

Restriction on transfer of under 14 year olds

238. The Youth Residential Board may only direct that a child under the age of 14 years be transferred to a youth training centre if, in the opinion of the Board, exceptional circumstances justify the making of that direction.

Transfer to youth training centre

239. (1) The Director-General must cause the physical removal of a person from a youth residential centre to a youth training centre on the direction of the Youth Residential Board under section 237.

(2) A person directed to be transferred under section 237, while being removed from a youth residential centre to a youth training centre, is deemed to be in the legal custody of the officer having the custody of that person and acting under the direction of the Youth Residential Board and that officer must deliver that person into the custody of the officer in charge of the youth training centre.

(3) A member of the police force may, if requested to do so by the Director-General, assist the officer referred to in sub-section (2) in the discharge of his or her duties under that sub-section and, in that case, the person being transferred is deemed to be in the legal custody of the member of the police force.

(4) A person transferred to a youth training centre under section 237 becomes, on transfer, subject to the jurisdiction of the Youth Parole Board.

Subdivision 3—Transfer from Youth Training Centre to Prison**Power of Youth Parole Board to transfer person to prison**

240. (1) The Youth Parole Board may, on the application of the Director-General, direct a person aged 16 years or more sentenced as a child by the Children's Court or any other court to be detained in a youth training centre be transferred to a prison to serve the unexpired portion of the period of his or her detention as imprisonment.

(2) The Youth Parole Board may only make a direction under sub-section (1) in respect of a person if—

- (a) it has had regard to the antecedents and behaviour of the person; and
- (b) it has taken into account a report from the Director-General; and
- (c) it is satisfied that the person—
 - (i) has engaged in conduct that threatens the good order and safe operation of the youth training centre; and
 - (ii) cannot be properly controlled in a youth training centre.

(3) A report from the Director-General under sub-section (2) (b) must set out the steps that have been taken to avoid the need to transfer the person concerned to prison.

(4) The Youth Parole Board may direct that a person aged 17 years or more sentenced by a Court other than the Children's Court to be detained in a youth training centre be transferred to a prison to serve the unexpired portion of the period of his or her detention as imprisonment if the Board considers the direction appropriate, having regard to the antecedents and behaviour of the person.

Detainee may request transfer to prison

241. (1) A person aged 16 years or more who is sentenced to be detained in a youth training centre may apply to the Youth Parole Board for a direction that he or she be transferred to a prison to serve the unexpired portion of the period of his or her detention as imprisonment.

(2) A person who applies to the Youth Parole Board under sub-section (1) must appear before the Board to support the application.

(3) The Youth Parole Board may make a direction under sub-section (1) if the Board considers the direction appropriate, having taken into account a report from the Director-General and having regard to the antecedents and behaviour of the person.

Transfer to prison

242. (1) The Director-General must cause the physical removal of a person from a youth training centre to a prison on the direction of the Youth Parole Board under section 240 or 241.

(2) A person directed to be transferred under section 240 or 241, while being removed from a youth training centre to a prison, is deemed to be in the legal custody of the officer having the custody of that person and acting under the direction of the Youth Parole Board and that officer must deliver that person into the custody of the officer in charge of the prison.

(3) A member of the police force may, if requested to do so by the Director-General, assist the officer referred to in sub-section (2) in the discharge of his or her duties under that sub-section and, in that case, the person being transferred is deemed to be in the legal custody of the member of the police force.

(4) A person transferred to a prison under section 240 or 241 becomes, on transfer, subject to the jurisdiction of the Adult Parole Board as if the period of detention served by that person prior to the transfer had been a minimum term.

(5) If—

(a) a person is transferred to a prison under section 240 or 241; and

- (b) a warrant for the detention of the person in a youth training centre in default of payment of a fine or sum of money is executed—

the Youth Parole Board may further direct that the person be imprisoned in default of payment of the fine or sum of money.

Subdivision 4—Transfer from Youth Training Centre to Youth Residential Centre

Persons in youth training centre may be transferred to youth residential centre

243. (1) If the Youth Parole Board, having regard to the antecedents and behaviour of the child, considers it appropriate in the interests of a child under the age of 17 years detained in a youth training centre to transfer that child to a youth residential centre, the Youth Parole Board may direct that that person be transferred to a youth residential centre.

(2) The Director-General must cause the physical removal of a person from a youth training centre to a youth residential centre on the direction of the Youth Parole Board under sub-section (1).

