

2018
LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY
MINISTER FOR TERRITORY FAMILIES
Youth Justice Legislation Amendment Act 2018
SERIAL NO. 48
EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Youth Justice Act* and *Youth Justice Regulations*. The purpose of this Bill is to give effect to the intent and direction of seven recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory pertaining to the treatment of children in detention. The key changes include:

- prohibiting the use of force, restraints and isolation for the purposes of disciplining a child or young person in detention;
- clearly defining and limiting the circumstances upon when and how the use of force and restraints can be used towards young people in detention;
- regulating and restricting the circumstances in which strip searches can be conducted; and
- prohibiting the isolation of young people for the purpose of punishment or behaviour management, and clarifying that young people may only be separated in very specific circumstances and have access to important safeguards.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short Title.

This is a formal clause which provides for the citation of the Bill. The Bill, when passed, will be cited as the *Youth Justice Legislation Amendment Act 2018*.

Clause 2. Commencement

This is a formal clause which provides when the Act will commence. The Act will commence on the day after the day on which the Administrator's assent to the Bill is declared.

Part 2. Amendment of Youth Justice Act

Clause 3. Act amended

This part amends the *Youth Justice Act*.

Clause 4. Section 5 amended

This clause amends the definitions under the *Youth Justice Act* by removing the definition of '*appropriate*' under section 5(1).

The definition refers to the current section 151AA which is to be repealed by this Bill (see clause 10), making it redundant.

Clause 5. Part 1, Division 3 inserted

This clause inserts Part 1, Division 3 'Use of force generally'. Included in this new Division is section 10, under the heading 'Use of force generally'. Section 10 outlines the circumstances under which the use of force may be used if it is permitted under the *Youth Justice Act*.

If permitted under the Act, the use of force may only be used if:

- all other practicable measures have been taken to resolve the situation and those measures have failed to resolve the situation; and
- the person using the force:
 - has given a clear warning of their intended use of force and has allowed a reasonable amount of time for their warning to be observed; and
 - uses no more force than necessary and reasonable in the circumstances, having regard to the age, gender, physical and mental health, and background of the youth in relation to whom the force is to be used; and
 - holds a current qualification in physical intervention techniques on children and young people.

A current qualification in physical intervention techniques on children and young people includes, but is not limited to:

- Police Defence Tactics course, provided annually; and
- Mandatory Training courses as approved by Territory Families' new Training Advisory Group.

In an emergency situation, the requirements of attempting all other practicable measures to resolve the situation and giving a clear warning and allowing time for it to be observed, do not apply. This Division is to be read in conjunction with the newly inserted section 154 which provides for the use of force when authorised by the superintendent (see clause 13).

The use of force can re-traumatise already vulnerable children and young people and can cause physical and psychological harm. Children must be treated with humanity, dignity and in a manner that takes into account their needs and vulnerabilities as children.

The purpose of this amendment is to provide the overarching criteria and procedure to follow when using force under the *Youth Justice Act*. This provision provides clear guidance so that force is not an automatic or accepted practice towards children and young people. This new provision aims to send a strong message that positive, behavioural strategies are to be used as a priority when dealing with children and young people as they are more appropriate and effective in deescalating situations with children and young people.

Clause 6. Section 30 amended

This clause amends the current section 30 to insert a note for section 30(10) which permits a police officer to use reasonable force when assisting a medical practitioner or dentist when conducting an intimate procedure. The note references the new section 10 which provides for the circumstances under which the use of force may be used (see clause 5).

The purpose of this, and other similar amendments, is to explicitly state that any use of force permitted under this Act is to be subject to the safeguards and procedures provided for in the new section 10 (see clause 5).

Clause 7. Section 31 amended

This clause amends the current section 31 to insert a note for section 31(11) which permits a police officer to use reasonable force in carrying out a non-intimate procedure. The note references the new section 10 (see clause 5).

Clause 8. Section 33 amended

This clause amends the current section 33 to insert a note for section 33(9) which permits an officer to use reasonable force in carrying out an identifying procedure. The note references the new section 10 (see clause 5).

Clause 9. Section 140AF amended

This clause amends the current section 140AF to insert a note for section 140AF(4) which permits a police officer to use force that is reasonably necessary in assisting a prescribed sampler for the purposes of alcohol and drug testing. The note references the new section 10 (see clause 5).

