

Serial 11

Youth Justice (Consequential Amendments) Bill (No. 2) 2005

Dr Toyne

**A BILL
for
AN ACT**

to amend various Acts and subordinate legislation consequent on the enactment
of the *Youth Justice Act 2005*

NORTHERN TERRITORY OF AUSTRALIA
YOUTH JUSTICE (CONSEQUENTIAL AMENDMENTS) ACT 2005

Act No. [] of 2005

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2005

AN ACT

to amend various Acts and subordinate legislation consequent on the enactment
of the *Youth Justice Act 2005*

[Assented to [] 2005]
[Second reading [] 2005]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Youth Justice (Consequential Amendments) Act 2005*.

2. Commencement

This Act comes into operation on the commencement of the *Youth Justice Act 2005*.

3. Amendment of *Justices Act*

- (1) This section amends the *Justices Act*.
- (2) Sections 123A and 161 –
repeal

4. Amendment of *Police Administration Act*

- (1) This section amends the *Police Administration Act*.

Youth Justice (Consequential Amendments) Act 2005

- (2) Section 4(1), definition of "forensic procedure approval", paragraph (b) –
omit, substitute
- (b) a magistrate under section 30 or 31 of the *Youth Justice Act*;
- (3) Section 4(1), definition of "forensic procedure approval", paragraph (c)(ii) –
omit, substitute
- (ii) section 31(2)(b) of the *Youth Justice Act*;
- (4) Section 14A(1)(b) –
omit
- (5) Section 14A(2)(b) –
omit, substitute
- (2) Without limiting subsection (1), general orders may include a code of conduct to be observed in the Police Force.
- (6) Part VII, Division 2B –
repeal
- (7) Section 133A, definition of "person" –
omit
- juvenile as defined in the *Juvenile Justice Act*
substitute
- youth within the meaning of the *Youth Justice Act*
- (8) Section 145B(3) –
omit
- (9) Section 147E(4)(a)(ii) –
omit, substitute
- (ii) on a youth – section 30 of the *Youth Justice Act*; or

- (10) Section 147E(4)(b)(ii) –

omit, substitute

(ii) on a youth – section 31 of the *Youth Justice Act*.

- (11) Section 147E(6), definition of "juvenile" –

omit, substitute

"youth" has the same meaning as in the *Youth Justice Act*.

5. Amendment of other laws

(1) This section amends the laws specified in the Schedule.

(2) The Schedule has effect.

6. Amendment by regulation or rule authorised

(1) A regulation amended as set out in the Schedule may be amended or repealed by a regulation as if the amendment had been made by a regulation.

(2) A rule amended as set out in the Schedule may be amended or repealed by a rule as if the amendment had been made by a rule.

7. Expiry of Act

This Act expires on the day after it commences.

SCHEDULE

Section 5

AMENDMENT OF OTHER LAWS

Provision	Amendment	
	omit	substitute
<i>Bail Act</i>		
Section 3(1)		
– definition of "appeal", paragraph (b)	section 58 of the <i>Juvenile Justice Act</i>	section 144 of the <i>Youth Justice Act</i>
– definition of "court", paragraph (c)	the whole paragraph	(c) the Youth Justice Court continued in existence by section 45 of the <i>Youth Justice Act</i> ;
Section 24(1)(c)(iv)		
	a juvenile within the meaning of the <i>Juvenile Justice Act</i> , the likelihood of injury or danger being caused to the child or juvenile	a youth within the meaning of the <i>Youth Justice Act</i> , the likelihood of injury or danger being caused to the child or youth
<i>Bail Regulations</i>		
Schedule		
– Forms 1, 3 and 4	Juvenile Court (all references)	Youth Justice Court
<i>Child Protection (Offender Reporting and Registration) Act</i>		
Section 3		
– definition of "detainee"	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
– definition of "good behaviour bond", paragraph (b)	section 53(1)(d) of the <i>Juvenile Justice Act</i>	section 83(1)(f) of the <i>Youth Justice Act</i>

Youth Justice (Consequential Amendments) Act 2005

- | | | |
|---|---|---|
| – definition of "sentence", paragraph (a) | section 53 of the <i>Juvenile Justice Act</i> | Part 6 of the <i>Youth Justice Act</i> |
| – definition of "supervised sentence" | | |
| – paragraph (a) | home detention order | home detention order under the <i>Sentencing Act</i> or an alternative detention order under the <i>Youth Justice Act</i> |
| – paragraph (b) | <i>Juvenile Justice Act</i> | <i>Youth Justice Act</i> |

Section 69

- | | | |
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| – definition of "court", paragraph (a) | Juvenile Court | Youth Justice Court |
|--|----------------|---------------------|

Section 91(1)(d)	juvenile	youth
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Section 93(1)(c)	juvenile	child
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Coroners Act

Section 12(1)

- | | | |
|---|-----------------------------|--------------------------|
| – definition of "person held in custody", paragraph (b)(ii) | <i>Juvenile Justice Act</i> | <i>Youth Justice Act</i> |
|---|-----------------------------|--------------------------|

