

Passed by both Houses



New South Wales

Children (Detention Centres) Amendment Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Clerk of the Parliaments

Legislative Council

1999



New South Wales

Children (Detention Centres) Amendment Bill 1999

Act No , 1999

An Act to amend the *Children (Detention Centres) Act 1987* to make further provision with respect to the imprisonment of certain offenders serving detention orders; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Children (Detention Centres) Amendment Act 1999*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Children (Detention Centres) Act 1987 No 57

The *Children (Detention Centres) Act 1987* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 9 Persons on remand and persons subject to control to be detained in detention centres

Omit “sections 28A and 28B” from section 9 (5).

Insert instead “sections 28A, 28B and 28BA”.

[2] Section 28BA

Insert after section 28B:

28BA Certain persons to serve balance of detention order in prison

- (1) This section applies to a person who is sentenced to a term of imprisonment in respect of a detention centre offence that was committed when the person was of or above the age of 18 years.
- (2) A person to whom this section applies must, after serving the term of imprisonment, serve the balance of any unexpired term of a detention order to which the person is subject in prison.
- (3) The balance of the unexpired term of a detention order to which subsection (2) relates becomes the term of a sentence of imprisonment.
- (4) Despite subsections (2) and (3), the Children’s Court may, on application by a person to whom this section applies, direct that the person be returned to a detention centre for the balance of that unexpired term if it is of the opinion that the person is suitable for detention in a detention centre.
- (5) In any proceedings on an application under subsection (4), the Director-General and a person to whom this section applies are entitled:
 - (a) to appear in the proceedings and be heard, and
 - (b) to be represented by a barrister or solicitor or, by leave of the Children’s Court, by an agent.

- (6) Section 28E makes provision for the matters to be taken into account in deciding whether a person is suitable for detention in a detention centre.
- (7) This section extends to a person sentenced to a term of imprisonment for a detention centre offence before the commencement of this section, but does not apply if the person has served the whole of that sentence before that commencement.

[3] Section 28C Meaning of “detention centre offence”

Omit “sections 28A and 28B”.

Insert instead “sections 28A, 28B and 28BA”.

[4] Section 28E Consideration of suitability for detention centre

Omit “section 28A, 28B or 28D” from section 28E (1).

Insert instead “section 28A, 28B, 28BA or 28D”.