Clause 10. Section 151AA repealed

This clause repeals the current section 151AA to remove the definitions of ‘**appropriate**’ and ‘**approved restraint**’. The definitions of ‘approved restraints’ and their appropriate use are dealt with the insertion of new sections (clauses 11 and 13), making section 151AA redundant.

Clause 11. Section 151AB heading replaced

This clause amends the current section 151AB by removing the heading ‘Approved restraints’ and replacing it with ‘Meaning of *approved restraints*’.

Clause 12. Section 152 amended

This clause amends the current section 152 by removing section 152(1A) which authorises the superintendent to appropriately use, or authorise the appropriate use of, an approved restraint to protect a detainee from self-harm or to protect the safety of another person.

This provision is to be replaced by the new section 155, under the heading ‘Use of restraint devices’ (see clause 13).

Clause 13. Sections 153 and 155 replaced

This clause repeals and replaces section 153 and 155, and inserts the new sections 153, 154, 155, 155A and 155B. These provisions incorporate human rights standards from the following:

- the United Nations *Rules for the Protection of Juveniles Deprived of their Liberty*;
- the Australian Children’s Commissioners and Guardians *Human rights standards in youth detention facilities in Australia: the use of restraint, disciplinary regimes and other specified practices* (2016);
- United Nations *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* (March 2015)

The Royal Commission heard evidence of the following practices occurring in the NT, which these provisions seek to eliminate:

- children were restrained by using force to their head and neck areas, including putting them in chokeholds, at the current and former Don Dale Youth Detention Centre and the Alice Springs Youth Detention Centre;
- ‘Ground stabilising’ children and young people by throwing them forcefully onto the ground (in some cases causing forceful contact to be made between their heads and hard surfaces) occurred between 2010 and 2016 at the Don Dale Youth Detention Centre
- between 2010 and 2016, placing pressure or body weight to the area known as the ‘window of safety’ while children and young people were in a prone restraint occurred on occasions at both the former Don Dale Youth Detention Centre and the Alice Springs Youth Detention Centre
- restraints were used from time to time internally within detention centres in situations that were not emergencies
- verbal abuse and racist remarks; and
- inciting or bribing detainees to engage in degrading and humiliating acts.

Section 153

This repeals section 153 under the heading ‘Discipline’ which currently gives the superintendent of a detention centre broad powers to maintain discipline at the detention centre. This includes powers of the use of force, restraints and isolation for the purpose of maintaining discipline. The purpose of repealing this section is to ensure that the use of force and restraints can never be used as a punishment and that the use of isolation is prohibited.

A new section 153 is inserted, under the heading ‘Prohibited actions’. This provision lists a number of actions that are to be expressly prohibited:

- The use of force, except under the new section 154 and in accordance with the new section 10;
- The use of a restraint, except an approved restraint used in accordance with the new section 155;
- The use of any form of physical, verbal or emotional abuse, any form of psychological pressure intended to intimidate or humiliate a detainee or any kind of unlawful discriminatory treatment; and
- The use of excessive control over the detainee’s access to basic human needs, including toilet facilities, food and clean drinking water.

The prohibition of unlawful discriminatory treatment is intended to prohibit any action that would be unlawful under the Northern Territory *Anti-Discrimination Act 1996* and the Commonwealth *Age Discrimination Act 2004*, *Disability Discrimination Act 1992*, *Racial Discrimination Act 1975* and *Sex Discrimination Act 1984*. This responds to the Royal Commission findings that young people in detention were “frequently subjected to verbal abuse and racist remarks.”

The insertion of section 153(1)(c)(i) is a response to evidence documented in the Royal Commission Report about detainees being subjected to excessive control over the fulfilment of basic human needs, such as access to toilets, food and clean drinking water. At times they were reliant on youth justice officers for access to these necessities. In other words, access required permission from the youth justice officers. This resulted in the denial of basic human needs as a form of punishment. The provision seeks to prevent these actions from happening again.

This provision also imposes an explicit requirement that the superintendent must not, and must take reasonable steps to ensure that a staff member of the detention centre does not

take any prohibited actions under this section. The purpose of this provision is to place a high standard of accountability on the superintendent. This would include ensuring staff are properly trained and understand their obligations about what is prohibited and that they have other strategies and tactics in place to ensure they don't engage in prohibited actions.

