act a juvenile is ordered to pay a fine, he may apply to the Clerk of the Court for further time to pay than provided in the order, and the Clerk may grant or refuse the application.

(2) Where an application under subsection (1) is refused, the juvenile may appeal to the Court.

55 Restitution

(1) Where the Court thinks fit, it may, subject to subsection (3), make an order for restitution by way of monetary compensation or performance of service in respect of compensation for an offence.

(2) The Court shall, on making an order under subsection (1), have regard to the amount of loss or damage suffered as a result of the offence, and the ability of the offender to make restitution.

(3) Where the Court makes an order under subsection (1) for monetary compensation, it shall not exceed $5,000, and may be paid in a lump sum or by instalments as directed by the Court.

(4) Monetary compensation under this section shall be paid to the Clerk of the Court for distribution in accordance with the order.

(5) An amount payable under this section that is in arrears may be recovered, by the person in whose favour the order to pay the amount was made, as a debt due and payable by the juvenile against whom it was made.

(6) An order made under this section does not preclude any other action or proceedings for damages by a person who suffered loss or damages as a result of an offence.

55A Parents liable for costs of detention

(1) Where, under section 53(1)(g) or Division 3, a juvenile is ordered by the Court to be detained at a detention centre, the Court may, subject to this section, order that a parent or the parents of the juvenile pay an amount towards the cost of detaining the juvenile in the detention centre, which amount shall not exceed $100 per week, for each week during which the juvenile is detained in the detention centre.

(2) Where the Court makes an order under subsection (1) it shall:

(a) specify the amount that the parent is or parents are required to pay towards the cost of detaining the juvenile;

(b) determine whether the amount shall be paid in a lump sum or by instalments; and

(c) determine:

(i) the date on or before which the amount shall be paid; or

(ii) where the amount may be paid by instalments, the date on or before which the first instalment and the dates on or before which subsequent instalments shall be paid.

(3) An amount ordered to be paid under this section (including by instalments) shall be paid to the Clerk of the Court.

(4) The Court shall not make an order under this section in respect of a parent or the parents of a juvenile:

(a) unless the parent is or the parents are, as the case may be, given an opportunity to be heard, and it has taken into account any matters put to it by the parent or parents;

(b) unless it is satisfied that the parent has or the parents have, as the case may be, failed to exercise reasonable supervision and control of the juvenile; and

(c) unless it is satisfied, after taking into account all the circumstances, that it is reasonable to do so.

55B Enforcement of orders

(1) An order directing an amount to be paid under section 55A shall be deemed, for the purposes of the recovery of that amount on default of payment, to be an order of the Court adjudging the payment of a fine or sum of money for that amount by the person named in the order.

(2) Where an order made under section 55A is deemed, in pursuance of subsection (1), to be an order adjudging the payment of a fine or sum of money, sections 26, 27, 28, 29, 30, 37, 38 and 39 of the *Sentencing Act* shall apply to and in relation to that order notwithstanding anything to the contrary in those sections and a reference in those sections to an offender shall be construed as a reference to the person named in the order.

56 Clerk may disclose name of offender

Where a person intends to commence proceedings for loss or damage as a result of an offence by a juvenile the proceedings under this Act in respect of which were closed to the public, he may apply to the Clerk of the Court who shall supply the person with the name and address of the juvenile convicted of the offence.

57A Procedure where juvenile before wrong Court

(1) Notwithstanding this Act, where, in the course of any proceedings before a court, other than the Court, it appears to the court that the proceeding should have been instituted in the Court, the court may desist from further proceedings with the hearing of the proceedings, or it may, subject to this Act, proceed with the hearing and determination of those proceedings or, as the case requires, with the preliminary examination, as if it were the Court.

(2) Where a court desists under subsection (1), it shall by memorandum refer the proceedings for hearing and determination by the Court on a date and time which shall be specified in the memorandum and notified to the parties to the proceedings.

(3) On referring the proceedings under subsection (2), a court may allow the juvenile to go at large or remand him in custody in a detention centre or other suitable place (not being a prison) or release the juvenile into the care and supervision of a suitable person or discharge him on his entering into a recognizance with or without sureties to appear before the Court on the date and at the time and place so specified.

57B Procedure where adult before Juvenile Court

(1) Notwithstanding this Act, where, in the course of any proceedings before the Court, it appears to the Court that the proceedings should have been instituted in the Court of Summary Jurisdiction, the Court may desist from further proceeding with the hearing of the proceedings, or it may proceed with the hearing and determination of those proceedings or, as the case requires, with the preliminary examination as if the Court were the Court of Summary Jurisdiction.

(2) Where the Court desists under subsection (1), it shall by memorandum refer the proceedings for hearing and determination by the Court of Summary Jurisdiction on a date and time which shall be specified in the memorandum and notified to the parties to the proceedings.

(3) On referring the proceedings under subsection (2), the Court may allow the defendant to go at large or remand him into suitable custody or discharge him on his entering into a recognizance with or without sureties to appear before the Court of Summary Jurisdiction on the date and at the time and place so specified.

57C Court has jurisdiction

A court to which proceedings are referred under section 57A or 57B shall have jurisdiction to hear and determine the proceedings.

57D Referred proceedings not to be rendered invalid

(1) Where proceedings are referred back to the Court pursuant to section 57A, such proceedings shall, from the date of referral, be dealt with as proceedings before the Court, notwithstanding that prior to the date of referral, the proceedings or any part of those proceedings did not comply with this Act or that a requirement of this Act had not been compiled with.

(2) In addition to subsection (1), it is expressly declared that no proceedings referred to the Court under section 57A shall be declared invalid by reason that prior to the date of the referral those proceedings did not comply with this Act or that a requirement of this Act had not been complied with.

Part VIA Alternative fine and penalty payment procedures

Division 1 Definitions and application

58A Definitions

In this Part, unless the contrary intention appears:

certificate means a certificate referred to in section 58E.

certificate costs means the costs prescribed for the purposes of section 58F(e).

community service order means a community service order made under section 58X.

enforcement agency, in relation to an infringement notice, means:

(a) a person or body authorised by or under another Act to take proceedings against a person for the offence for which the infringement notice was served or issued; or

(b) a prescribed person or body.

enforcement order means an order made under section 58H.

enforcement order costs means costs prescribed for the purposes of section 58H(2)(c).

enforcement order notice means a notice in the prescribed form served under section 58J.

fine means the sum of money payable by a juvenile under an order of a Court made on him or her being convicted or found guilty of an offence and includes costs payable under this Part in relation to a fine.

infringement notice means:

(a) a traffic infringement notice served under regulation 41 of the *Traffic Regulations*;

(b) a parking infringement notice served under regulation 47 of the *Traffic Regulations*;

(c) a traffic infringement notice or parking infringement notice issued under the by-laws of a council made under, or continued in force by, the *Local Government Act*; or

(d) a notice served or issued under a prescribed provision of an Act, regulations or by-laws.

infringement notice costs means:

(a) costs prescribed for the purposes of section 58C(1)(a)(ii); and

(b) in the case of an infringement notice issued under the *Traffic Act* or the *Local Government Act* – includes any costs incurred in obtaining proof of the ownership of a motor vehicle under the *Motor Vehicles Act*.

infringement officer means:

(a) a prescribed person or a person authorised by or under an Act to serve or issue an infringement notice; or

(b) the holder of a prescribed office.

infringement penalty means the amount specified in an infringement notice as payable for the offence for which it was served or issued.

penalty means the amount payable under an enforcement order, including for costs.

warning letter means a letter served under section 58C.

warrant costs means costs prescribed under this Part for the execution of a warrant.

58B Application of Part

(1) An infringement notice may be issued to a juvenile who has attained the age of 14 years although the Act under which it may be issued does not specifically state that an infringement notice may be issued to a juvenile.

(2) The procedures set out in this Part may be used to enforce an infringement notice in relation to a juvenile if the infringement penalty is not paid within the time specified in the infringement notice.

(2A) The procedures set out in this Part may be used to enforce an infringement notice:

(a) even if the law under which the infringement notice was issued does not specifically provide for enforcement of the infringement notice; or

(b) despite that the law under which the infringement notice was issued contemplates that a person who fails to pay the infringement penalty is to be prosecuted for the offence specified in the infringement notice.

(2B) This Part does not apply if the juvenile to whom an infringement notice was issued has notified the enforcement agency within the time specified in the infringement notice for paying the infringement penalty that he or she wants the offence indicated in the infringement notice to be dealt with by a court.

(3) Despite any other section, the procedures set out in this Part may be used:

(a) in relation to a fine payable by a person; and

(b) to enforce an infringement notice in relation to a person,

who has attained the age of 18 years if the offence or alleged offence to which the fine or infringement notice relates was allegedly committed before he or she attained the age of 18 years.

(4) If subsection (3) applies to a person, a reference in this Part to:

(a) a juvenile – includes a reference to the person; and

(b) detaining a juvenile – is to be taken to be a reference to imprisoning the person.

(5) Nothing is this section is to be taken as limiting any other proceedings that an enforcement agency is authorised to take against a juvenile for an offence for which an infringement notice was issued or to require an enforcement agency to use the procedures set out in this Part to enforce an infringement notice.

Division 2 Juveniles' infringement notices enforcement scheme

Subdivision 1 First stage: warning letters

58C Juvenile may be sent warning letter for infringement offence

(1) If it appears to an infringement officer that an infringement penalty specified in an infringement notice served on a juvenile has not been paid within the time for payment specified in the notice, he or she may serve on the juvenile a warning letter stating:

(a) that the juvenile has a further 28 days after the date of the letter in which to pay:

(i) the infringement penalty; and

(ii) the prescribed infringement notice costs specified in the warning letter;

(b) that if the infringement penalty and infringement notice costs specified in the warning letter are not paid, the juvenile may be dealt with under this Part;

(c) the terms of section 58D; and

(d) other prescribed information, if any.

(2) If a warning letter is served on a juvenile under subsection (1), an infringement officer must take reasonable steps to ensure that a copy of the letter is delivered or sent to a parent, guardian or person having the custody of the juvenile.

(3) If a warning letter is served on a juvenile, the infringement penalty and the infringement notice costs specified in the letter may be paid to the Court within 28 days after the date of the letter.

(4) If a warning letter is served on a juvenile, the law under which the infringement notice was served is to be taken to have also required the payment of the infringement notice costs specified in the letter.

58D Juvenile who receives warning letter may choose to have the matter dealt with by Court

(1) A juvenile served with a warning letter may, within 28 days after the date of the letter, serve on the relevant enforcement agency a written statement stating that he or she does not want to have the offence to which the warning letter relates dealt with under this Division.

(2) If a juvenile serves a statement on the relevant enforcement agency under subsection (1), this Division ceases to apply to the offence to which the warning letter relates.

