

NORTHERN TERRITORY OF AUSTRALIA
JUVENILE JUSTICE AMENDMENT ACT 1995

No.18 of 1995

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NORTHERN TERRITORY OF AUSTRALIA

No. 18 of 1995

AN ACT

to amend the *Juvenile Justice Act*

[Assented to 26 June 1995]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Juvenile Justice Amendment Act 1995*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Juvenile Justice Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 3 of the Principal Act is amended by inserting after the definition of "member" the following:

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

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5. DELEGATION

Section 4 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Minister" and substituting "Minister or Director";
- (b) by omitting from subsection (2) "Minister" and substituting "Minister or Director, as the case may be"; and
- (c) by omitting from subsection (3) "Minister" and substituting "Minister or Director".

6. REPEAL

Section 5 of the Principal Act is repealed.

7. BOARDS OF MANAGEMENT

Section 6(2)(a) of the Principal Act is amended by omitting "*Public Service Act*, employed in the department" and substituting "*Public Sector Employment and Management Act*, employed in the Agency".

8. IDENTIFYING MATERIAL

Section 31(1) of the Principal Act is amended by omitting "recordings of the voice," and "samples of the handwriting,".

9. DISPOSITION BY COURT

Section 53 of the Principal Act is amended -

- (a) by omitting from subsection (4) "(h), or (j) and" and substituting "(h) or (j),"; and
- (b) by omitting subsection (6) and substituting the following:

"(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 17 years, the juvenile shall, not later than 28 days after attaining the age of 17 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.".

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10. REPEAL

Section 57 of the Principal Act is repealed.

11. NEW SECTION

The Principal Act is amended by inserting after section 65 the following:

"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."

12. DISCIPLINE

Section 66 of the Principal Act is amended -

- (a) by omitting "The superintendent" and substituting "(1) The superintendent";
- (b) by omitting from paragraph (c) "position;" and substituting "position; or";
- (c) by omitting from paragraph (d) "movement; or" and substituting "movement.";
- (d) by omitting paragraph (e); and
- (e) by adding at the end the following:

"(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."

13. REGISTER

Section 69 of the Principal Act is amended -

- (a) by omitting "The superintendent" and substituting "(1) The superintendent"; and

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(b) by adding at the end the following:

"(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."

14. REPEAL AND SUBSTITUTION

Section 71 of the Principal Act is repealed and the following substituted:

"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."

15. FUNCTIONS OF OFFICIAL VISITORS

Section 72 of the Principal Act is amended -

(a) by omitting from paragraph (a) all words after "conditions of detainees" and substituting "in the detention centre for which the official visitor is appointed; and"; and

(b) by omitting from paragraph (b)(i) all words after "to a specified matter" and substituting "to the Director - in relation to that matter, to the Director; and".

16. FREQUENCY OF VISITS

Section 73 of the Principal Act is amended by omitting "an official visitor" and substituting "an official visitor appointed for that detention centre".

17. OFFICIAL VISITORS NOT TO INTERFERE

Section 74 of the Principal Act is amended by omitting "during a visit to the detention centre interfere with or give instructions to an officer" and substituting "during or after a visit to a detention centre, interfere with or give instructions to a member of the staff of the detention centre".

18. OFFENCES

Section 91 of the Principal Act is amended -

- (a) by omitting from subsection (1A) "subsection (1)" and "that subsection" and substituting "subsection (1) or (1B)" and "those subsections", respectively; and
- (b) by inserting after subsection (1A) the following:

"(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.".

19. REGULATIONS

Section 98 of the Principal Act is amended -

- (a) by omitting from paragraph (c) "limiting";
 - (b) by omitting from paragraph (c) "facilities," and substituting "facilities (including medical facilities and other amenities),";
 - (c) by omitting from paragraph (d) "the operation" and substituting "the operation and rules"; and
 - (d) by omitting from paragraph (f) "generally ensuring the proper conduct" and substituting "the conduct (including dealing with grievances and complaints)".
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