The section is based on s 487 of the *Children, Youth and Families Act (Vic)* 2005 under the heading 'Prohibited actions'. It prohibits the use of 'corporal punishment' to give effect to the intent of the Royal Commission recommendation to prohibit the use of force for the purposes of discipline or good order of the detention centre.

The purpose of this amendment is to ensure that past practices, which were potentially in contravention of human rights and amounted to cruel, inhuman or degrading treatment of children and young people, are explicitly prohibited and that the dignity and human rights of children and young people in detention are upheld.

Section 154

This clause also inserts the new section 154, under the heading 'Use of force'. Subsection (1) permits the use, or authorisation of the use, of force by the superintendent if:

- Force is necessary to prevent an imminent risk of a detainee inflicting self-harm, harming another person or seriously damaging property; and
- All reasonable behavioural or therapeutic measures to resolve the situation have been attempted and those measures have failed to resolve the situation. It is accepted that if an emergency situation existed then the types of behavioural or therapeutic measures would be different according to the particular situation. However it still ensures that even if there is an emergency there should be some effort to deescalate using more positive and proactive measures as set out under use of force generally in section 10 to ensure safety and security and that any use of force is proportionate having regard to characteristics of the young person.

Examples of reasonable behavioural or therapeutic measures include but are not limited to:

- identification of physical and behavioural signs which indicate that a young person's behaviour or emotions are escalating;
- engaging the young person in distracting activities and shifting their focus to more positive and productive behaviours;
- verbal communication skills such as negotiation, mediation and conflict resolution;
- non-verbal communication skills such as body language and body positioning; and
- safety measures such as removing dangerous objects and calling on others for assistance.

The clause inserts a note to see section 10 in relation to the use of force. The purpose of this is to make clear that the power to use force under section 154 is still subject to the safeguards and procedures under section 10.

Subsection (2) requires that, where the use of force has been exercised against a detainee, they are to be given an opportunity to be medically examined and, if requiring medical attention, a detainee is to be examined as soon as practicable. The notes of medical examinations under this section are to be kept. These provisions make it clear that detainees must have access to medical treatment and that improved record keeping creates accountability and transparency.

The purpose of this amendment is to ensure that force is only used, or authorised to be used, where there is an imminent risk of harm. This section does not affect the use of force

in regards to assisting procedures under sections 30, 31, 33, 140AF, 159, 160, 161 and 175 as these powers are conferred on officers, police officers and authorised persons and are subject to section 10.

Section 155

This clause also replaces the current section 155 with the new section 155, under the heading 'Use of restraint devices'. This provision permits the appropriate use of an approved restraint device on a detainee if:

- an emergency situation exists and a restraint is necessary to prevent an imminent risk of the detainee from inflicting self-harm, or harming another person, or seriously damaging property;
- a detainee is being escorted outside the detention and the superintendent believes on reasonable grounds that the detainee is likely to attempt to escape.

This provision also provides the definition of '**appropriate**' to mean that the restraint is to be used in the least restrictive or invasive way, for the minimum amount of time reasonable in the circumstances and in accordance with a determination made by the CEO under regulations.

The purpose of this amendment is to ensure that restraints are only ever used in emergency situations where they are necessary to prevent an imminent risk.

Section 155A

This clause also inserts the new section 155A, under the heading 'Separation of detainees'. Subsection (1) prohibits the separation of a detainee, except in accordance with this section. A superintendent may authorise the separation of a detainee from other detainees where:

- (a) the detainee requests the separation and the superintendent is satisfied there is good reason for the separation;
- (b) the superintendent believes on reasonable grounds that the detainee is suffering from an infectious disease; or
- (c) separation is reasonably necessary for the detainee's protection or the protection of another person or property, or to restore order at the detention facility.

Subsection (3) provides that authorisation to separate a detainee under section 155A(1)(c) can only be given if all reasonable behavioural or therapeutic measures to resolve the situation have been attempted and have failed to resolve the situation and no other course of action is reasonably practicable. If separated under section 155A(1)(c), subsection (4) also provides that the superintendent must, as soon as reasonably practicable, inform the CEO and the Children's Commissioner.

Subsection (5) prevents the superintendent from authorising periods of separation for more than 12 hours without the CEO's approval.