(3) A person directed to be transferred under sub-section (1), while being removed from a youth training centre to a youth residential centre, is deemed to be in the legal custody of the officer having the custody of that person and acting under the direction of the Youth Parole Board and that officer must deliver that person into the custody of the officer in charge of the youth residential centre.

(4) A member of the police force may, if requested to do so by the Director-General, assist the officer referred to in sub-section (3) in the discharge of his or her duties under that sub-section and, in that case, the person being transferred is deemed to be in the legal custody of the member of the police force.

(5) A person transferred from a youth training centre to a youth residential centre under sub-section (1) becomes, on transfer, subject to the jurisdiction of the Youth Residential Board for the unexpired portion of the term of his or her sentence and that sentence is to be treated for all purposes as a sentence of detention in a youth residential centre.

(6) The Youth Residential Board may at any time release a person detained in a youth residential centre after being transferred there under sub-section (1) and in determining whether to release a person the Board may take into account the period which that person spent in a youth training centre.

Subdivision 5—Transfer from Prison to Youth Training Centre

Persons in prison may be transferred to youth training centre

244. (1) If the Adult Parole Board considers it appropriate in the interests of a person under the age of 21 years imprisoned in a prison to transfer that person to a youth training centre, the Adult Parole Board may if satisfied, after considering a report from the Director-General, that—

- (a) that person is suitable for detention in a youth training centre; and
- (b) a place is available in a youth training centre—

direct that that person be transferred to a youth training centre.

(2) The Director-General of Corrections must cause the physical removal of a person from a prison to a youth training centre on the direction of the Adult Parole Board under sub-section (1).

(3) A person directed to be transferred under sub-section (1), while being removed from a prison to a youth training centre, is deemed to be in the legal custody of the officer having the custody of that person and acting under the direction of the Adult Parole Board and that officer must deliver that person into the custody of the officer in charge of the youth training centre.

(4) A member of the police force may, if requested to do so by the Director-General of Corrections, assist the officer referred to in sub-section (3) in the discharge of his or her duties under that sub-section and, in that case, the person being transferred is deemed to be in the legal custody of the member of the police force.

(5) A person transferred from a prison to a youth training centre under sub-section (1) becomes, on transfer, subject to the jurisdiction of the Youth Parole Board for the unexpired portion of the term of his or her sentence and that sentence is to be treated for all purposes as a sentence of detention in a youth training centre.

(6) The Youth Parole Board may at any time release a person detained in a youth training centre after being transferred there under sub-section (1) and in determining whether to release a person the Board may take into account the period which that person spent in prison.

(7) The Youth Parole Board may release a person on parole under sub-section (6) even though a minimum term fixed under Part 3 of the *Penalties and Sentences Act 1985* has not ended.

Subdivision 6—General

Person in youth residential centre sentenced to detention in youth training centre or imprisonment

245. (1) If a person—

- (a) has been sentenced to detention in a youth residential centre; and

- (b) before the end of that sentence is sentenced to a period of detention in a youth training centre or to a term of imprisonment in respect of any offence—

the Youth Residential Board may direct that the person must serve the unexpired portion of the period of detention in a youth residential centre as detention in a youth training centre or as imprisonment (as the case requires) and thereafter the person is subject to the jurisdiction of the Youth Parole Board or the Adult Parole Board (as the case requires).

- (2) If a person—

- (a) has been sentenced to detention in a youth residential centre; and
 (b) before the end of that sentence is sentenced to a period of detention in a youth training centre or to a term of imprisonment to be served cumulatively on the sentence of detention in a youth residential centre—

service of the sentence of detention in a youth residential centre must be suspended until that person has served the sentence of detention in a youth training centre or the sentence of imprisonment (as the case requires).

(3) If a person undergoing a sentence of detention in a youth residential centre is brought before a court under section 258 or under any warrant or order of the Magistrates' Court, that person is, subject to sub-section (2), deemed to be continuing to serve the sentence of detention which that person is then undergoing even if he or she is held in custody in a prison, police gaol, youth training centre or other place that is not a youth residential centre.

(4) If a person who is sentenced to detention in a youth residential centre is at that time being held in custody in a prison, police gaol, youth training centre or other place that is not a youth residential centre, that person is, subject to sub-section (2), deemed to be serving that sentence of detention even if he or she is being held in custody otherwise than in a youth residential centre.