Court Security Act

Section 4

- | | | |
|--|---------------------|--|
| – definition of "court", paragraph (d) | the whole paragraph | (d) the Youth Justice Court continued in existence by section 45 of the <i>Youth Justice Act</i> ; |
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Crimes (Victims Assistance) Act

Section 25B(5)	juvenile	youth within the meaning of the <i>Youth Justice Act</i>
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Criminal Code

Section 164(3)	section 39(2) of the <i>Juvenile Justice Act</i>	section 82(3) of the <i>Youth Justice Act</i>
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***Criminal Records
(Spent Convictions) Act***

Section 3(1)

– definition of "court", paragraph (b)	the whole paragraph	(b) the Youth Justice Court continued in existence by section 45 of the <i>Youth Justice Act</i> ;
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– definition of "criminal
record"

– paragraph (d)

section 53 of the
Juvenile Justice Act

Part 6 of the *Youth
Justice Act*

– paragraph (j)

juvenile

youth

– definition of
"detention centre"

juvenile detention centre
approved under
section 62 of the
Juvenile Justice Act

youth detention centre
approved under
section 147 of the *Youth
Justice Act*

– definition of
"imprisonment",
paragraph (b)

section 53(5) of the
Juvenile Justice Act

section 83(1)(k) of the
Youth Justice Act

Section 3(2)(e)

section 53 of the
Juvenile Justice Act

Part 6 of the *Youth
Justice Act*

Section 4(3)(b)

section 90 of the
Juvenile Justice Act

section 136 of the *Youth
Justice Act*

Section 6(2)(a)

Juvenile Court within
the meaning of the
Juvenile Justice Act

Youth Justice Court
within the meaning of
the *Youth Justice Act*

Section 6(2A)

Juvenile Court (within
the meaning of the
Juvenile Justice Act)

Youth Justice Court
(within the meaning of
the *Youth Justice Act*)

Youth Justice (Consequential Amendments) Act 2005

Section 6A(1)

– definition of "offender"	Juvenile Court (within the meaning of the <i>Juvenile Justice Act</i>)	Youth Justice Court (within the meaning of the <i>Youth Justice Act</i>)
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Section 7(3)

section 53 of the <i>Juvenile Justice Act</i> , not being an order made under subsection (1)(a) of that section	section 83 of the <i>Youth Justice Act</i> , not being an order made under subsection (1)(a) or (b) of that section
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Director of Public Prosecutions Act

Section 22(b)

juvenile court	Youth Justice Court
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Evidence Act

Section 21A(5)

<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
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Section 49

– definition of "Territory Court", paragraph (e)	Juvenile Court	Youth Justice Court
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Fines and Penalties (Recovery) Act

Section 3(2)

<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
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Section 5

– definition of "juvenile"	the whole definition	"youth" has the same meaning as in the <i>Youth Justice Act</i> . (insert in alphabetical order)
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Section 7(2)

juvenile	youth
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Section 35(3)

<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
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Section 46(6)

juvenile	youth
Juvenile Court	Youth Justice Court

Youth Justice (Consequential Amendments) Act 2005

Section 77(3)(a)	the whole paragraph	(a) sections 95 and 96(1) of the <i>Youth Justice Act</i> ; and
Section 84(2)	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
Section 87(2)	juvenile	youth
Section 110(1) and (2)	juvenile (all references)	youth
Section 121(3) and (4)	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
<i>Law Reform (Miscellaneous Provisions) Act</i>		
Section 29A(3)	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
<i>Personal Injuries (Liabilities and Damages) Act</i>		
Section 7(7)		
– definition of "community work"	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
<i>Prisoners (Interstate Transfer) Act</i>		
Section 3(1)		
– definition of "Territory sentence of imprisonment"	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
<i>Prisons (Correctional Services) Act</i>		
Section 21(1)	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
<i>Records of Depositions Act</i>		
Section 4(c)	Juvenile Court	Youth Justice Court

Sentencing Act

Section 4	Juvenile Court established under the <i>Juvenile Justice Act</i> and the Supreme Court when exercising its jurisdiction under or in pursuance of that Act	Youth Justice Court continued in existence by the <i>Youth Justice Act</i>
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Supreme Court Rules

Rule 81A.41(1)(b)	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>
Rule 83.01		
– definition of "Acts"	<i>Juvenile Justice Act</i>	<i>Youth Justice Act</i>

Uncollected Goods Regulations

Regulation 2(b)(i)	the whole subparagraph
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Work Health Act

Section 3(4)	section 53(1)(e) of the <i>Juvenile Justice Act</i>	section 83(1)(h) of the <i>Youth Justice Act</i>
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ALTERATION TO SECTION HEADINGS

On the day on which the *Child Protection (Offender Reporting and Registration) Act* is amended by this Act, the heading to section 38 is altered by omitting "**juvenile**" and substituting "**child**".

On the day on which the *Fines and Penalties (Recovery) Act* is amended by this Act, the heading to section 110 is altered by omitting "**juvenile**" and substituting "**youth**".

On the day on which the *Prisons (Correctional Services) Act* is amended by this Act, the heading to section 21 is altered by omitting "**juvenile**" and substituting "**youth**".