Subsection (6) prohibits the separation of detainees for the purpose of the detainees' protection or the protection of another person or property or to restore order at the detention facility, for more than 72 hours.

Subsection (7) requires that a separated detainee must be given an explanation of their rights as soon as practicable after separation, including those under the new section 155B, and subsection (8) requires the detainee to be examined by a medical practitioner within a reasonable time either before or after separation.

Isolation of children and young people in detention centres is psychologically damaging and contributes to poor behaviour and the occurrence of serious incidents. The isolation of children and young people in the Northern Territory has been considered as treatment that is cruel, inhuman and degrading – possibly amounting to torture.

The Royal Commission heard evidence of the following practices:

- children and young people were isolated for up to 23 hours a day where they were deprived of natural light, and sometimes water, company, schooling, books and other basic stimulation; and
- isolation for extended periods became a regular, but flawed and counterproductive, behaviour management technique.

Section 153(5) gave the superintendent broad powers to isolate a youth to protect the safety of another person or for the good order or security of the detention centre.

The purpose of this amendment is to prohibit the isolation of detainees, particularly for the purposes of behavioural management. However, the provision still permits the separation of a detainee under certain circumstances which is further safeguarded by the new section 155B.

Section 155B

This clause also inserts the new section 155B, under the heading 'What happens during separation' to ensure that detainees still access important safeguards. This will protect and uphold the dignity of detainees and ensure their separation is not arbitrary, embraces a trauma-informed and therapeutic way to manage and keep detainees and staff safe and secure, does not cause or exacerbate trauma or be used as a form of punishment or discipline. This provision provides that, while separated, a detainee:

- must have regular, ongoing and meaningful contact with staff at the detention centre to monitor their health and wellbeing, encourage them to reintegrate with other detainees, and assist them to deal with the situation which led to the separation; and
- must be permitted to see one or more family members, a medical practitioner, a counsellor or psychologist, a case worker, a legal practitioner, a person nominated by the detainee to support them and provide positive guidance; and
- must not be denied access to education and recreation materials and basic human necessities; and
- if the separation exceeds 3 hours, the detainee must be given access to outdoor exercise or recreation for at least 15 minutes of every 3 hours between the hours of 8am and 6pm.

The term 'meaningful contact' means contact that has a consistent purpose of encouraging and promoting a child or young person's positive development and wellbeing.

The inclusion of a person nominated by the detainee is intended to allow the detainee to have access to a person outside their family who can support them and provide positive guidance when the detainee is separated. This person may be a peer of the detainee; an Elder who may be known, but not related, to the detainee; or a family friend of the detainee. The unavailability of a nominated person will not prevent the detainee from being able to access another nominated person.

Clause 14. Sections 156 amended

This clause amends the current section 156 which provides for the detainee's right to be heard in relation to disciplinary measures to be taken against them.

Subclause (1) removes the words 'disciplinary measures' and insert 'actions' in its place. Subclause (2) inserts that these 'actions' are to be taken under the new sections 154, 155 or 155A (see clause 13).

The purpose of this amendment is to remove language relating to the discipline of a detainee which is no longer permitted under the Act.

Clause 15. Section 159 amended

This clause amends the current section 159 to insert a note for section 159(4) which permits an authorised person to use the force that is reasonably necessary for the purposes of obtaining a sample by buccal swab. The note references the new section 10 (see clause 5).

Clause 16. Section 160 amended

This clause amends the current section 160 to insert a note for section 160(7)(a) which permits an authorised person and an assisting staff member of the detention centre to use the force that is reasonably necessary to ensure that a sample of blood, breath or urine is obtained for the purpose of alcohol or illicit drug testing. The note references the new section 10 (see clause 5).

Clause 17. Section 161 replaced

This clause repeals section 161 under the heading 'strip searches' and replaces it with a new section under the heading 'Search of detainees'. Strip searches are humiliating and degrading and can be traumatising, particularly for children and young people who have experienced physical and sexual abuse. Searches must only be performed when there is reasonable belief that a young person has in their possession a harmful item and in a humane and respectful manner. Routine strip searches are no longer authorised or permitted.

The purpose of this amendment is to more broadly limit and define the circumstances upon when and how staff conduct searches in a youth detention centre.

Subsection (1) provides that the superintendent or staff member of a detention centre may direct a detainee to submit to a screening search when the detainee is admitted to, temporarily leaving from, returning to, or transferring from the detention centre.