Person in youth training centre sentenced to imprisonment

- 246.** (1) If a person—

- (a) has been sentenced to detention in a youth training centre; and
 (b) before the end of that sentence is sentenced to a term of imprisonment in respect of any offence—

the Youth Parole Board may direct that the person must serve the unexpired portion of the period of detention as imprisonment in a prison and thereafter the person is subject to the jurisdiction of the Adult Parole Board as if the period of detention served by him or her before that sentence of imprisonment or his or her release on parole by the Youth Parole Board had been a minimum term.

(2) If a person—

- (a) has been sentenced to detention in a youth training centre; and
- (b) before the end of that sentence is sentenced by a court to a term of imprisonment to be served cumulatively on the sentence of detention—

service of the sentence of detention must be suspended until that person has served the sentence of imprisonment.

(3) Despite anything to the contrary in any Act, every sentence of imprisonment imposed on a person by a court must, unless otherwise directed by the court at the time of pronouncing the sentence, be, as from the date of its commencement, served concurrently with any uncompleted sentence or sentences of detention in a youth training centre imposed on that person, whether before or at the time the relevant sentence was imposed.

(4) If a person undergoing a sentence of detention in a youth training centre is brought before a court under section 258 or under any warrant or order of the Magistrates' Court, that person is, subject to sub-section (2), deemed to be continuing to serve the sentence of detention which that person is then undergoing even if he or she is held in custody in a prison, police gaol or other place that is not a youth training centre.

(5) If a person who is sentenced to detention in a youth training centre is at that time being held in custody in a prison, police gaol or other place that is not a youth training centre, that person is, subject to sub-section (2), deemed to be serving that sentence of detention even if he or she is being held in custody otherwise than in a youth training centre.

(6) If—

- (a) a person is in a prison under sub-section (1) serving the unexpired portion of a sentence of detention as imprisonment; and
- (b) a warrant for the detention of the person in a youth training centre in default of payment of a fine or sum of money is executed—

the Youth Parole Board may further direct that the person be imprisoned in default of payment of the fine or sum of money.

Person in youth training centre sentenced to detention in youth residential centre

247. (1) If—

- (a) a person is serving a sentence of detention in a youth training centre; and
- (b) before the end of that sentence of detention he or she is sentenced to a period of detention in a youth residential

centre to be served cumulatively on the sentence of detention in a youth training centre—

service of the period of detention in a youth residential centre is suspended until that person has served the sentence of detention in a youth training centre.

(2) The Youth Residential Board may before the person is released from a youth training centre, whether under a parole order made by the Youth Parole Board in respect of the sentence of detention in a youth training centre or otherwise, direct that at the end of the sentence of detention in a youth training centre, the person must serve the whole of the period of detention in a youth residential centre (if it was to be served cumulatively on the sentence of detention in a youth training centre) or the unexpired portion (if any) of it (if it was to be served concurrently with the sentence of detention in a youth training centre) as detention in a youth training centre.

(3) If under sub-section (2) the period of detention in a youth residential centre is to be served as detention in a youth training centre, the person is, in respect of that detention in a youth training centre, subject to the jurisdiction of the Youth Parole Board and the Youth Parole Board may at any time release the person on parole.

(4) This section does not apply to or in relation to a person who is sentenced to a period of detention in a youth residential centre while that person is released from a youth training centre on parole.

Person in prison sentenced to detention in youth training centre

248. (1) If—

- (a) a person is serving a sentence of imprisonment in a prison; and
- (b) before the end of that sentence of imprisonment he or she is sentenced to a period of detention in a youth training centre to be served cumulatively on the sentence of imprisonment—

service of the period of detention is suspended until that person has served the sentence of imprisonment.

(2) Despite anything to the contrary in any Act, every sentence of detention in a youth training centre imposed on a person by a court must, unless otherwise directed by the court at the time of pronouncing the sentence, be, as from the date of its commencement, served concurrently with any uncompleted sentence or sentences of imprisonment imposed on that person, whether before or at the time the relevant sentence was imposed.

(3) The Youth Parole Board may, before a person is released from prison, whether under a parole order made by the Adult Parole Board in respect of the sentence of imprisonment or otherwise, direct that at the end of the sentence of imprisonment, the person must serve the whole of the period of detention (if it was to be served cumulatively on

the sentence of imprisonment) or the unexpired portion (if any) of it (if it was to be served concurrently with the sentence of imprisonment) as imprisonment in a prison.

(4) If under sub-section (3) the period of detention is to be served as imprisonment in a prison, the person is, in respect of that imprisonment, subject to the jurisdiction of the Adult Parole Board and, whether or not a minimum term has been set in respect of that imprisonment, the Adult Parole Board may at any time release the person on parole.

