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(2) The Court may, on such conditions as it thinks fit, permit the publication of particulars, pictures or film that would be otherwise suppressed from publication under subsection (1)(b).

(3) A person who contravenes this section, or a condition imposed under subsection (2), is guilty of an offence.

Penalty: Division 5 fine.

**PART 7**  
**MISCELLANEOUS**

**Immunities**

**26.** A Judge, Magistrate or other person exercising the jurisdiction of the Court has the same privileges and immunities from civil liability as a Judge of the Supreme Court.

**Contempt in the face of the Court**

**27.** A person who—

- (a) interrupts the proceedings of the Court or misbehaves before the Court; or
- (b) insults a Judge, Magistrate, Registrar or other officer of the Court who is acting in the exercise of official functions; or
- (c) refuses, in the face of the Court, to obey a lawful direction of the Court,

is guilty of a contempt of the Court.

**Punishment of contempt**

**28.** The Court may punish a contempt as follows:

- (a) if the person guilty of the contempt is a child or youth—it may impose a fine not exceeding a Division 7 fine or commit the child or youth to a training centre for a period not exceeding Division 7 imprisonment;
- (b) if the person guilty of the contempt is an adult—it may impose a fine not exceeding a Division 5 fine or commit the person to prison for a period not exceeding Division 5 imprisonment.

**Authority for imprisonment or detention**

**29.** (1) If the Court makes an order for imprisonment or detention, a copy of the order under the Court's seal is a sufficient warrant to apprehend the person against whom the order was made, to take that person to the prison, training centre or other place contemplated by the order, and to imprison or detain that person in accordance with the order.

(2) The Court may, however, issue a warrant for the person's apprehension and imprisonment or detention if the Court considers it appropriate to do so.

**Age**

**30.** If the Court does not have available to it satisfactory evidence of the age of a person in relation to whom proceedings have been brought before the Court, the Court may make its own estimate of the age of that person and act on the basis of that estimate.

**Legal process**

**31.** (1) Any process of the Court may be issued, served or executed on a Sunday as well as any other day.

(2) The validity of process is not affected by the fact that the person who issued it dies or ceases to hold office.

**Rules of Court**

**32.** (1) Rules of the Court may be made—

- (a) regulating the business of the Court and the duties of the various officers of the Court;
- (b) regulating the custody and use of the Court's seals;
- (c) regulating the practice and procedure of the Court;
- (d) regulating the form in which evidence is taken or received by the Court;
- (e) regulating costs;
- (f) dealing with any other matter necessary or expedient for the effective and efficient operation of the Court.

(2) The rules may be made by the Judges and Magistrates of the Court.

(3) Rules of the Court take effect from the date of publication in the *Gazette* or some later date specified in the rules.

**Court fees**

**33.** (1) The Governor may, by regulation, prescribe and provide for the payment of fees in relation to proceedings in the Court.

(2) The Court may remit or reduce a fee on account of the poverty of the party by whom the fee is payable or for any other proper reason.

**SCHEDULE**  
*Consequential Amendment*

The *Courts Administration Act 1993* is amended by striking out paragraph (c) of the definition of “**participating courts**” in section 4 and substituting the following paragraph:

- (c) the Youth Court of South Australia;.

**APPENDIX**  
**DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of assent to this Act divisional penalties and expiation fees are, as provided by section 28a of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

**ROMA MITCHELL Governor**



# YOUNG OFFENDERS ACT 1993

No. 57 of 1993

## SUMMARY OF PROVISIONS

### PART 1 PRELIMINARY

1. Short title
2. Commencement
3. Objects and statutory policies
4. Interpretation
5. Age of criminal responsibility

### PART 2 MINOR OFFENCES

#### DIVISION 1—GENERAL POWERS

6. Informal cautions
7. More formal proceedings

#### DIVISION 2—SANCTIONS THAT MAY BE IMPOSED BY POLICE OFFICER

8. Powers of police officer

#### DIVISION 3—FAMILY CONFERENCE

9. Youth Justice Co-ordinators
10. Convening of family conference
11. Family conference, how constituted
12. Powers of family conference

#### DIVISION 4—LIMITATION ON PUBLICITY

13. Limitation on publicity

### PART 3 ARREST AND CUSTODY OF SUSPECTED OFFENDERS

14. Application of general law
15. How youth is to be dealt with if not granted bail

**PART 4**  
**COURT PROCEEDINGS AGAINST A YOUTH**

**DIVISION 1—THE CHARGE**

- 16. Charge to be laid before the Court
- 17. Proceedings on the charge

**DIVISION 2—PROCEDURE ON PRELIMINARY EXAMINATION AND TRIAL**

- 18. Procedure on trial of offences
- 19. Committal for trial
- 20. Change of plea
- 21. Recording of convictions

**DIVISION 3—SENTENCE**

- 22. Power to sentence
- 23. Limitation on power to impose custodial sentence
- 24. Limitation on power to impose fine
- 25. Limitation on power to require community service
- 26. Limitation on Court's power to require bond
- 27. Court may require undertaking from guardians
- 28. Power to disqualify from holding driver's licence

**DIVISION 4—SENTENCING OF YOUTH BY SUPREME  
OR DISTRICT COURT**

- 29. Sentencing youth as an adult

**DIVISION 5—MISCELLANEOUS**

- 30. Court to explain proceedings etc.
- 31. Prohibition of joint charges
- 32. Reports
- 33. Reports to be made available to parties
- 34. Attendance at court of guardian of youth charged with offence
- 35. Counsellors, etc., may make submissions to court