(3) A statement under subsection (1) may be served by:

(a) posting it to the address of the enforcement agency specified in the warning letter; or

(b) leaving it at the enforcement agency's office or place of business with a person apparently employed at that office or place who has apparently attained the age of 16 years.

Subdivision 2 Second stage: registration of certificates

58E Enforcement agency may lodge certificate

(1) If a juvenile is served with a warning letter and within 28 days from the date of the letter:

(a) the infringement penalty and the infringement notice costs specified in the letter have not been paid; or

(b) a written statement has not been served on the enforcement agency under section 58D,

an infringement officer may lodge a certificate with a Clerk of the Court.

(2) The certificate under subsection (1) is to state that:

(a) an infringement notice has been served on the juvenile or otherwise as permitted by law in relation to an offence referred to in the certificate;

(b) a warning letter has been served on the juvenile after the expiry of the time specified in the infringement notice for payment of the infringement penalty and the infringement notice costs;

(c) at least 28 days have elapsed from the date of the warning letter;

(d) the full amount of the infringement penalty and the infringement notice costs specified in the warning letter have not been paid by the date of the certificate;

(e) a written statement, stating that he or she does not want to have the offence to which the warning letter relates dealt with under Division 3, has not been received from the juvenile;

(f) a complaint in relation to the offence has not been laid and the time within which a complaint in relation to the offence may be laid has not expired;

(g) a statement as to the steps taken by an infringement officer to deliver or send a copy of the warning letter to a parent, guardian or person having the custody of the juvenile; and

(h) in the case of an infringement notice served under the *Local Government Act* in relation to a traffic or parking infringement or under regulation 47 of the *Traffic Regulations*, the juvenile named in the certificate:

(i) was the juvenile on whom the infringement notice was served;

(ii) was, at the time of the alleged offence, the owner of the motor vehicle within the meaning of the *Motor Vehicles Act*; or

(iii) was, at the time of the alleged offence, in control of the motor vehicle as shown in a statutory declaration provided pursuant to regulation 53(2)(c) of the *Traffic Regulations* or a by-law made in pursuance of section 212(c) of the *Local Government Act.*

(3) The certificate may contain other prescribed particulars.

(4) The certificate is to be:

(a) in the prescribed form; and

(b) signed by the infringement officer or affixed with a facsimile of his or her signature by or at his or her direction.

58F If certificate lodged infringement penalty and other costs may be registered

If a Clerk of the Court is satisfied that:

(a) the facts alleged in a certificate lodged under section 58E constitute the offence specified in the certificate; and

(b) sufficient particulars of those facts are set out in the certificate,

he or she may, for the purpose of enforcement under this Division, register:

(c) the infringement penalty specified in the certificate;

(d) the infringement notice costs, if any, specified in the certificate; and

(e) the prescribed certificate costs.

58G Withdrawal of certificate

(1) An enforcement agency may, by notice in the prescribed form to a Clerk of the Court, request the Clerk to withdraw a certificate lodged under section 58E.

(2) If a notice under subsection (1) is received before the certificate is referred to the Court under section 58Q(5), the Clerk must:

(a) withdraw the certificate; and

(b) notify the relevant enforcement agency and the juvenile of that fact.

(3) If the Clerk:

(a) withdraws the certificate; and

(b) notifies the relevant enforcement agency and the juvenile of that fact,

the Clerk must take reasonable steps to ensure that a copy of the notice given to the juvenile is delivered or sent to a parent, guardian or person having the custody of the juvenile.

(4) A certificate that is withdrawn under this section has no further effect under this Division.

Subdivision 3 Third stage: enforcement orders

58H If infringement penalty is registered enforcement order will be made

(1) If a Clerk of the Court registers an infringement penalty under section 58F and the certificate on which the penalty was specified has not been withdrawn under section 58G, the Clerk must make an enforcement order in accordance with this section.

(2) The enforcement order is to specify that the juvenile must pay to the Court, within 28 days after the date of the relevant enforcement order notice, the amount of:

(a) the infringement penalty;

(b) the costs referred to in section 58F(c), (d) and (e);

(c) the prescribed enforcement order costs; and

(d) any other costs required to be charged in relation to the enforcement order under this or any other Act.

(3) The enforcement order is to specify that:

(a) if the amounts specified in the order under subsection (2) are not paid within 28 days after the date of the enforcement order notice; and

(b) if a community service order in respect of the enforcement order is not made in relation to the juvenile or is revoked,

the juvenile will be detained for a period determined in accordance with the prescribed ratio and specified in the order.

(4) An enforcement order is to be taken to be an order of the Court.

58J Enforcement order notices

(1) On making an enforcement order, the Clerk must issue a notice of the enforcement order and cause:

(a) the notice; and

(b) a statement in writing, in the prescribed form, setting out a summary of the provisions of this Division and the Regulations relating to:

(i) time allowed to pay and paying by instalment;

(ii) applications for revoking enforcement orders; and

(iii) the right of the juvenile to apply for a community service order under section 58M,

to be served on the juvenile against whom the enforcement order is made.

(2) If an enforcement order notice and a statement in writing are served on a juvenile under subsection (1):

(a) the Clerk must notify the enforcement agency that the notice has been served; and

(b) the enforcement agency must take reasonable steps to ensure that a copy of the notice and the statement are delivered or sent to a parent, guardian or person having the custody of the juvenile.

58K Effect of enforcement order

(1) Subject to sections 58G and 58Q, if an enforcement order is made in relation to an offence alleged to have been committed by a juvenile:

(a) the matter of the alleged offence is to be taken to have been heard and determined according to law;

(b) the juvenile is not for that reason be taken to have been found guilty of the offence;

(c) the juvenile is not to be proceeded against (except in respect of the enforcement order or a community service order issued in relation to the order) for the alleged offence;

(d) the making of the order does not affect or prejudice a civil claim, action or proceeding arising out of the same occurrence; and

(e) payment pursuant to the enforcement order is not an admission of liability for the purpose of, and does not affect or prejudice, a civil claim, action or proceeding arising out of the same occurrence.

(2) An amount recovered as a result of the making of an enforcement order is to be dealt with in the same way as an amount recovered as a result of a finding of guilt.

58L Juvenile may apply for extension of time to pay etc.

(1) A juvenile against whom an enforcement order is made may apply to a Clerk of the Court, personally or in writing, or in any other manner approved by the Clerk, for an order that:

(a) the time within which the penalty is to be paid be extended; or

(b) the penalty be paid by instalments.

(2) On receiving an application, the Clerk may, by order:

(a) allow the juvenile additional time to pay the penalty or the balance of the penalty; or

(b) direct the juvenile to pay the penalty by instalments at specified times.

(3) The order of the Clerk is to be taken to be an order of the Court.

58M Juvenile may apply for community service order to satisfy J.I.N.E.S. penalty

A juvenile against whom an enforcement order is made in relation to a penalty may apply to the Director to participate in an approved project under Division 3 to satisfy the penalty or the part remaining unpaid.

Subdivision 4 Fourth stage: detention of juvenile or matter referred to Court for hearing

58N Juvenile may be sent to detention centre if no community service order is made and penalty is not paid

(1) If within the time specified in an enforcement order notice or an order under section 58L:

(a) the full amount of a penalty or a part of a penalty, as required by the notice or order, is not paid; and

(b) a community service order has not been issued under section 58X in relation to the enforcement order,

a Clerk of the Court must issue a warrant of commitment against the juvenile.

(2) A warrant of commitment issued under subsection (1) authorises the detention of the juvenile in a detention centre for the period determined under subsection (3) and specified in the warrant.

(3) The period of detention is:

(a) the period specified in the enforcement order to which the warrant relates; and

(b) the period determined in accordance with the prescribed ratio for detention in respect of the costs payable under section 58ZH(2) in relation to the warrant.

58P Persons can seek to have matter dealt with by Court by having enforcement order revoked

(1) An application to revoke an enforcement order may be made by:

(a) the relevant enforcement agency;

(b) the juvenile against whom the enforcement order is made; or

(c) a parent, guardian or person having the custody of the juvenile.

(2) The application is to be:

(a) in writing in the prescribed form; and

(b) given to a Clerk of the Court.

(3) An application may not be made if:

(a) a warrant of commitment has been executed to enforce the order; or

(b) a community service order has been made in relation to the enforcement order.

58Q Clerk may revoke enforcement order

(1) On receiving an application under section 58P, a Clerk of the Court must notify the Director.

(2) If the Clerk is notified in writing that an authorized person has consented to the certificate to which the application relates being taken to be a complaint, he or she must revoke the relevant enforcement order.

(3) An enforcement order that is revoked under subsection (2) ceases to have effect.

(4) If an enforcement order is revoked under subsection (2), the Clerk must:

(a) cause notice of the revocation to be delivered or sent to the enforcement agency and to the juvenile against whom the enforcement order was made; and

(b) take reasonable steps to ensure that a copy of the notice of revocation is delivered or sent to a parent, guardian or person having the custody of the juvenile.

(5) If an enforcement order is revoked under subsection (2), the Clerk must, before 14 days after it is revoked, refer the relevant certificate to the Court for hearing of the offence (unless a notice of withdrawal under section 58G has been received by the Clerk).

(6) If:

(a) a certificate is referred under subsection (5) to the Court; and

(b) an authorized person has consented to the certificate being taken to be a complaint,

the certificate is to be taken to be a complaint in relation to the alleged offence, laid at the time the certificate was lodged under section 58E with the Clerk, by the infringement officer whose signature, or a facsimile of whose signature, appears on the certificate.

(7) A statutory declaration made by an authorized person:

(a) stating that he or she has consented to a specified certificate being taken to be a complaint; and

(b) naming the officer who is purported to be the authorized person,

is prima facie evidence that the authorized person named is an authorized person and that he or she has consented to the certificate being taken to be a complaint under subsection (1).

(8) Section 28 does not apply in relation to a matter to be dealt with under this Division.

(9) Nothing in this section affects a requirement under any other law to obtain consent to a prosecution.

58R Notice of hearing to be given

(1) A Clerk of the Court must, as soon as practicable after referring a certificate to the Court under section 58Q(5), serve on:

(a) the relevant enforcement agency; and

(b) the juvenile to whom the certificate relates, notice of the time and place of the hearing relating to the alleged offence specified in the certificate.

(2) If notice is served on a juvenile under subsection (1), the Clerk must take reasonable steps to ensure that:

(a) a copy of the notice; and

(b) a notice specifying the obligations under section 42 of the parents, guardian or a person having the custody of the juvenile,

are delivered or sent to a parent, guardian or person having the custody of the juvenile.

58S Court to hear matter

(1) If a certificate is to be taken under section 58Q(6) to be a complaint in relation to the alleged offence specified in the certificate, the Court may hear and determine the matter of the alleged offence.

(2) The hearing relating to the alleged offence must not proceed in the absence of the juvenile.