Subsection (2) authorises the superintendent to conduct a screening or pat down search if they have reasonable grounds that the detainee may have an article that is not permitted in the detainee's possession.

Subsection (3) provides that the superintendent can only direct a detainee to submit to a personal search if they believe on reasonable grounds that the search is necessary to prevent a risk of harm to the detainee or another person and the detainee has already submitted to a pat down search.

Subsection (4) prohibits the use of force in conducting a personal search, unless necessary to avoid a serious and imminent risk to the detainee or another person. Under this section is a note for section 161(4) referencing the new section 10 (see clause 5).

Subsection (5) provides the new definitions for 'pat down search', which is an external search conducted by feeling the detainee's clothing, and 'screening search', which is a search conducted by equipment without touching the person.

This amendment clearly sets out the procedure to be followed when searching a child so that searches are carried out in the least intrusive manner and only for appropriate purposes. This is to ensure searches are not carried out for behaviour management or disciplinary reasons. It also encourages detainees to take responsibility for their actions, to allow them to own up to concealing a prohibited item so they have a chance to correct their behaviour before undergoing an avoidable personal search. This more reasonable approach will encourage detainees to better respect staff and not see them as arbitrarily subjecting them to humiliating and embarrassing procedures when they already may feel vulnerable.

1. A screening search is conducted as a matter of course when a detainee is admitted, transferred or returning to a detention centre. This aims to ensure that no prohibited or dangerous items are brought in or taken out of detention centres.
2. A screening or pat down search may be conducted if the superintendent believes on reasonable grounds that the detainee may have in their possession any article that is not permitted. A screen or pat down search is likely to identify concealed items and it allows a less intrusive way to search a detainee who has refused to produce a suspected prohibited item.
3. A personal search may be conducted if the superintendent believes on reasonable grounds that a search is necessary to prevent a risk of harm to a detainee or another person; and the detainee has already submitted to a pat down search. Personal searches replace previous strip searches. This is based on the acceptance that strip searches are an unreasonable, invasive procedure that are not necessary toward children.

This section is subject to the amended regulation 73 (see clause 23).

Clause 18. Sections 175 amended

This clause amends the current section 175 to insert a note for section 175(3) which permits a person taking a medical sample and an assisting staff member of the detention centre to use force that is reasonably necessary for the purpose of determining the medical condition of the detainee. The note references the new section 10 (see clause 5).

Clause 19. Part 17 Division 5 inserted

This clause inserts the new Division 5, under the heading 'Transitional matters for Youth Justice Legislation Amendment Act 2018', in Part 17. Included in this Division is sections 233, 234 and 235.

The new section 233, under the heading 'Definitions', provides the new definitions for 'amending Act', which refers to this Bill when enacted, and 'commencement', which refers to the commencement of Part 2 of this Bill when enacted.

The new section 234, under the heading 'Isolated detainees', provides that when the amendments in this Bill commence, a detainee who is isolated under section 153(5) of the current Act are taken to be separated under the new section 155A.

The new section 235, under the heading 'Restrained detainees', provides that when the amendments in this Bill commence, a detainee who is subject to a restraint under section 152(1A) of the current Act are taken to be restrained under the amended section 155(1).

Part 3. Amendment of Youth Justice Regulations

Clause 20. Regulations amended

This clause amends the *Youth Justice Regulations*.

Clause 21. Regulation 42 amended

This clause amends the current regulation 42, which provides for the Emergency Management Protocol to be followed when accommodating an at-risk detainee in an observation room.

Subclause (1) removes the current requirement under regulation 43(2)(d) to clothe an at-risk detainee in rip-proof material. There may be circumstances where the forced removal of an at-risk detainees clothing is counterproductive to promoting their wellbeing. The purpose of this amendment is to provide staff with greater discretion to determine whether forcefully removing an at-risk detainees clothing is in the interest of their wellbeing.

Subclause (2) replaces this requirement by inserting a new subparagraph (da) which provides that the detainee *may* be clothed in rip proof material if a staff members believes it is necessary to prevent the detainee from inflicting self-harm.