**PART 5**  
**CUSTODIAL SENTENCES**

**DIVISION 1—YOUTH SENTENCED AS ADULT**

- 36. Detention of youth sentenced as adult

**DIVISION 2—YOUTHS CONVICTED OF MURDER**

- 37. Release on licence of youths convicted of murder

**DIVISION 3—RELEASE FROM DETENTION**

- 38. *The Training Centre Review Board*
- 39. Review of detention by *Training Centre Review Board*
- 40. Leave of absence
- 41. Conditional release from detention
- 42. Absolute release from detention by Court

**DIVISION 4—TRANSFER OF YOUTHS UNDER DETENTION**

- 43. Interpretation
- 44. Transfer of young offenders to other States
- 45. Transfer of young offenders to this State
- 46. Adaptation of correctional orders to different correctional systems
- 47. Custody during escort

**DIVISION 5—ESCAPE FROM CUSTODY**

- 48. Escape from custody

**PART 6  
COMMUNITY SERVICE**

- 49. Community service cannot be imposed unless there is a placement for the youth
- 50. Insurance cover for youths performing community service
- 51. Community service may only involve certain kinds of work

**PART 7  
THE JUVENILE JUSTICE ADVISORY COMMITTEE**

- 52. Establishment of the *Juvenile Justice Advisory Committee*
- 53. Allowances and expenses
- 54. Removal from and vacancies of office
- 55. Functions of the Advisory Committee
- 56. Reports

**PART 8  
MISCELLANEOUS**

- 57. Determination of a person's age
- 58. Prior offences
- 59. Detention and search by officers of Department
- 60. Hindering an officer of the Department
- 61. Issue of warrant
- 62. Detention of youths in emergencies
- 63. Transfer of youths in detention to other training centre or prison
- 64. Name and address of youth to be given in certain circumstances
- 65. Regulations

**APPENDIX  
DIVISIONAL PENALTIES AND EXPIATION FEES**





# CHILDREN'S PROTECTION ACT 1993

## SUMMARY OF PROVISIONS

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1. Short title
2. Commencement
3. Objects
4. Principles to be observed in dealing with children
5. Provisions relating to dealing with Aboriginal or Torres Strait Islander children
6. Interpretation
7. Care and Protection Co-ordinators

### PART 2 THE MINISTER'S FUNCTIONS

8. General functions of the Minister

### PART 3 CUSTODY AGREEMENTS

9. Voluntary custody agreements

### PART 4 NOTIFICATION AND INVESTIGATIONS

#### DIVISION 1—NOTIFICATION OF ABUSE OR NEGLECT

10. Interpretation
11. Notification of abuse or neglect
12. Protection from liability for voluntary or mandatory notification
13. Confidentiality of notification of abuse or neglect
14. Chief Executive Officer not obliged to take action in certain circumstances

#### DIVISION 2—REMOVAL OF CHILDREN IN DANGER

15. Interpretation
16. Power to remove children from dangerous situations
17. Power to remove children from guardians
18. Dealing with a child after removal

### DIVISION 3—INVESTIGATIONS

19. Investigations

### DIVISION 4—INVESTIGATION AND ASSESSMENT ORDERS

20. Application for order  
 21. Orders Court may make  
 22. Variation or discharge of orders  
 23. Power of adjournment  
 24. Obligation to answer questions or furnish reports  
 25. Orders not appealable

### DIVISION 5—EXAMINATION AND ASSESSMENT OF CHILDREN

26. Examination and assessment of children

#### PART 5

### CHILDREN IN NEED OF CARE AND PROTECTION

#### DIVISION 1—FAMILY CARE MEETING

27. Family care meeting must be held in certain circumstances  
 28. Purpose of family care meetings  
 29. Convening a family care meeting  
 30. Invited participants  
 31. Constitution of family care meeting  
 32. Procedures  
 33. Review of arrangements  
 34. Certain matters not admissible  
 35. Procedure where decisions not made or implemented  
 36. Guardians whose whereabouts are unknown

#### DIVISION 2—CARE AND PROTECTION ORDERS

37. Application for care and protection order  
 38. Court's power to make orders  
 39. Adjournments  
 40. Variation or revocation of orders  
 41. Right of other interested persons to be heard  
 42. Conference of parties  
 43. Effect of guardianship order  
 44. Non-compliance with orders

#### PART 6

### PROCEDURAL MATTERS

45. Evidence  
 46. Service of applications on parties  
 47. Joinder of parties  
 48. Legal representation of child  
 49. Court may refer a matter to a family care meeting  
 50. Orders for costs

**PART 7**  
**CHILDREN UNDER MINISTER'S CARE AND PROTECTION**

- 51. Powers of Minister in relation to children under the Minister's care and protection
- 52. Review of circumstances of child under long term guardianship of Minister

**PART 8**  
**INTERSTATE TRANSFERS OF CHILDREN UNDER GUARDIANSHIP, ETC.**

- 53. Guardianship or care of children from other States or Territories
- 54. Transfer of guardianship or custody to an interstate authority

**PART 9**  
**MISCELLANEOUS**

- 55. Children's Protection Advisory Panel
- 56. Referrals to the Chief Executive Officer
- 57. Delegation
- 58. Duty to maintain confidentiality
- 59. Reports of family care meetings not to be published
- 60. Officers must produce evidence of authority
- 61. Hindering a person in execution of duty
- 62. Protection from liability
- 63. Regulations

**APPENDIX**  
**DIVISIONAL PENALTIES AND EXPIATION FEES**

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