(3) The Court may only hear and determine a matter under subsection (1) if a copy of the certificate has been served on the juvenile to whom the certificate relates.

58T Juvenile may be arrested for failing to appear in Court

If a juvenile who has been served with a notice of hearing under section 58R fails to appear at the time and place specified in the notice, a warrant may be issued for his or her arrest.

Division 3 Detention of juvenile for failing to pay fine

58U Juvenile who fails to pay fine may be sent to detention centre

(1) If a juvenile defaults in paying a fine and a community service order has not been made in relation to the alleged offence to which the fine relates, the Court or a Clerk of the Court may issue a warrant of commitment against the juvenile.

(2) A warrant of commitment issued under subsection (1) authorises the detention of the juvenile in a detention centre for the period determined under subsection (3) and specified in the warrant.

(3) The period of detention is to be calculated in accordance with the prescribed ratio in respect of the amount of the fine remaining unpaid.

Division 4 Community service orders in respect of fines and penalties

Subdivision 1 Making of community service orders

58V Fines and penalties may be satisfied by way of community service order

(1) If a warrant of commitment has been issued or executed under section 58U, the Director may, subject to this Part, by making a community service order under section 58X, order that the juvenile satisfy the fine or the part remaining unpaid by participating in an approved project.

(2) If an application is made under section 58M, the Director may, subject to this Part, by making a community service order, order that the juvenile satisfy the payment of the penalty or the part remaining unpaid by participating in an approved project.

58W Application for community service order

A juvenile in respect of whom a warrant of commitment has been issued or executed under section 58U may apply to the Director to participate in an approved project to satisfy the fine or the part remaining unpaid.

58X Director may make community service order

(1) On receiving an application under section 58M or 58W, the Director may make a community service order.

(2) The Director may only make a community service order under subsection (1) if:

(a) he or she is satisfied:

(i) the juvenile is a suitable person to participate in an approved project; and

(ii) arrangements have been or will be made for the juvenile to participate in the approved project;

(b) where the juvenile applied for the order under section 58M – the enforcement order in relation to which the order is to be made has not been revoked; and

(c) the juvenile consents to the terms and conditions of the order.

(3) A community service order may require the juvenile to present himself or herself:

(a) at a place and to a person and within a time, specified in the order; or

(b) at a place and to a person and within the time and by the means as directed by the Director in writing.

(4) The Director must, before making a community service order, explain or cause to be explained to the juvenile, in language likely to be readily understood by the juvenile:

(a) the purpose and effect of the order;

(b) the consequences that may follow if the juvenile fails to comply with the order; and

(c) the juvenile's rights under section 58ZA.

(5) Subject to subsection (6), a community service order may be made in respect of:

(a) any number of penalties; or

(b) any number of fines for which warrants of commitment against a juvenile have been issued or executed.

(6) A community service order is not to be made if:

(a) the number of hours of participation in the approved project under the order exceeds 480; or

(b) there is or are in force one or more other community service orders (including community service orders made under Part VI) and the number of hours of participation in the approved project, together with the number of hours of participation remaining in the approved program or programs under the previous order or orders, exceeds 480.

(7) The Director may, on the application of a juvenile:

(a) reduce the number of hours the juvenile is required to participate in an approved project under the order; or

(b) vary the time within which the juvenile is to complete the juvenile's participation in an approved project.

(8) Subject to this Part, if a community service order is made, the juvenile must satisfy the payment of the fine or penalty or the part of the fine or penalty remaining unpaid by participating in the approved project for one hour for each $12.50 remaining unpaid with a minimum of 8 hours and a maximum of 480 hours.

(9) In order to prevent, as far as is practicable, the making of multiple community service orders in relation to a juvenile, the Director must, before making a community service order in relation to a juvenile, be satisfied that there are no other warrants of commitment outstanding for which the juvenile may participate in an approved project.

58Y Notice of order or variation of order to be given

(1) If the Director makes a community service order or a variation of the order under section 58X, he or she must notify the juvenile about the order or the variation.

(2) If the Director makes a community service order or a variation of the order under section 58X, he or she must take reasonable steps to ensure that a copy of the order or variation is delivered or sent to a parent, guardian or person having the custody of the juvenile.

(3) The Director, on making a community service order pursuant to an application under section 58M, must immediately notify:

(a) the Clerk of the Court who made the enforcement order to which the order relates; and

(b) the relevant enforcement agency,

of the making of the order.

(4) The Director, on making a community service order pursuant to an application under section 58W, must immediately notify:

(a) the Court at the place where the warrant of commitment was issued;

(b) a Clerk of the Court; and

(c) the person in whose possession the warrant is, of the making of the order.

(5) The person with possession of the warrant of commitment, on being notified under subsection (4), must immediately return the warrant to the Court at the place where it was issued.

58Z Effect of notice under section 58Y

(1) If the Court or a Clerk of the Court is notified under section 58Y(3) or (4), the Clerk or the Court must take no further action to enforce payment of the fine or penalty to which the order relates.

(2) If a community service order is made and the juvenile is in custody:

(a) the juvenile is to be released from custody unless the juvenile is in custody for another offence other than that in respect of which the order is made; and

(b) the amount of the fine or penalty to which the order relates that is to be paid is to reduce by the prescribed amount for each day the juvenile is in custody under the warrant.

Subdivision 2 Paying of fines and penalties if community service order made

58ZA Payment of fine or penalty after community service order is made

(1) Subject to this section, if a community service order is in force, the outstanding balance of the fine or penalty to which it relates may be paid to the Court at the place where the fine or penalty is to be paid.

(2) Before making a payment under subsection (1), the juvenile must notify the Director of his or her intention and the Director must:

(a) provide the juvenile with a written statement:

(i) detailing the hours the juvenile participated in the approved project under the community service order; and

(ii) specifying the time within which the outstanding balance of the fine or penalty is to be paid; and

(b) forward a copy of the written statement referred to in paragraph (a) to the Court at the place where the juvenile is to pay the outstanding balance of the fine or penalty.

(3) If a payment under subsection (1) is received, a Clerk of the Court must reduce the amount of the fine or penalty to be paid by:

(a) the amount of the payment; and

(b) $12.50 for each hour the juvenile participated in the approved project under the community service order.

58ZB Completion of project under community service order

(1) A juvenile against whom a community service order is made who:

(a) participates in an approved project for the number of hours required under the community service order; and

(b) complies with the conditions of the order,

is to be taken to have paid the fine or penalty.

(2) If a juvenile is to be taken to have paid a fine or penalty under subsection (1):

(a) the Director must, by notice in writing, advise a Clerk of the Court at the place where the fine was imposed or who made the enforcement order to which the penalty relates that the juvenile has complied with the order; and

(b) the Clerk must note that fact on the Court record.

58ZC Duties of juvenile in carrying out community service order

(1) A juvenile in respect of whom a community service order is in force:

(a) must participate, for the number of hours specified in the order, in an approved project that a probation officer directs him or her to participate in;

(b) must participate in the project in a satisfactory manner;

(c) must, while participating in the project, comply with any reasonable direction of a probation officer or supervising officer; and

(d) must inform a probation officer or a supervising officer of a change in his or her residential address not later than 48 hours after the change.

(2) Except if the juvenile consents, a juvenile must not be required to participate in an approved project under a community service order for more than 8 hours (exclusive of time allowed for meals) in any one day.

58ZD Breach of community service order

A juvenile is in breach of a community service order if he or she:

(a) fails to comply with a term or condition of the order;

(b) fails to carry out his or her obligations under section 58ZC;

(c) disturbs or interferes with any other person participating in or doing anything under a community service order, including a community service order under Part VI;

(d) assaults, threatens, insults or uses abusive language to a probation officer or supervising officer;

(e) changes his or her address for the purposes of evading the execution of this Act;

(f) fails to pay the outstanding balance of a fine or penalty within the time specified in a written statement under section 58ZA(2); or

(g) commits an offence against a law in force in the Territory during a time when he or she is participating in an approved project under the order.

Subdivision 3 Court to hear matter if community service order revoked

58ZE Revocation of community service order

(1) The Director may revoke a community service order made under this Part if he or she is satisfied, on reasonable grounds, that the juvenile is in breach of the order as specified in section 58ZD.

(2) If the Director is satisfied that a juvenile is in breach of a community service order and there is more than one community service order in force in respect of the juvenile, the juvenile is, for the purposes of this section, to be taken:

(a) to be in breach of all the orders; and

(b) in respect of the juvenile's participation in the approved projects under the orders – to have participated in the projects in the order in which the orders were made.

(3) The Director must:

(a) serve notice of the revocation on the juvenile;

(b) immediately notify in writing a Clerk of the Court at the place where the fine or penalty was imposed of the revocation; and

(c) take reasonable steps to ensure that a copy of the notice of revocation is delivered or sent to a parent, guardian or person having the custody of the juvenile.

(4) A notice under subsection (3)(a) may be served on a juvenile:

(a) personally;

(b) by posting it to the juvenile at the juvenile's last-known or most usual place of residence or business; or

(c) by leaving it for the juvenile at the juvenile's last-known or most usual place of residence or business with some other person apparently resident or employed there and who is apparently over the age of 16 years.

58ZF Effect of revocation of order if juvenile was detained or was going to be detained

(1) If the Director revokes a community service order (other than an order relating to an enforcement order) the order is to be taken, for the purposes of the enforcement of the payment of the fine or the amount unpaid, to have never been made.

(2) If the Director revokes a community service order and the juvenile was released from detention or imprisonment on the making of the order, the juvenile may be arrested under the warrant of commitment under which authority the juvenile was previously detained or imprisoned.

(3) A juvenile arrested under subsection (2) is to be detained for the term specified in the warrant, less:

(a) the period that the juvenile had previously spent in imprisonment or detention under the warrant;

(b) if part of the fine has been paid – the period of detention that is to be calculated, in accordance with the prescribed ratio, in respect of the part paid; and

(c) if the juvenile participated in an approved project under the community service order for an hour or more – a period determined in accordance with the prescribed ratio for participation in a project.

58ZG Effect of revocation of order if order relates to enforcement order

(1) If the Director revokes under section 58ZE(1) a community service order relating to an enforcement order:

(a) the community service order is, subject to this section, to be taken, for the purposes of the enforcement of the payment of the fine or penalty or the amount unpaid, to have never been made; and

(b) the enforcement order to which the community service order relates is automatically revoked and, subject to this section, is to be taken, for the purposes of the enforcement of the payment of the penalty or the amount unpaid, to have never been made.

(2) If the Director revokes under section 58ZE(1) a community service order relating to an enforcement order, the Director must notify a Clerk of the Court of:

(a) the revocation of the order and the automatic revocation of the enforcement order; and

(b) the number of hours that the juvenile to whom the community service order related has participated in an approved project under the community service order.