(5) If—

- (a) under sub-section (3) a person is serving a period of detention as imprisonment in a prison; and
- (b) a warrant for the detention of the person in a youth training centre in default of payment of a fine or sum of money is executed—

the Youth Parole Board may direct that the person be imprisoned in default of payment of the fine or sum of money.

(6) This section does not apply to or in relation to a person who is sentenced to a period of detention in a youth training centre while that person is released from prison on parole.

Division 12—Establishment of Corrective Services for Children

Governor in Council may establish corrective services

249. For the purposes of this Act the Governor in Council may, by notice published in the *Government Gazette*, establish or abolish—

- (a) remand centres for the detention of children awaiting trial or sentence or in transit to or from a youth residential centre or youth training centre; or
- (b) youth residential centres for the care and welfare of children ordered by the Court to be placed in a youth residential centre and which provide special direction, support, educational opportunities and supervision; or
- (c) youth training centres for the care and welfare of persons ordered to be detained in youth training centres under this Act or the *Penalties and Sentences Act 1985*; or
- (d) youth supervision units for persons —
 - (i) referred to them as a condition of a probation order, youth supervision order, youth attendance order or other order made by the Court; or
 - (ii) referred to them as a requirement of a parole order.

Approval of service as youth supervision unit

250. (1) The Director-General may approve a service operated by any person or body of persons (other than the Department) as a youth supervision unit.

- (2) An approval under sub-section (1)—
- (a) may be of general or limited application; and
 - (b) is given by sending by post to the person or body of persons concerned a notice of approval; and
 - (c) may, if at any time the Director-General is satisfied that the unit is unable to provide services of an adequate standard, be withdrawn by sending by post to the person or body of persons concerned a notice of withdrawal of approval.
- (3) The Director-General may out of money appropriated by Parliament for the purpose make a grant to an approved youth supervision unit to assist the unit in carrying out its functions.
- (4) A grant under sub-section (3) may be made on any terms and conditions that are determined by the Director-General.

Standard of services

251. The Minister may issue directions relating to the standards of services established under section 249 or approved under section 250 and may establish procedures that are appropriate to ensure that those directions are given effect.

Form of care, custody or treatment

252. The Director-General must—

- (a) determine the form of care, custody or treatment which he or she considers to be in the best interests of each person detained in a remand centre, youth residential centre or youth training centre; and
- (b) not detain in a community service or secure welfare service a person who is on remand or is serving a period of detention and is not released on parole; and
- (c) separate persons who are on remand from those who are serving a period of detention by accommodating them separately in some part set aside for the purpose unless exceptional circumstances exist; and
- (d) separate persons held on remand who are under the age of 15 years from those held on remand who are of or above the age of 15 years unless exceptional circumstances exist.

Division 13—Persons in Detention

Legal custody and fingerprinting

253. (1) A person who is detained in a remand centre, youth residential centre or youth training centre is deemed to be in the legal custody of the Director-General while so detained.

(2) As soon as possible after a person is received into a youth residential centre or youth training centre to serve the whole or a part

of a sentence of detention, the officer in charge of the centre must take the person's fingerprints or cause them to be taken.

(3) The officer in charge of a youth residential centre or youth training centre must provide as soon as practicable to the Chief Commissioner of Police a copy of fingerprints taken under sub-section (2).

Time held in custody before trial, etc. to be deducted from sentence

254. Section 16 of the *Penalties and Sentences Act 1985* applies, with any necessary modifications, to a person sentenced for an offence by the Children's Court as if any references in that section—

- (a) to detention included references to detention in a youth residential centre; and
- (b) to release under a community-based order or on a bond included references to sentences imposed under paragraph (d), (f), (g) or (h) of section 137 (1); and
- (c) to a youth training centre included references to a youth residential centre.

Removal of person from remand centre, etc.

255. (1) The Director-General may by warrant under his or her hand cause the removal of a person—

- (a) from any remand centre to any other remand centre or to a youth residential centre or youth training centre; or
- (b) from a youth residential centre to any other youth residential centre or to a remand centre; or
- (c) from a youth training centre to any other youth training centre or to a remand centre.

(2) On being removed under sub-section (1) a person must be kept at the remand centre, youth residential centre or youth training centre for the residue of the period of his or her detention in custody or until removed by legal authority.

(3) A person while being removed from or to a remand centre, youth residential centre or youth training centre is deemed to be in the legal custody of the officer having the custody of the person and acting under the warrant.

