

Serial 5
Juvenile Justice Amendment Bill (No. 2) 2001
Dr Toyne

**A BILL
for
AN ACT**

to amend the *Juvenile Justice Act*

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NORTHERN TERRITORY OF AUSTRALIA
JUVENILE JUSTICE AMENDMENT ACT (NO.2) 2001

No. of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

AN ACT

to amend the *Juvenile Justice Act*

[Assented to 2001]
[Second reading 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Juvenile Justice Amendment Act (No.2) 2001*.

2. Commencement

This Act comes into operation on 22 October 2001.

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 –

- (a) by omitting from subsection (1) the definition of "approved project" and substituting the following:

" 'approved project' means a rehabilitation program or work, or both, approved under subsection (3);";

- (b) by omitting from subsection (1) the definition of "community service order" and substituting the following:

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" 'community work order' means a community work order made under Division 2 of Part VI;"

- (c) by omitting from subsection (1) the definitions of "mandatory period", "property offence" and "punitive work order"; and
- (d) by omitting from subsection (3) "service" (twice occurring) and substituting "work".

5. Victim impact statements and victim reports

Section 49A of the Principal Act is amended by inserting after subsection (6) the following:

"(6A) A victim impact statement or victim report may contain a statement as to the victim's wishes in respect of the order that the Court may make in relation to the offence referred to in the statement or the report."

6. Disposition by Court

Section 53 of the Principal Act is amended –

- (a) by omitting from subsection (1) "Subject to Division 3 and Division 3A (in relation to a property offence), where" and substituting "if";
- (b) by omitting subsection (1)(ea) and substituting the following:
 - "(ea) order the juvenile to participate in a program approved under subsection (11) and adjourn the matter for that purpose;"
- (c) by omitting from subsection (2) "section 53AE" and substituting "subsection (12)"; and
- (d) by adding at the end the following:

"(11) The Minister may, by notice in the *Gazette*, approve a program for the purposes of subsection (1)(ea).

"(12) If the Court is satisfied that a juvenile ordered under subsection (1)(ea) to participate in a program –

- (a) has satisfactorily completed the program – the Court may make an order under subsection (1)(a) discharging the juvenile without penalty or take any other action referred to in subsection (1); or
- (b) has failed to satisfactorily complete the program or is found guilty of one or more offences committed while the matter stands adjourned under subsection (1)(ea) – the Court must revoke the order (if it is still in force) and deal with the offence as if the

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juvenile had come before the Court for sentence for the offence in respect of which the order was made."

7. New section

The Principal Act is amended by inserting in Division 2 of Part VI, before section 53AA, the following:

"53AAA. Purpose of community work orders

"The purpose of a community work order is to reflect the public interest in ensuring that a juvenile who commits an offence makes amends to the community for the offence by performing work that is of benefit to the community."

8. Repeal

Divisions 3 and 3A of Part VI of the Principal Act and the Schedule to the Principal Act are repealed.

9. Further amendments

The Principal Act is further amended as specified in the Schedule.

10. Transitional matters

(1) The Principal Act, as amended by this Act, applies to the sentencing of a juvenile in relation to an offence committed before the commencement of this Act.

(2) A community service order, within the meaning of the Principal Act as in force before the commencement of this Act, is, on that commencement, to be taken to be a community work order.

(3) A punitive work order, within the meaning of the Principal Act as in force before the commencement of this Act, is, on that commencement, to be taken to be a community work order.

(4) A program approved under section 53AE of the Principal Act, as in force immediately before the commencement of this Act, is, on that commencement, to be taken to be a program approved under section 53(11) of the Principal Act as amended by this Act.

SCHEDULE

Section 9

Provision	Amendment	
	Omit	substitute
Heading to Division 2 of Part VI	<i>Community Service Orders</i>	<i>Community work orders</i>
Sections 53AA, 53AB, 53AC and 53AD	community service (wherever occurring)	community work
Section 55A(1)	or Division 3	
Section 58A		
– definition of "community service order"	the whole definition	"community work order" means a community work order made under section 58X;
Sections 58H(3)(b), 58J(1)(b)(iii), 58K(1)(c), 58N(1)(b), 58P(3)(b) and 58U(1)	community service (wherever occurring)	community work
Heading to Division 4 of Part VIA	<i>Community service</i>	<i>Community work</i>
Heading to Subdivision 1 of Division 4 of Part VIA	<i>community service</i>	<i>community work</i>
Sections 58V(1) and (2), 58X, 58Y and 58Z(2)	community service (wherever occurring)	community work
Heading to Subdivision 2 of Division 4 of Part VIA	<i>community service</i>	<i>community work</i>
Sections 58ZA, 58ZB, 58ZC and 58ZD	community service (wherever occurring)	community work
Heading to Subdivision 3 of Division 4 of Part VIA	<i>community service</i>	<i>community work</i>

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Sections 58ZE, 58ZF and 58ZG	community service (wherever occurring)	community work
Section 87(1) and (3)	or Division 3 of Part VI	
Section 89(1)	or by a punitive work order	

ALTERATIONS TO SECTION HEADINGS

On the day on which the *Juvenile Justice Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to sections 53AA, 53AB, 53AC, 58M, 58N, 58V, 58W, 58X, 58ZA, 58ZB, 58ZC, 58ZD and 58ZE are altered by omitting "service" and substituting "work".

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