(3) If a Clerk of the Court is notified under subsection (2) in relation to a juvenile, he or she must issue a warrant of commitment against the juvenile.

(4) A warrant of commitment issued under subsection (3) authorises the detention of the juvenile in a detention centre for the period, determined under subsection (5), specified in the warrant.

(5) A period of detention for the purposes of subsection (4) is to be calculated in accordance with the prescribed ratio in respect of the amount of the penalty remaining unpaid, less, if the juvenile participated in the approved project under the community service order for an hour or more, a period determined in accordance with the prescribed ratio.

Division 5 Miscellaneous

58ZH Warrants of commitment under this part

(1) A warrant of commitment issued under this Part is to be in the prescribed form.

(2) The prescribed costs for executing a warrant of commitment are to be paid by the juvenile to whom the warrant relates.

(3) A warrant of commitment issued under this Part:

(a) is not required to be returnable at any particular time;

(b) subject to paragraph (c), remains in force until it is executed;

(c) is null and void if it is not executed within 10 years after the date on which it is issued;

(d) may be directed to a particular member of the Police Force or to members of the Police Force generally but in either case may be executed by any member of the Police Force; and

(e) may be executed by apprehending the juvenile to whom it relates at any place within the Territory.

(4) A warrant of commitment issued under this Part is to be taken to be lawfully executed if the juvenile is taken and kept at a detention centre or a prison, even if the detention centre or prison is a different detention centre or prison than the detention centre or prison, respectively, specified in the warrant.

(5) In a case referred to in subsection (4):

(a) the superintendent of the detention centre; or

(b) the officer in charge of the prison,

at which the juvenile is kept has the same power and authority as if he or she were the superintendent or officer in charge specified in the warrant.

(6) An accidental slip, error, omission or miscalculation in a warrant of commitment issued under this Part may be corrected by the person who issued it or a person who, at the time it was issued, was authorised under this Part to issue the warrant.

58ZI Detention and imprisonment under this part

(1) A term of detention or imprisonment imposed on a juvenile in default of payment of a fine or sum of money (including a penalty) must, unless otherwise directed by the Court, be served:

(a) cumulatively on any one or more incomplete orders or sentences of detention or imprisonment imposed on the juvenile for the default of a payment of a fine or sum of money (including a penalty); and

(b) concurrently with any one or more incomplete orders or sentences of detention or imprisonment imposed on the juvenile, whether the other orders or sentences were imposed before or at the same time as that term.

(2) If a juvenile who is serving a term of detention or imprisonment because he or she has not paid a fine, penalty or sum of money, pays all or part of the fine, penalty or sum of money:

(a) the term of detention or imprisonment is to be reduced by a number of days bearing, as nearly as possible, the same proportion to the total number of days in the term as the sum paid bears to the sum that is to be paid; and

(b) the warrant of commitment is to be amended accordingly.

(3) Payment under subsection (2) may be made to:

(a) a Clerk of the Court; or

(b) the superintendent of the detention centre, or the person in charge of the jail, in which the juvenile is detained or imprisoned,

who must issue a receipt to the juvenile accordingly.

(4) If a juvenile is ordered under this Part to a period of detention in a detention centre during which period the juvenile will attain the age of 18 years, the juvenile is, not later than 28 days after attaining the age of 18 years, to be transferred from the detention centre to a prison, within the meaning of the *Prisons (Correctional Services) Act*, to serve the remainder of the sentence.

(5) If a detainee is transferred to a prison under subsection (4), the order sentencing the juvenile to a period of detention in a detention centre is, despite anything to the contrary in this Act, to be taken to be an order of the Court sentencing the juvenile to a term of imprisonment for the period remaining to be served under the order.

(6) Subject to subsection (4), an order made under this Part in respect of a juvenile remains in force, provided that the juvenile complies with this Act and the order, although the juvenile has attained the age of 18 years.

58ZJ Service of documents

(1) Except if another method of delivery or service is provided for in this Part in relation to a notice or document, all notices or documents authorised or required under this Part to be delivered or served may be delivered or served personally or by post or in any other prescribed manner.

(2) If a warning letter is served by post, it is to be addressed:

(a) if served in relation to an infringement notice served under the *Local Government Act* in relation to a traffic or parking infringement or regulation 47 of the *Traffic Regulations*:

(i) to the last known residential or postal address of the owner of the motor vehicle within the meaning of the *Motor Vehicles Act*; or

(ii) if a statutory declaration has been furnished by the owner of the vehicle pursuant to regulation 53(2)(c) of the *Traffic Regulations* – to the last known residential or postal address of the juvenile alleged in the declaration

to have been in charge of the vehicle; or

(b) in any other case – to the last known residential or postal address of the juvenile alleged to have committed the offence.

(3) Service of a warning letter under this Division is to be taken to have been effected:

(a) if the address to which it was sent is within a municipality – at the time it was posted by pre-paid post; and

(b) if the address to which it was sent is not within a municipality – at the time it would be delivered in the ordinary course of post.

(4) A notice or document, other than a warning letter, served by post under this Division on a juvenile is to be addressed:

(a) to the address given by the juvenile on whom the notice or document is required to be served; or

(b) if no such address has been given – to the address shown in the certificate lodged under section 58E.

Part VII Appeals and reconsideration of sentence

58 Appeals from orders, &c., under Part VI of this Act and other Acts

(1) An appeal shall lie to the Supreme Court from a final order, declaration or adjudication made by the Court under:

(a) this Act; or

(b) any other Act in force in the Territory.

(2) An appeal under this section:

(a) shall be made in accordance with the rules of court made under this Act; and

(b) shall be heard by a single Judge.

(3) Subject to the rules, if any, made under or for the purposes of this Act, the provisions of the *Justices Act* relating to appeals from the Court of Summary Jurisdiction shall apply, so far as they are applicable, to an appeal under subsection (1).

59 Single judge may refer appeal to Full Court

Nothing in this Part derogates from the power of a Judge of the Supreme Court to refer an appeal to be heard by the Full Court of the Supreme Court.

60 Powers of Supreme Court on appeal

The Supreme Court may, when hearing an appeal against a decision of the Court, exercise the same powers and make any order or adjudication in relation to a juvenile or the proceedings that could lawfully have been made by the Court acting under the powers conferred on it by this or any other Act in force in the Territory.

61 Reconsideration of sentence by Juvenile Court

(1) Subject to this section, where a finding is made by the Court that a charge against a juvenile is proven, and an order is made against or in relation to the juvenile or a parent or the parents of the juvenile in consequence of that finding, the Court may, upon an application made under subsection (2), reconsider the order and may:

(a) confirm the order; or

(b) discharge the order and substitute therefor any other order the Court could have made in relation to the offence.

(2) An application referred to in subsection (1) may be made, at any time, in accordance with the rules of Court under this Act, by:

(a) the juvenile;

(b) the parent or parents of the juvenile; or

(c) the Minister, on behalf of the juvenile.

(3) Where an application has been made under this section for reconsideration of a sentence of detention, the Court may before it hears the application, upon application by or on behalf of the juvenile, release the juvenile from detention upon bail.

(4) The Court shall notify an applicant and all other parties concerned with an application under subsection (2) of the place, date and time for the hearing of the application.

(5) Subject to subsection (7), where an appeal to the Supreme Court is instituted in respect of an original order of the Court, no application under this section may thereafter be made by or on behalf of the juvenile or by a parent or the parents of the juvenile to whom the appeal relates.

(6) Subject to subsection (7), where an application for reconsideration is made under subsection (2), no appeal shall lie to the Supreme Court against the order in respect of which reconsideration is sought.

(7) Where an application under subsection (2), or a notice of appeal to the Supreme Court, is withdrawn, all other parties concerned shall be notified accordingly by the Clerk of the Court, and thereupon an appeal shall lie to the Supreme Court, or an application may be made under subsection (2), as the case requires, in all respects as if the date of that withdrawal were the date upon which the original order was made.

(8) An appeal shall lie to the Supreme Court from any order made by the Court under this section.

Part VIII Juvenile detention centres

62 Approval of juvenile detention centres

The Minister may, for the purposes of this Act, approve an establishment to be a juvenile detention centre.

63 Admission to detention centre

A person shall not be admitted to a detention centre except in accordance with this Act.

64 Functions of superintendent of detention centre

(1) The Minister shall appoint a superintendent of each detention centre.

(2) The superintendent of a detention centre shall be responsible, so far as practicable, for the physical, psychological and emotional welfare of juveniles detained in the detention centre.

(3) For the purposes of subsection (2), the superintendent of a detention centre shall:

(a) promote programmes to assist and organize activities of detainees to enhance their well-being;

(b) encourage the social development and improvement of the welfare of detainees;

(c) maintain order and ensure the safe custody and protection of all persons who are within the precincts of the detention centre whether as detainees or otherwise;

(d) be responsible for the maintenance and efficient conduct of the detention centre; and

(e) supervise the health of detainees, including the provision of medical treatment and, where necessary, authorize the removal of a detainee to a hospital for medical treatment.

65 Powers of superintendent of detention centre

(1) The superintendent of a detention centre has such powers as are necessary for the performance of his functions.

(2) Without limiting the generality of subsection (1), the superintendent of a detention centre may, subject to the order of the Court under which the detainee is detained, permit a detainee to be absent from a detention centre:

(a) for a period not exceeding 12 hours for the purposes of receiving educational training or participating in arrangements of a social, recreational or vocational nature; or

(b) in the custody and under the supervision of a member of the staff of the detention centre, a member of the Police Force, the sheriff within the meaning of the *Sheriff Act* or a person authorized by the Director, for any period for a purpose approved by the superintendent.

(3) The powers and functions of the superintendent of a detention centre, in relation to a person legally detained in the detention centre are not altered or diminished by the fact that the detainee may be outside the precincts or absent from the detention centre.

65A Early release by superintendent

(1) Subject to subsection (2), the superintendent of a detention centre may release a detainee from the detention centre not more than 48 hours before the detainee would have been discharged from the detention centre in accordance with the order sentencing the detainee to the period of detention in the detention centre.

(2) A detainee shall not be released under subsection (1) except where there are genuine compassionate grounds for doing so or where the release will facilitate the return of the detainee to his or her place of residence.

66 Discipline

(1) The superintendent of a detention centre shall maintain discipline at the detention centre by the use of such force as is reasonably necessary in the circumstances other than:

(a) striking, shaking or other form of physical violence;

(b) enforced dosing with a medicine, drug or other substance;

(c) compulsion to remain in a constrained or fatiguing position; or

(d) handcuffing or use of similar devices to restrain normal movement.

(2) Where the superintendent of a detention centre is of the opinion that a detainee should be isolated from other detainees for their protection or for the protection of employees in or visitors to the detention centre or for the good order of the detention centre, the superintendent may do so for a period not exceeding 24 hours or, with the approval of the Director, not exceeding 72 hours.