(4) The officer acting under the warrant must in due course deliver or return the person into the custody of the officer in charge of the remand centre, youth residential centre or youth training centre in accordance with the terms of the warrant.

(5) A member of the police force may, if requested to do so by the Director-General, assist the officer referred to in sub-sections (3) and (4) in the discharge of his or her duties under those sub-sections and, in that case, the person being removed is deemed to be in the legal custody of the member of the police force.

Temporary leave from legal custody

256. (1) In relation to an offender who is detained in a remand centre, youth residential centre or youth training centre, the Director-General or the officer in charge of the centre with the authority in writing of the Director-General given either generally or in any particular case, may by writing under his or her hand permit a person in the centre to take temporary leave of absence, with or without escort or supervision, from the place where that person is detained for any purpose stated in the permit which may include, but is not limited to, any of the following purposes:

- (a) To engage in employment, whether with or without remuneration;
- (b) To attend an educational or training institution;
- (c) To visit his or her family, relatives or friends;
- (d) To participate in sport, recreation or entertainment in the community;
- (e) To attend a hospital or a medical, dental or psychiatric clinic or like place for receiving treatment or for examination;
- (f) To attend a funeral;
- (g) To accompany members of the police force for a specified purpose or for assisting in the administration of justice;
- (h) To seek employment;
- (i) To live in any other accommodation specified in the permit for any purpose specified in the permit.

(2) A permit under this section may be subject to any conditions, limitations and restrictions that the Director-General thinks fit to impose and may be issued to or in respect of an individual person or any group of persons engaged in common employment, education, instruction or activity.

(3) A person permitted temporary leave in accordance with this section is during the temporary leave deemed to continue to be in legal custody.

(4) The person issuing a permit under this section to an individual person must give that person a copy of the permit or cause that person to be given a copy.

(5) A person to whom a copy of a permit is given in accordance with sub-section (4) must carry that copy at all times during the temporary leave.

(6) The Director-General may at any time before the end of a period of temporary leave cancel a permit issued under this section.

(7) The cancellation of a permit takes effect at the end of the day on which the person permitted temporary leave is informed of the cancellation of the permit.

(8) A person who fails, before the end of a period of temporary leave, either to return to the place of custody from which he or she was released on leave or to report at some other place of custody specified in the permit is deemed to have escaped from the place of custody within the meaning of section 267.

(9) It is a defence to any proceedings brought under section 267 by virtue of the provisions of sub-section (8) for the person charged to prove that the failure to return or report to any place was not attributable to any failure on his or her part but was due to circumstances beyond his or her control.

(10) A person must not contravene a condition, limitation or restriction to which a permit under this section is subject, not being a condition, limitation or restriction with respect to returning to or reporting to a place of custody as described in sub-section (8).

Penalty applying to this sub-section:

- (a) In the case of a child, detention in a youth residential centre for 2 months or in a youth training centre for 3 months;
- (b) In any other case, imprisonment for 3 months.

Detention in default of payment of a fine

257. If a person is undergoing, or has been sentenced to, detention in a youth residential centre or youth training centre and there is delivered to the Director-General a warrant to detain the person in a youth residential centre or youth training centre or to imprison the person in default of payment of a fine or sum of money, the Director-General may direct that the period of the default be served in the youth residential centre or youth training centre (as the case requires) instead of in the manner specified in the warrant.

Bringing of person before court or inquest

258. (1) If a court or proper officer of a court, or a coroner holding an inquest under the *Coroners Act* 1985 or the coroner's clerk requires by an order in the prescribed form that a person in a remand centre, youth residential centre or youth training centre be brought before the court or inquest—

- (a) the person may be brought before the court or inquest as often as is necessary for the person to be dealt with according to law or to give evidence, without a writ of habeas corpus or other writ or an order for that purpose; and
- (b) the person must then be returned to the custody from which the person was brought.

(2) A person being removed from a remand centre, youth residential centre or youth training centre under this section is, during the time of removal, deemed to be in the legal custody of the member of the police force, protective services officer or other officer having the custody of that person.

(3) No proceeding, either criminal or civil, may be maintained by a person against any member of the police force or against any other person on account of the removal.

Power of police to arrest person in youth training centre

259. (1) Without limiting the generality of Subdivision (30) of Division 1 of Part III of the *Crimes Act 1958*, a member of the police force may at any time, on the request of the officer in charge of a youth training centre, without warrant apprehend and take before a bail justice or the Magistrates' Court to be dealt with according to law, a person of or above the age of 17 years who—

- (a) is serving a period of detention in the youth training centre; and
- (b) is being charged with an offence alleged to have been committed within the youth training centre while serving the period of detention.