Subclause (3) inserts a new subsection (3A) that ensures that an at-risk detainee accommodated in an observation room under the Emergency Management Protocol has the same rights as the detainee would have if the detainee had been separated under s 155A of the Act. This provision aims to ensure that at risk detainees are not isolated and can access important safeguards in particular regular contact with staff or other appropriate persons to provide them with support. It also ensures they have access to basic amenities and stimulation materials so they are not left on their own with nothing to do, and ultimately lead to further a more traumatic and harmful situation.

Clause 22. Regulations 70 to 73 replaced

This clause repeals regulations 70 to 73 as they refer to matters in relation to misbehaviour, use of force and isolation which have been covered by the new sections 10, 153, 154 and 155A. The clause inserts a new regulation 72, under the heading 'Separation'. This provides for the recording and monitoring of a detainee when separated under the new section 155A.

This provision is administrative in nature and retains most of the previous record-keeping requirements that occurred in relation to a young person being isolated under the old regulation. The major difference is the way that separation can occur in practice now in that it cannot be used to discipline detainees. Detainees will not be subject to solitary confinement in their cells. Separation can only be used to protect a detainee from harm or from damaging property and only in accordance with strict approvals and review, including external review of the decision. Also, the efforts to provide behavioural and therapeutic options to a detainee must now be documented to be more transparent and accountable of the new emphasis on positive, trauma informed therapeutic practices.

Under subsection (1), a separated detainee is to be continuously monitored by CCTV or physical observation by staff, written observations of the detainee are to be recorded at 15 minute intervals and the superintendent is to reassess the decision to separate the detainee every 2 hours.

Under subsection (2), the superintendent must keep a recording of the name of the separated detainee, the date and time when they were separated and the reasons for the detainee's separation. The recording must also note:

- The behavioural and therapeutic options attempted under the new section 155A(3)(a),
- The time the on-call person was notified and their name,
- The written observations referred to under subsection (2) and the name of the staff member making the observation;
- Notes of all assessments of the decision to separate made under regulation 72(2)(c);
- The date and time of exercise periods and ablutions;
- The name of any visitor and the date and time of their visit;
- Details of any approval by the CEO for separation exceeding 12 hours and the date and time the detainee is released.

The purpose of this amendment is to further ensure that the appropriate safeguards exist and there is greater accountability and transparency of how their behaviour is addressed in relation to the procedures to follow when a detainee has been separated.

This clause also repeals the current regulation 73 which outlines the procedure to follow when searching a detainee under the *Youth Justice Act* and inserts a new regulation under the heading 'Searches' which provides the circumstances and procedure to follow when searching a detainee.

Subclause (1) ensures that if a search of a detainee is conducted under the Act (see clause 17), it is conducted having regard to the detainee's dignity and self-respect.

Subclause (2) ensures that a member of staff may only search a detainee in the presence of another member of staff.

Subclause (3) provides that if a personal search of a detainee is conducted, it must be conducted by not less than 2 members of staff of the same gender as the detainee. The new regulation 73(3)(b) provides that a detainee must not be subjected to a personal search in front of another detainee, a person of the opposite gender or more people than is absolutely necessary.

Subclause (4) provides that the during a personal search the detainee must be permitted to remove the clothing from the top half of their body, before redressing and removing the clothing from the bottom half of their body.

The purpose of this amendment is to ensure that, where personal searches are permitted, they are conducted in the least invasive and embarrassing manner possible. This is to acknowledge that intimate searches can be traumatising, particularly for children and young people who have experienced physical and sexual abuse.

Part 4 Amendment of Cross-border Justice Regulations

Clause 23. Regulations amended

This Part amends the *Cross-border Justice Regulations*.

Clause 24. Regulation 63 repealed

This clause repeals regulation 63.

Clause 25. Regulation 66A inserted

This clause inserts the new regulation 66A, under the heading 'Modification of section 140AA (Community youth justice officers)'. The purpose of this amendment is to correct an error in regulation 63 which purports to modify section 10 of this Act. However this section was repealed in 2017 such that the modification in regulation 63 no longer applies and has since been moved to section 140AA of this Act.

This effect of the new regulation extends the definition of community youth justice officers to include officers whose duties include the supervision of offenders in the community under the *Young Offenders Act 1993* (SA) and *Young Offenders Act 1994* (WA).

Part 5. Repeal of Act

Clause 26. Repeal of Act

This is a standard clause which provides that the *Youth Justice Legislation Amendment Legislation Act 2018* is repealed on the day after it commences.