66A Restraint devices may be used to escort certain juveniles

The superintendent or the officer in charge of a detention centre may approve handcuffs or a similar device to restrain normal movement to be used when escorting a juvenile outside the detention centre.

67 Delegation by superintendent

(1) The superintendent of a detention centre may, by instrument in writing, delegate to a person employed as a member of the staff of the detention centre or a person authorized by the Director under section 65(2)(b) any of his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the superintendent of the detention centre.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the superintendent of the detention centre.

68 Reports

The superintendent of a detention centre shall, as soon as practicable after 31 December in each year, furnish to the Minister a report on the operation of the detention centre during the year ending on that date.

69 Register

(1) The superintendent of a detention centre shall keep a register containing in relation to every juvenile received in the detention centre, so far as those particulars are reasonably ascertainable by the superintendent:

(a) the name, age, place of birth and religion, if any, of the juvenile;

(b) the names and addresses of the parents or guardians or persons who, immediately before the detention of the juvenile in the detention centre, had the custody of the juvenile;

(c) the names and addresses of persons, other than the persons referred to in paragraph (b), from whom the juvenile was received in the detention centre and their relationship to the juvenile;

(d) the date on which the juvenile was received in, and the date on which the juvenile left, the detention centre; and

(e) such other particulars as are prescribed.

(2) A register may be kept:

(a) in such form or combination of forms;

(b) on such medium or combination of mediums; and

(c) in such manner,

as the Director thinks fit and, for the purposes of paragraph (b), a reference to a medium includes, but is not limited to:

(d) a computer;

(e) micro film; or

(f) paper.

70 Inspection of detention centre

(1) The Minister or an authorized person may at any reasonable time enter and inspect a detention centre.

(2) The superintendent of a detention centre shall, if so required by the Minister or an authorized person, produce for inspection the register kept under section 69 and shall furnish the Minister or the authorized person with such information in relation to any juvenile in the detention centre as required by the Minister or that person.

(3) A person shall not hinder the Minister or an authorized person in the exercise of a power conferred on him by subsection (1) or fail to comply with a requirement made of him under subsection (2).

70A Detainee may be tested for drugs, &c.

(1) The superintendent of a detention centre may, for the purposes of the management, good order or security of the detention centre, direct that tests be carried out under this section to determine whether there is any drug or alcohol present in the bodies of detainees.

(2) Where a direction is given under subsection (1), a detainee shall submit to the taking of such quantity of the detainee's blood, breath or urine by a person authorised under subsection (3) as is reasonably necessary for the purpose of determining whether there is present in the detainee's body any drug or alcohol.

(3) For the purpose of subsection (2), but subject to subsection (4), the Director may authorise a person to take samples of a detainee's blood, breath or urine for the purpose of determining whether there is present in the detainee's body any drug or alcohol.

(4) A person shall not be authorised under subsection (3) to take samples of a detainee's blood unless the person is a medical practitioner or registered under the *Nursing Act*.

(5) A person authorised under subsection (3) may, for the purposes of subsection (2), use such force on a detainee as is reasonably necessary to ensure that the quantity of the detainee's blood, breath or urine is taken and no action, civil or criminal, shall be commenced or lie against the person in relation to the person's exercise of the power.

70B Buccal swabs

(1) A juvenile detained in a detention centre for a crime must provide a sample by buccal swab to a person authorised under subsection (3) when directed to do so by the superintendent of the detention centre.

(2) A juvenile is not to be taken to have provided a sample unless the sample is sufficient to enable an analysis of it to be carried out.

(3) The Director may authorise a person for the purposes of subsection (1).

(4) A person authorised under subsection (3) may use reasonable force to obtain a sample by buccal swab from a detainee if the detainee refuses to provide the sample when directed to do so by the superintendent of the detention centre.

(5) As soon as practicable after the sample is obtained, the superintendent of the detention centre must deliver the sample to the Commissioner of Police.

(6) No action or proceeding, civil or criminal, can be commenced against a person in relation to the exercise of the power conferred on the person by subsection (4).

Part IX Official visitors

71 Appointment of official visitors

(1) The Minister may appoint a person to be an official visitor for a detention centre.

(2) Not less than 3 official visitors shall be appointed for each detention centre.

(3) Subject to this section, an official visitor holds office for 3 years and is eligible for reappointment.

(4) An official visitor may resign his or her office by notice in writing to the Minister.

(5) An official visitor shall receive such remuneration, allowances and expenses, at such rates, as the Minister determines.

72 Functions of official visitors

An official visitor shall:

(a) having regard to this Act and the Regulations, inquire into the treatment, behaviour and conditions of detainees in the detention centre for which the official visitor is appointed; and

(b) report, in writing:

(i) if the Minister has directed that the official visitor report in relation to a specified matter to the Director – in relation to that matter, to the Director; and

(ii) in any other case – to the Minister,

as soon as practicable after each visit to a detention centre.

73 Frequency of visits

A detention centre shall be visited by an official visitor appointed for that detention centre at least once every month.

74 Official visitors not to interfere

An official visitor shall not, during or after a visit to a detention centre, interfere with or give instructions to a member of the staff of the detention centre regarding the management, discipline or treatment of detainees.

Part IXA Medical treatment

74A Access to medical practitioner

A juvenile detained at a detention centre shall, on request to the superintendent of the centre, be given access to a medical practitioner for the purpose of medical consultation and treatment.

74B Direction of medical practitioner

The superintendent of a detention centre shall comply with the direction of a medical practitioner relating to the maintenance of the health of a juvenile detained at the centre.

74C Removal to hospital

The superintendent of a detention centre shall move to a hospital a juvenile detained at that centre in the event of the illness of the juvenile on the order of:

(a) the Director;

(b) a medical practitioner; or

(c) the Court.

74D Custody of juveniles in hospital

(1) Where a juvenile is moved to a hospital in pursuance of section 74C, the superintendent of the detention centre from which the juvenile was moved shall make such arrangements with the person in charge of the hospital as are necessary to ensure the security and good order of the juvenile while he is in hospital.

(2) A juvenile who is in hospital in accordance with an arrangement made under subsection (1) shall be deemed to be lawfully detained for the purposes of this Act.

(3) If, on discharge from the hospital, the sentence of detention of a juvenile moved to a hospital under section 74C has not expired, the juvenile shall be returned to the detention centre from which he was removed, to serve the remainder of his sentence.

74E Juvenile may be required to be examined

(1) Where, in the opinion of a medical practitioner, the life or health of a juvenile detained in a detention centre is likely to be endangered or seriously affected by the refusal of the juvenile to undergo a medical examination or to submit to medical treatment, or any other juvenile or person is likely to be endangered or seriously affected by that juvenile's refusal, that juvenile shall submit, provided where practicable he has the right to a second medical opinion, to such medical examination or treatment as may be ordered by the Director, after the Director has consulted with the medical practitioner.

(2) As soon as practicable after his reception into a detention centre, and at such other times as the Director after consultation with a medical practitioner directs, a juvenile shall submit to the taking of such quantity of his blood or bodily secretion or excretion by a person qualified to take it as is reasonable necessary for the purpose of determining the medical condition of the juvenile.

(3) For the purposes of subsection (2), a person who is permitted under that subsection to take the blood or bodily secretion or excretion of a juvenile may use such force on the juvenile as is reasonably necessary to ensure that the blood or bodily secretion or excretion is taken and no action, civil or criminal, shall be commenced or lie against the person in relation to his exercising that power.

74F Notification of illness

The Director shall, where a juvenile is detained at a detention centre, notify the next of kin, a close relative or legal representative of the juvenile, or such other person as requested by the juvenile to be notified, when the juvenile is seriously ill or dies.

74G Notification of death

(1) The superintendent of a detention centre shall, immediately on the death of a juvenile detained at that centre, notify the Director of the death.

(2) The Director shall, after receiving notification under subsection (1), immediately notify the coroner of the death of the juvenile.

Part X Interstate transfer of juveniles serving periods of detention and on probation

75 Interpretation

(1) In this Part, unless the contrary intention appears:

corresponding detention centre, in relation to a State, means an establishment in the State in which interstate detainees serve a period of detention imposed upon them, by a court of that State, for an offence against a law of that State.

corresponding Minister, in relation to a State, means the minister or officer of the State from time to time responsible for juveniles in that State who have had imposed on them, for an offence against a law of that State, a period of detention and, where 2 or more ministers or officers are so responsible, or where that minister or officer is not otherwise ascertainable, means the minister or officer of that State which, in the opinion of the Minister, is so responsible.

detainee includes a juvenile the subject of a direction given under section 21 of the *Prisons (Correctional Services) Act*, but does not include an interstate detainee or a juvenile on remand to stand his trial for an offence.

interstate detainee, in relation to a State, means a juvenile in that State who has attained the age of 10 years and who has had imposed on him, for an offence against a law of that State, a period of detention.

State means a State or another Territory of the Commonwealth.

Superintendent in relation to a corresponding detention centre, means the person for the time being in charge of the corresponding detention centre.

(2) Where a justice of a State, in the exercise of his powers, issues in respect of a juvenile an order for a period of detention of the juvenile while not constituting a court, the period of detention imposed by the order shall, for the purposes of this Act, be deemed to have been imposed by a court.

(3) For the purposes of this Act, a period of detention imposed, or originally imposed, on a juvenile by, or by the operation of, an Act or other law of a State shall, except as prescribed by the Regulations under this Act, be deemed to have been imposed, or originally imposed, by a court of the State.

76 Minister may order transfer of detainee to State

(1) Subject to section 77, the Minister may, where he is of the opinion that, in all the circumstances, it is appropriate that a detainee serve his period of detention in a State, make an order for the transfer of the detainee to the State specified in the order.

(2) Without limiting the generality of subsection (1), the circumstances to be considered by the Minister for the purpose of deciding whether to make an order under that subsection in relation to a detainee may include circumstances relating to:

(a) the place, or intended place, of residence of the parents or guardians;

(b) the education, including the further education; and

(c) the medical needs,

of the detainee.

(3) For the purposes of deciding whether to make an order under subsection (1) in relation to a detainee, the Minister may request:

(a) the detainee; or

(b) the parents or guardians of the detainee,

to supply to the Minister, within the period specified in the request, such information as is specified in the request and the detainee, parents or guardian shall, accordingly, supply to the Minister the information within that period.

(4) A decision to make, or not to make, an order under subsection (1) is not subject to review by a court or tribunal.