(2) Section 49 of the *Magistrates' Court Act 1989* does not apply to a defendant in a criminal proceeding who has been apprehended under sub-section (1) of this section if the Magistrates' Court is satisfied that the defendant—

- (a) has engaged in conduct that threatens the good order and safe operation of the youth training centre; and
- (b) is unable to be properly controlled in the youth training centre.

Interstate transfer of young offenders

260. Schedule 1 sets out provisions relating to the interstate transfer of young offenders.

PART 5—MISCELLANEOUS

Division 1—Offences Relating to the Protection of Children

Offence to fail to protect child from harm

261. (1) A person who has a duty of care in respect of a child—

- (a) who intentionally takes action that has resulted, or appears likely to result, in—
 - (i) the child suffering significant harm as a result of —
 - (A) physical injury; or
 - (B) sexual abuse; or
 - (ii) the child suffering emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged; or
 - (iii) the child's physical development or health being significantly harmed; or

- (b) who intentionally fails to take action that has resulted, or appears likely to result, in the child's physical development or health being significantly harmed —

is guilty of an offence and liable to a penalty of not more than 50 penalty units or to imprisonment for a term of not more than 12 months.

(2) Proceedings for an offence under sub-section (1) may only be brought by a person after consultation with the Director-General.

(3) A person may be guilty of an offence under sub-section (1) even though the child was protected by the action of another person from harm of the type referred to in that sub-section.

Offence to leave child unattended

262. (1) A person who has the control or charge of a child must not leave the child without making reasonable provision for the child's supervision and care for a time which is unreasonable having regard to all the circumstances of the case.

Penalty: 15 penalty units or imprisonment for 3 months.

(2) Proceedings for an offence under sub-section (1)—

- (a) must not be brought against a person who is under 16 years of age and is not the parent of the child; and
(b) may only be brought by a person after consultation with the Director-General.

Offence to harbour or conceal child

263. A person must not in the knowledge that a child is absent without lawful authority or excuse from the place in which the child had been placed under an interim accommodation order, a custody to third party order or a supervised custody order or by the Director-General under section 124 or from the lawful custody of a member of the police force or other person—

- (a) harbour or conceal or assist in harbouring or concealing the child; or
(b) prevent or assist in preventing the child from returning to that place or custody.

Penalty: 15 penalty units or imprisonment for 3 months.

Offence to counsel or induce child to be absent without lawful authority, etc.

264. A person must not directly or indirectly—

- (a) without lawful authority or excuse, withdraw a child from the place in which the child had been placed under an interim accommodation order, a custody to third party order or a supervised custody order or by the Director-General under section 124; or

- (b) counsel, induce or assist a child placed as described in paragraph (a) to absent himself or herself from any such place; or
- (c) without lawful authority or excuse, withdraw a child from the lawful custody of a member of the police force or other person; or
- (d) counsel or induce a child to absent himself or herself from the lawful custody of a member of the police force or other person.

Penalty: 15 penalty units or imprisonment for 3 months.

Circumstances in which child may be taken into safe custody

265. (1) If a magistrate is satisfied by evidence on oath or by affidavit by the Director-General or by a member of the police force that—

- (a) a child is absent without lawful authority or excuse from the place in which the child had been placed under an interim accommodation order, a custody to third party order or a supervised custody order or by the Director-General under section 124 or from the lawful custody of a member of the police force or other person; or
- (b) a child or a child's parent or the person who has the care of a child is refusing to comply with a lawful direction of the Director-General under section 124 as to the placement of the child—

the magistrate may issue a search warrant for the purpose of having the child taken into safe custody.

(2) Despite anything to the contrary in this Act, a child taken into safe custody under this section must be taken by the member of the police force who executed the warrant to the place specified in the warrant or, if no place is so specified, to a place determined by the Director-General or, in the absence of any such determination, to any place referred to in section 124.

Offences in relation to community service, etc

266. A person must not without lawful authority or excuse—

- (a) enter any place in which a child has been placed under an interim accommodation order, a custody to third party order or a supervised custody order or by the Director-General under section 124; or
- (b) at any time or in any manner contrary to the regulations, convey to or cause to be conveyed to a child placed as described in paragraph (a) any article or thing; or
- (c) contrary to the instructions of the Director-General, attempt to have access to a child placed as described in paragraph (a); or