

NORTHERN TERRITORY OF AUSTRALIA
JUVENILE JUSTICE AMENDMENT ACT 1991

No. 43 of 1991

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NORTHERN TERRITORY OF AUSTRALIA

No. 43 of 1991

AN ACT

to amend the *Juvenile Justice Act*

[Assented to 26 September 1991]

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 1991*.

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. RESTITUTION

Section 55(3) of the Principal Act is amended by omitting "\$2,000" and substituting "\$5,000".

5. NEW SECTIONS

The Principal Act is amended by inserting after section 55 the following:

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"55A. PARENTS LIABLE FOR COSTS OF DETENTION

"(1) Where, under section 53(1)(g), 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.

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"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, Part V (other than sections 20, 21 and 22) of the *Criminal Law (Conditional Release of Offenders) Act* shall apply to and in relation to that order notwithstanding anything to the contrary in those sections of that Part and a reference in those sections of that Part to an offender shall be construed as a reference to the person named in the order."

6. RECONSIDERATION OF SENTENCE BY JUVENILE COURT

Section 61 of the Principal Act is amended -

- (a) by omitting from subsection (1) "the juvenile" and substituting "the juvenile or a parent or the parents of the juvenile";
- (b) by omitting from subsection (2)(a) "the order; or" and substituting "the order against or in relation to the juvenile";
- (c) by inserting after subsection (2)(a) the following:

"(aa) the parent or parents of a juvenile - within 28 days after the date of the order against or in relation to the parent or parents; or"; and
- (d) by omitting from subsection (5) "the juvenile" and substituting "the juvenile or by a parent or the parents of the juvenile".

7. TRANSITIONAL

An amendment made to the Principal Act by this Act shall apply only to and in relation to an offence committed after the commencement of this Act.