77 Order of transfer not to be made unless Minister satisfied as to certain matters

(1) The Minister shall not make an order under section 76(1) in relation to a detainee unless he is satisfied that:

(a) subject to subsection (2), the detainee consents to the order being made;

(b) there is no appeal pending under Part VII in relation to the detainee and that the period for lodging such an appeal by the detainee has expired; and

(c) if he made the order:

(i) there is in force, in the State to which the detainee would be transferred under the order, a law the provisions of which substantially correspond to the law of the Territory the offence against which by the detainee gave rise to the detainee's period of detention;

(ii) the corresponding Minister of the State referred to in subparagraph (i) will, in accordance with that order, accept the detainee;

(iii) the State, or an authority of the State, referred to in subparagraph (i) will not impose on the detainee, in relation to the offence which gave rise to the detainee's period of detention, a penalty in addition to that period of detention; and

(iv) there is in force, in the State referred to in subparagraph (i), a law the provisions of which mean that the detainee would, in that State, for the purposes of section 80(1), be in the lawful custody of the escort referred to in that section and would, if the detainee were in that State to escape that custody, be subject to proceedings the tenor of which substantially correspond to section 84.

(2) Where the Minister is satisfied that special circumstances exist that warrant his so doing and that his action is in the best interest of the detainee, he may make an order under section 76(1) notwithstanding that the detainee has not consented to the order being made.

78 Receipt of request for transfer of detainee to the Territory

Subject to section 79, where the Minister receives a written request by the corresponding Minister, or a person authorized in writing by the corresponding Minister to make such a request, asking him to accept the transfer of an interstate detainee to the Territory, the Minister shall either refuse to consent, or consent, to the transfer and shall give to the corresponding Minister, or person authorized in writing, by whom the written request was made, written notice of his refusal or consent.

79 Consent not to be given under section 78 unless Minister satisfied as to certain matters

The Minister shall not consent under section 78 to the transfer to the Territory of an interstate detainee unless he is satisfied that:

(a) there is in force in the Territory a law the provisions of which substantially correspond to the law of the State the offence against which by the interstate detainee gave rise in that State to the interstate detainee's period of detention; and

(b) if the consent were granted:

(i) the interstate detainee would not be subject to an indeterminate period of detention;

(ii) the interstate detainee would not be subject to a period of detention in the Territory which is greater than the maximum period of detention which he would have had to serve if the court in the Territory corresponding to the court in the State which imposed the interstate detainee's period of detention, had made an order imposing on a detainee a period of detention in relation to an offence against the Territory law referred to in paragraph (a);

(iii) there would not be imposed on the detainee, in relation to the offence which gave rise to the period of detention imposed on the interstate detainee in the State seeking the transfer of the interstate detainee to the Territory, a penalty in addition to that period of detention; and

(iv) the detention centre in the Territory to which it is proposed to transfer the interstate detainee has adequate facilities to cater for him.

80 Transfer in custody of escort

(1) An order under section 76(1):

(a) shall direct the superintendent or other person in charge of the detention centre where the detainee who is the subject of the order is then held to deliver the detainee into the custody of an escort and shall be sufficient authority to the superintendent to so deliver the detainee; and

(b) authorizes the escort to hold, take and keep custody of the detainee for the purpose of conveying him from the Territory to such corresponding detention centre in a State as is specified in the order and there to deliver him into the custody of the Superintendent of that corresponding detention centre.

(2) A reference in subsection (1) to an escort is a reference to a member of the Police Force, or a person appointed by the Minister by an instrument in writing to be an escort for the purposes of this Act, or any 2 or more of them.

(3) Where:

(a) in accordance with a consent given under section 78, an order is made for the transfer to the Territory of an interstate detainee held in the State where the order is made; and

(b) pursuant to the order, an escort brings the interstate detainee into the Territory,

the escort, while in the Territory, is authorized to hold, take and keep custody of the detainee for the purpose of conveying him to such detention centre in the Territory as is specified in the order and there to deliver him into the custody of the superintendent or other person in charge of the detention centre.

81 Transfer of period of detention with detainee

Where, pursuant to an order made under section 76(1), a detainee is conveyed to a State specified in the order, then, from the time the detainee arrives in the State the sentence or other order under which the period of detention was imposed upon the detainee by a court of the Territory ceases to have effect in the Territory except in relation to the period of detention served by the detainee in the Territory.

82 Information to be sent to State

(1) Where, pursuant to an order under section 76(1), a detainee is conveyed to a State, the Minister shall cause to be sent to the corresponding Minister of the State or to some person for the time being designated by the corresponding Minister for the purpose:

(a) the order;

(b) the order, or other authority, for commitment for a period of detention which the detainee was, immediately before he left the Territory, serving or liable to serve;

(c) a report relating to the detainee, which shall contain such information and be accompanied by such documents available in the Territory as appear likely to be of assistance to a court, authority or officer in the State and shall include details of the period of detention served, entitlements to a review of the period of detention to be served and a copy of any record relating to the detainee's conduct; and

(d) details, accompanied by relevant orders or other documents, of any subsequent variations to the information provided in accordance with this subsection, whether arising from a review or otherwise.

(2) A reference in subsection (1) to an order or other document is a reference to either the original or a copy certified in the prescribed manner.

83 Period of detention deemed to have been imposed in the Territory

Where under a law of a State an order is issued for the transfer to the Territory of an interstate detainee serving a period of detention in the State and the inter-state detainee is brought into the Territory pursuant to the order and a consent given under section 78, then from the time the interstate detainee arrives in the Territory:

(a) a period of detention imposed upon him by a court of the State (including a period of detention deemed by the provision of a law of that State that corresponds to this section to have been imposed by a court of that State) shall be deemed to have been imposed upon him; and

(b) a direction or order given or made by a court of the State in relation to when that period of detention shall commence shall, so far as practicable, be deemed to have been given or made,

by a court of the Territory corresponding to the court of that State and, except as otherwise provided in this Act, shall be given effect to in the Territory, and the laws of the Territory shall apply, as if the Territory court so specified had had power to impose the period of detention and give or make the direction or order, if any, and did in fact impose the period of detention and give or make the direction or order.

84 Escape from custody

(1) A detainee who, being a detainee in the custody of an escort pursuant to an order referred to in section 80(1), shall not escape or attempt to escape from that custody while he is within the Territory, the State from which he is being conveyed under the order or any other State.

Penalty: Detention for 3 months.

(2) An interstate detainee, being an interstate detainee in the custody of an escort pursuant to an order referred to in section 80(3), shall not escape or attempt to escape from that custody while he is within the Territory, the State from which he is being conveyed under the order or any other State.

Penalty: Detention for 3 months.

(3) A period of detention imposed on a detainee for an offence against subsection (1) shall be served after the expiration of the period of detention to which he was subject at the time of his escape or attempt to escape.

85 Revocation of order of transfer on escape from custody

The Court may revoke an order made under section 76(1) if it appears to the Court, on application to it under this section by the holder of a prescribed office or position or by a person who belongs to a prescribed class of persons, that the detainee in respect of whom the order was made had, in the course of his being conveyed pursuant to that order, committed:

(a) the offence of escaping or attempting to escape; or

(b) any other offence,

whether or not:

(c) the offence was an offence against a law of the Territory or of the State to which he was being transferred in accordance with that order; or

(d) a charge has been laid or a conviction secured in respect of the offence.

86 Reports

(1) For the purpose of forming an opinion or exercising a discretion under this Part, the Minister may inform himself as he thinks fit and, in particular, may have regard to reports from a superintendent or other person in charge of a detention centre or the Superintendent of a corresponding detention centre or any other person.

(2) Reports of a superintendent or other person in charge of a detention centre may be sent to a corresponding Minister of a State for the purpose of assisting the corresponding Minister to form an opinion or to exercise a discretion under a law of that State administered by him which relates to the interstate transfer of an interstate detainee.

87 Probation

(1) Where a juvenile is convicted of an offence but is released by an order under section 53 or Division 3 of Part VI subject to conditions, the Minister may, on application being made to him on behalf of the juvenile, on being satisfied that adequate power exists under the law of a State or another Territory of the Commonwealth to ensure that the juvenile will continue to be subject to a similar liability to abide by the conditions subject to which he was released and that the relevant authority in the State or other Territory has agreed to undertake the supervision of the juvenile on similar terms and conditions to which he is subject in the Territory, approve in writing the transfer of the juvenile to that State or other Territory.

(2) The Minister shall send to the relevant Authority a copy of his approval under subsection (1).

(3) On the Minister being advised in writing by the relevant authority in the State or other Territory to which a juvenile is transferred in pursuance of an approval under this section of the arrival of the juvenile in that State or Territory, section 53 or Division 3 of Part VI ceases to apply to or in relation to the juvenile and all recognizances and other conditions under that Act cease to have effect or apply.

88 Interstate probation orders

(1) This section applies to and in relation to a person who, as a juvenile:

(a) has been released on probation or other conditional arrangement by order of a court of a State or another Territory of the Commonwealth; and

(b) is, in consequence of the making of the probation or other conditional arrangement, subject to the supervision of a person.

(2) The Minister may enter into an agreement with the person who is responsible in a State or another Territory of the Commonwealth for the supervision of a person to whom this section applies for the supervision in the Territory of that person on probation.

(3) On a person to whom this section applies reporting to the Minister, or a person approved by the Minister for that purpose, on his arrival in the Territory in pursuance of an agreement under subsection (2), the Minister shall, by notice in writing, advise the person under whose supervision the person was before his arrival in the Territory and the Minister shall, on signing the notice, assume responsibility for the supervision of that person on probation on the same terms and conditions, with the necessary changes, as those applying to him in the State or other Territory from which he was transferred.

(4) The order of a court in a State or other Territory from which a person to whom this section applies was transferred shall be deemed to be an order, with the necessary changes, made under section 53 and a recognizance or other obligation entered into under that order shall be enforceable as if it was entered into in the Territory under that section.

(5) Where a person to whom this section applies transferred under this section to the supervision of the Minister fails to comply with a condition to which he is subject, he may be dealt with by the Court as if the offence in relation to which he was released on probation by the Court in the State or other Territory was committed in the Territory and he had been convicted accordingly.

Part XI Miscellaneous

89 Arrest without warrant where condition breached

(1) If a member of the Police Force has reason to believe that a juvenile has breached a condition imposed on the juvenile under section 53(1)(d), (f), (h) or (j) or (3) or by a punitive work order , the member may, without warrant, arrest the juvenile and shall, as soon as practicable, bring him before the Court.

(2) If a member of the Police Force has reason to believe that a juvenile has breached a condition of an order imposed on the juvenile under Part VIA, the member:

(a) may, without warrant, arrest the juvenile; and

(b) must, as soon as practicable, notify the Director.

90 Certain convictions not to be mentioned, &c.

Where a juvenile has, whether before or after the commencement of this Act, been found by a court to have committed an offence but no conviction was recorded by the court, no evidence or mention of that offence may be made to, or the offence be taken into account by, a court other than the Juvenile Court.

90A Taking other offences into account

Section 107 of the *Sentencing Act* applies to and in relation to proceedings under this Act as if a reference in that section to:

(a) a court were a reference to the Court;

(b) a person included a juvenile; and

(c) a court of summary jurisdiction in subsection (3) were a reference to the Juvenile Court established under section 14.

91 Offences

(1) A detainee shall not abscond from lawful detention at a detention centre.

(1A) For the purposes of subsection (1) or (1B), and without limiting the generality of those subsections, a detainee shall be taken to have absconded from lawful detention at a detention centre if the detainee absconds while absent from the detention centre in pursuance of section 65(2).

(1B) Where a detainee absconds from lawful detention at a detention centre, the order detaining the detainee shall not run during the period the detainee remains at large.

(2) A person found guilty of an offence against subsection (1) shall be liable to up to 90 days detention at a detention centre or imprisonment as may be ordered by the Court, such period being in addition and subsequent to the period of detention or imprisonment originally ordered by the Court.

(3) A person authorized in writing by the Minister or orally or in writing by a member of the Police Force may, in respect of the arrest and taking into custody of a detainee who has escaped from a detention centre, exercise the powers conferred on a member of the Police Force and shall, in relation to the exercise of those powers, discharge all of the obligations imposed on such a member by the *Police Administration Act*.

(4) A person shall not:

(a) remove a detainee from a detention centre except in accordance with this Act or any other law in force in the Territory;

(b) knowingly harbour or aid a detainee who has absconded from lawful detention;

(c) aid a detainee to abscond from lawful detention;

(d) loiter in the vicinity of a detention centre;

(e) remain in the vicinity of a detention centre after being requested to leave by the superintendent or member of the staff of that detention centre or by a member of the Police Force;

(f) unlawfully enter or attempt to enter a detention centre;

(g) without the permission of the superintendent of the detention centre, convey or deliver or allow to be conveyed or delivered to a detainee liquor or drugs or any money, letter, document, clothing or other article;

(h) without the permission of the superintendent of the detention centre, convey or deliver or receive liquor or drugs or any money, letter, document, clothing or other article out of a detention centre;

(j) without the permission of the superintendent of the detention centre, leave liquor or drugs or any money, letter, document, clothing or other article with the intention of it being received or found by a detainee; or

(k) without the permission of the superintendent of the detention centre, communicate or attempt to communicate with a detainee.

Penalty: $500 or imprisonment for 3 months.

92 Obstruction, &c.

A person shall not:

(a) hinder, obstruct, assault or threaten with violence; or

(b) aid or abet another person in so doing,

a superintendent or member of the staff of a detention centre, member of the Police Force or an authorized person in the exercise of his powers or performance of his functions or duties under this Act.

Penalty: $500 or imprisonment for 3 months.

93 Personation

A person who is not a superintendent of a detention centre or an authorized person who falsely represents himself to be such a person is guilty of an offence.

Penalty: $500 or imprisonment for 3 months.

94 Offence to remove juvenile

A person who, without lawful excuse, removes a juvenile from the care of a person or an establishment with whom or at which the juvenile has been placed pursuant to this Act, is guilty of an offence.

Penalty: $1,000 or imprisonment for 6 months.

95 Secrecy to be observed

(1) The superintendent of a detention centre or an authorized person shall, if the Minister directs, before entering upon his duties or exercising his powers or functions under this Act, make a declaration in accordance with the prescribed form.

(2) The superintendent of a detention centre or authorized person shall not, directly or indirectly, except in the performance of his duties or in the exercise of his powers or functions under this Act, and while he is, or after he ceases to be, the superintendent or an authorized person, make a record of, or disclose or communicate to any person, any information relating to the affairs of another person acquired by him in the exercise of his powers or in the performance of his functions or duties under this Act.

Penalty: $500 or imprisonment for 3 months.

(3) A person who is or who has been the superintendent of a detention centre or an authorized person shall not, except for the purposes of this Act, be required to:

(a) produce in court a document that has come into his possession or is under his control; or

(b) disclose or communicate to a court any matter or thing that has come under his notice,

in the performance of his functions or duties under this Act.

(4) Notwithstanding subsection (2), the superintendent of a detention centre or an authorized person may disclose information or records that have come to his notice in the performance of his functions or duties under this Act:

(a) to the person to whom the information or records relate;

(b) to a court;

(c) to a member of the Police Force;

(d) in connection with the administration of this Act;

(e) where the Minister certifies that it is necessary in the public interest that the information should be disclosed – to such person as the Minister directs;

(f) to a prescribed authority or person;

(g) to a person who, in the opinion of the Minister, is expressly or impliedly authorized by the person to whom the information relates to obtain it;

(h) subject to the approval of the Minister, to a person engaged in a bona fide research programme where the person has given a prior undertaking in writing to the Minister to preserve the identity and confidentiality regarding individual persons to

whom the information and records relate; or

(j) that was not relevant to the performance of those functions or duties.

96 Offences and penalties

(1) A person who contravenes or fails to comply with this Act (other than Parts V, VIA and IX), the Regulations or an order made under this Act is guilty of an offence.

(2) A person who contravenes or fails to comply with this Act (other than Parts V, VIA and IX), the Regulations or an order made under this Act for which a penalty is not, other than by this section, provided is punishable on conviction by a fine of $2,000 or imprisonment for 6 months.

97 Restriction of liability of Minister, &c.

(1) A suit or action shall not be commenced against the Minister or a Chief Executive Officer, or an employee, as defined in the *Public Sector Employment and Training Act* for or on account of an act, matter or thing done by him or under his direction and purporting to be done for the purpose of carrying out the provisions of this Act:

(a) if the Minister, Chief Executive Officer or employee acted in good faith and with reasonable care; or

(b) more than 6 months after the time when the alleged cause of action arose.

(2) If, pending a suit or action against the Minister or a Chief Executive Officer, or an employee, as defined in the *Public Sector Employment and Management Act* for or on account of an act, matter or thing done by him or under his direction and purporting to be done for the purpose of carrying out the provisions of this Act:

(a) application to stay the suit or action is made to the court in which the suit or action is pending or commenced; and

(b) the court is satisfied that:

(i) there is no reasonable ground for alleging want of good faith or reasonable care; or

(ii) the suit or action was commenced out of time,

the court may stay the proceedings in the suit or action on such terms as to costs or otherwise as the court thinks fit.

98 Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for providing for:

(a) the construction (including provision for the storage and preparation of food), cleanliness, sanitation, lighting, heating, ventilation and safety of detention centres;

(b) the maintenance of detention centres in a proper state of repair;

(c) the number of juveniles who may be received in a detention centre having regard to the available facilities (including medical facilities and other amenities), space and staff of the centre;

(d) the operation and management of detention centres;

(e) the suitability of persons operating detention centres and of the staff employed in such centres, and fixing the numbers of such staff;

(f) the maintaining of order within a detention centre, including the conduct of searches, and the manner of dealing with the misconduct of detainees and any grievances or complaints of detainees;

(fa) the health, welfare, safe custody and protection of detainees;

(g) penalties not exceeding $2,000 or imprisonment for 6 months for offences against the Regulations.

(2) The Regulations may authorise the Director or a superintendent of a detention centre to make a determination in relation to:

(a) the management and operation of a detention centre;

(b) the maintaining of order within a detention centre;

(c) a grievance or complaint of a detainee; and

(d) the health, welfare, safe custody and protection of a detainee.

99 Transitional

Where before the commencement of the *Community Welfare Act* a proceeding or other action against or in relation to a juvenile in

relation to which, but for this section, this Act would apply had been or was taken under the Acts repealed by section 3 of the *Community Welfare Act* but had not, immediately before the commencement of that Act, been disposed of or completed, those Acts, as in force immediately before the commencement of the *Community Welfare Act*, shall continue to apply to and in relation to that juvenile until the proceeding or action is completed and all orders of a court made in that proceeding or action are discharged or expire, as if the *Community Welfare Act* had never commenced.

Schedule

section 3(1)

COMPULSORY IMPRISONMENT OFFENCES UNDER CRIMINAL CODE

1. An offence against section 210 of the Criminal Code, except where:

   (a) the offence occurred at premises, or a place, where goods are sold;

   (b) the offence was not part of a single criminal enterprise during which the juvenile committed an offence against Part VI of the Criminal Code;

   (c) the juvenile was lawfully in the premises or at the place at the time of the offence; and

   (d) the offender was not employed at the premises or place at the time of the offence.

2. An offence against section 211, 212, 213, 214, 215, 218, 229, 230, 231 or 251 of the Criminal Code.

3. An offence against section 61 of the *Summary Offences Act*.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Juvenile Justice Act 1983* (Act No. 77, 1983)**

Assent date	28 November 1983
Commenced	20 April 1984 (s 2, s 2 *Community Welfare Act 1983* (Act No. 76, 1983) and *Gaz* S14, 30 March 1984)

***Statute Law Revision Act 1984* (Act No. 28, 1984)**

Assent date	20 July 1984
Commenced	20 July 1984

***Statute Law Revision Act 1986* (Act No. 64, 1986)**

Assent date	19 December 1986
Commenced	19 December 1986

***Juvenile Justice Amendment Act 1987* (Act No. 58, 1987)**

Assent date	18 December 1987
Commenced	s 16: 20 June 1988 (s 2(2), s 2 *Traffic Act 1987* (Act No. 44, 1987) and *Gaz* S30, 15 June 1988); rem: 8 March 1989 (*Gaz* G9, 8 March 1989, p 2)

***Statute Law Revision Act 1988* (Act No. 66, 1988)**

Assent date	22 December 1988
Commenced	22 December 1988

***Local Court (Consequential Amendments) Act 1989* (Act No. 14, 1989)**

Assent date	5 June 1989
Commenced	s 6: 5 June 1989 (s 2(1), s 2 *Small Claims Amendment Act 1988* (Act No. 43, 1988) and *Gaz* G17, 3 May 1989, p 2); rem: 1 January 1991 (s 2(2), s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz* G49, 12 December 1990, p 2)

***Juvenile Justice Amendment Act 1990* (Act No. 24, 1990)**

Assent date	7 June 1990
Commenced	7 June 1990

Statute Law Revision Act 1991 **(Act No. 31, 1991)**

Assent date	25 June 1991
Commenced	25 June 1991

Juvenile Justice Amendment Act 1991 **(Act No. 43, 1991)**

Assent date	26 June 1991
Commenced	1 January 1992 (*Gaz* S63, 16 December 1991)

Statute Law Revision Act 1992 **(Act No. 46, 1992)**

Assent date	7 September 1992
Commenced	7 September 1992

Juvenile Justice Amendment Act 1992 **(Act No. 74, 1992)**

Assent date	14 December 1992
Commenced	29 March 1993 (s 2, s 2 *Criminal Records (Spent Convictions) Act 1992* (Act No. 76, 1992) and *Gaz* G12, 24 March 1993, p 3)

Juvenile Justice Amendment Act 1993 **(Act No. 45, 1993)**

Assent date	27 September 1993
Commenced	27 September 1993

Statute Law Revision Act (No. 2) 1993 **(Act No. 70, 1993)**

Assent date	9 November 1993
Commenced	9 November 1993

Statute Law Revision Act 1995 **(Act No. 14, 1995)**

Assent date	26 June 1995
Commenced	26 June 1995

Juvenile Justice Amendment Act 1995 **(Act No. 18, 1995)**

Assent date	26 June 1995
Commenced	1 November 1995 (*Gaz* G44, 1 November 1995, p 2)

Sentencing (Consequential Amendments) Act 1996 **(Act No. 17, 1996)**

Assent date	19 April 1996
Commenced	1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

Juvenile Justice Amendment Act 1996 **(Act No. 23, 1996)**

Assent date	25 June 1996
Commenced	25 June 1996

Juvenile Justice Amendment Act (No. 2) 1996 **(Act No. 61, 1996)**

Assent date	31 December 1996
Commenced	8 March 1997 (*Gaz* S7, 7 March 1997)

Juvenile Justice Amendment Act (No. 3) 1996 **(Act No. 62, 1996)**

Assent date	31 December 1996
Commenced	1 March 1997 (*Gaz* G8, 26 February 1997, p 3)

Juvenile Justice Amendment Act 1998 **(Act No. 12, 1998)**

Assent date	30 March 1998
Commenced	29 April 1998 (*Gaz* G16, 29 April 1998, p 3)

Juvenile Justice Amendment Act (No. 2) 1998 **(Act No. 81, 1998)**

Assent date	21 October 1998
Commenced	21 October 1998

Juvenile Justice Amendment Act (No. 3) 1998 **(Act No. 86, 1998)**

Assent date	9 December 1998
Commenced	15 February 1999 (s 2, s 2 *Police Administration Amendment Act (No. 2) 1998* (Act No. 87, 1998) and *Gaz* S6, 15 February 1999)

Juvenile Justice Amendment Act 1999 **(Act No. 12, 1999)**

Assent date	25 March 1999
Commenced	22 December 1999 (*Gaz* G50, 22 December 1999, p 3)

Juvenile Justice Amendment Act (No. 2) 1999 **(Act No. 34, 1999)**

Assent date	18 June 1999
Commenced	1 August 1999 (*Gaz* S31, 1 July 1999)

Juvenile Justice Amendment Act 2000 **(Act No. 6, 2000)**

Assent date	21 March 2000
Commenced	ss 3 and 5: 22 December 1999 (s 2); rem: 21 March 2000

Sentencing of Juveniles (Miscellaneous Provisions) Act 2000 **(Act No. 17, 2000)**

Assent date	30 May 2000
Commenced	1 June 2000 (s 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 7 *Juvenile Justice Amendment Act 1996* (Act No. 23, 1996)
s 7 *Juvenile Justice Amendment Act (No. 2) 1999* (Act No. 34, 1999)
pts 3 and 4 *Sentencing of Juveniles (Miscellaneous Provisions) Act 2000* (Act No. 17, 2000)

4 LIST OF AMENDMENTS

s 1	amd No. 58, 1978, s 4
s 3	amd No. 58, 1987, s 4; No. 18, 1995, s 4; No. 23, 1996, s 3; No. 61, 1996, s 4; No. 12, 1998, s 4; No. 86, 1998, s 4; No. 34, 1999, s 4; No. 17, 2000, s 4
s 4	amd No. 18, 1995, s 5
s 5	rep No. 18, 1995, s 6
pt III hdg	sub No. 58, 1987, s 5
s 6	sub No. 58, 1987, s 6 amd No. 18, 1995, s 7
s 7	amd No. 58, 1987, s 7
s 8	amd No. 58, 1987, s 8
s 9	amd No. 58, 1987, s 9
s 10	sub No. 58, 1987, s 10
s 11	amd No. 58, 1987, s 11
s 12	amd No. 58, 1987, s 12
s 13	amd No. 58, 1987, s 13
s 16	amd No. 14, 1989, s 7
s 17	rep No. 14, 1989, s 7
s 21	amd No. 58, 1987, s 14; No. 70, 1993, s 8
s 24	amd No. 64, 1986, s 4; No. 58, 1987, s 15; No. 31, 1991, s 6
s 25	amd No. 58, 1987, s 16; No. 66, 1988, s 16; No. 81, 1998, s 3

s 26	amd No. 12, 1999, s 4
s 31	amd No. 58, 1987, s 17; No. 18, 1995, s 8 sub No. 86, 1998, s 5
ss 31A – 31B	ins No. 86, 1998, s 5
s 32	amd No. 58, 1987, s 18; No. 24, 1990, s 3
pt VI	
div 1 hdg	ins No. 61, 1996, s 5
s 43	amd No. 14, 1989, s 7
s 44	amd No. 12, 1999, s 5
s 46	amd No. 58, 1987, s 19
s 49A	ins No. 62, 1996, s 3
s 52	sub No. 12, 1999, s 6
s 53	amd No. 28, 1984, s 3; No. 58, 1987, s 20; No. 24, 1990, s 4; No. 18, 1995, s 9; No. 23, 1996, s 4; No. 61, 1996, s 6; No. 12, 1998, s 5; No. 34, 1999, s 5; No. 17, 2000, s 4
pt VI	
div 2 hdg	ins No. 61, 1996, s 7
ss 53AA – 53AB	ins No. 23, 1996, s 4
s 53AC	ins No. 23, 1996, s 4 amd No. 12, 1999, s 9
s 53AD	ins No. 23, 1996, s 4 amd No. 61, 1996, s 8
pt VI	
div 3 hdg	ins No. 61, 1996, s 9
pt VI	
div 3	
sdiv 1 hdg	ins No. 61, 1996, s 9 rep No. 12, 1998, s 6
s 53AE	ins No. 61, 1996, s 9 amd No. 12, 1998, s 8; No. 34, 1999, s 6; No. 12, 1999, s 7
s 53AF	ins No. 61, 1996, s 9 amd No. 12, 1998, s 9
s 53AG	ins No. 61, 1996, s 9 amd No. 12, 1998, s 10; No. 17, 2000, s 4
pt VI	
div 3	
sdiv 2 hdg	ins No. 61, 1996, s 9 amd No. 12, 1998, s 7
s 53AH	ins No. 61, 1996, s 9 amd No. 12, 1998, s 11
s 53AJ	ins No. 61, 1996, s 9 amd No. 12, 1998, s 12
s 53AK	ins No. 61, 1996, s 9 amd No. 12, 1998, s 13
s 53AL	ins No. 61, 1996, s 9 amd No. 12, 1998, s 14
s 53AM	ins No. 61, 1996, s 9 amd No. 12, 1998, s 15
pt VI	
div 4 hdg	ins No. 61, 1996, s 9
s 53AN	ins No. 81, 1998, s 4
s 53A	ins No. 58, 1987, s 21
s 55	amd No. 43, 1991, s 4
s 55A	ins No. 43, 1991, s 5 amd No. 61, 1996, s 10
s 55B	ins No. 43, 1991, s 5 amd No. 17, 1996, s 6

s 57	rep No. 18, 1995, s 10
ss 57A – 57D	ins No. 58, 1987, s 22
pt VIA hdg	ins No. 12, 1999, s 8
pt VIA	
div 1 hdg	ins No. 12, 1999, s 8
s 58A	ins No. 12, 1999, s 8
s 58B	ins No. 12, 1999, s 8
	amd No. 17, 2000, s 4
pt VIA	
div 2 hdg	ins No. 12, 1999, s 8
pt VIA	
div 2	
sdiv 1 hdg	ins No. 12, 1999, s 8
ss 58C – 58D	ins No. 12, 1999, s 8
pt VIA	
div 2	
sdiv 2 hdg	ins No. 12, 1999, s 8
ss 58E – 58G	ins No. 12, 1999, s 8
pt VIA	
div 2	
sdiv 3 hdg	ins No. 12, 1999, s 8
ss 58H – 58M	ins No. 12, 1999, s 8
pt VIA	
div 2	
sdiv 4 hdg	ins No. 12, 1999, s 8
ss 58N – 58T	ins No. 12, 1999, s 8
pt VIA	
div 3 hdg	ins No. 12, 1999, s 8
s 58U	ins No. 12, 1999, s 8
pt VIA	
div 4 hdg	ins No. 12, 1999, s 8
pt VIA	
div 4	
sdiv 1 hdg	ins No. 12, 1999, s 8
ss 58V – 58Z	ins No. 12, 1999, s 8
pt VIA	
div 4	
sdiv 2 hdg	ins No. 12, 1999, s 8
ss 58ZA – 58ZD	ins No. 12, 1999, s 8
pt VIA	
div 4	
sdiv 3 hdg	ins No. 12, 1999, s 8
ss 58ZE – 58ZG	ins No. 12, 1999, s 8
pt VIA	
div 5 hdg	ins No. 12, 1999, s 8
s 58ZH	ins No. 12, 1999, s 8
s 58ZI	ins No. 12, 1999, s 8
	amd No. 17, 2000, s 4
s 58ZJ	ins No. 12, 1999, s 8
s 58	amd No. 28, 1984, s 3
s 60	amd No. 28, 1984, s 3
s 61	amd No. 43, 1991, s 6; No. 12, 1999, s 10
s 65	amd No. 58, 1987, s 23; No. 46, 1992, s 13
s 65A	ins No. 18, 1995, s 11
s 66	amd No. 18, 1995, s 12
s 66A	ins No. 12, 1999, s 11

s 67	amd No. 58, 1987, s 24
s 69	amd No. 18, 1995, s 13
s 70A	ins No. 45, 1993, s 2
s 70B	ins No. 86, 1998, s 5
s 71	sub No. 58, 1987, s 25; No. 18, 1995, s 14
s 72	amd No. 58, 1987, s 26; No. 18, 1995, s 15
s 73	amd No. 58, 1987, s 27; No. 18, 1995, s 16
s 74	amd No. 58, 1987, s 28; No. 18, 1995, s 17
pt IXA hdg	ins No. 58, 1987, s 29
ss 74A – 74G	ins No. 58, 1987, s 29
s 87	amd No. 17, 1996, s 6; No. 61, 1996, s 11
s 88	amd No. 17, 1996, s 6
s 89	rep No. 74, 1992, s 3
	ins No. 23, 1996, s 6
	amd No. 61, 1996, s 12; No. 12, 1999, s 12
s 90A	ins No. 58, 1987, s 30
	amd No. 61, 1996, s 13
s 91	amd No. 58, 1987, s 31; No. 24, 1990, s 5; No. 18, 1995, s 18
s 96	amd No. 12, 1999, s 13
s 97	amd No. 14, 1995, s 12
s 98	amd No. 18, 1995, s 19; No. 12, 1999, s 14
sch	ins No. 61, 1996, s 14
	amd No. 12, 1998, s 16