



New South Wales

# Young Offenders Amendment Regulation 1998

under the

Young Offenders Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Young Offenders Act 1997*.

J.W. Shaw

Attorney General

## Explanatory note

The object of this Regulation is to amend the *Young Offenders Regulation 1997*:

- (a) to set out the particulars to be included in records of warnings and cautions given under the *Young Offenders Act 1997*, and
- (b) to require local police commanders to be notified about referrals of matters for youth justice conferences, and
- (c) to specify 6 months as the maximum time for implementation of any outcome plan resulting from a youth justice conference, unless the Director-General allows a longer period in any particular case, and
- (d) to specify the maximum period of community service work that may be required under an outcome plan, and
- (e) to specify the matters to be included in records of youth justice conferences.

This Regulation is made under the *Young Offenders Act 1997*, including sections 17, 33, 52, 59 and 73 (the general regulation-making power).

**1998 No 194**

Clause 1          Young Offenders Amendment Regulation 1998

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**Young Offenders Amendment Regulation 1998**

**1    Name of Regulation**

This Regulation is the *Young Offenders Amendment Regulation 1998*.

**2    Commencement**

This Regulation commences on 6 April 1998.

**3    Amendment of Young Offenders Regulation 1997**

The *Young Offenders Regulation 1997* is amended as set out in Schedule 1.

**4    Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1      Amendment

(Clause 3)

### Parts 3 and 4

Insert after Part 2:

### Part 3      Warnings and cautions

#### 15 Records of warnings

- (1) A record of a warning given to a child that is made for the purposes of section 17 of the Act must contain the following particulars:
  - (a) the time the offence occurred,
  - (b) the place where the offence occurred,
  - (c) the nature of the offence,
  - (d) the gender of the child.
- (2) The record is to be kept on the COPS (Computerised Operational Policing) computer system maintained by the Police Service.

#### 16 Records of cautions

- (1) A record of a caution given to a child that is made for the purposes of section 33 of the Act must contain the following particulars:
  - (a) the name and address of the child,
  - (b) the date of birth of the child,
  - (c) the gender of the child,
  - (d) the cultural or ethnic background of the child,
  - (e) the name and rank (if any) of the person who gave the caution,
  - (f) the nature of the offence,
  - (g) the place, date and time of the caution,
  - (h) the persons present when the caution was given.

- (2) The record is to be kept on the COPS (Computerised Operational Policing) computer system maintained by the Police Service.

## **Part 4      Youth justice conferences**

### **17 Notification of referrals**

- (1) The Director of Public Prosecutions or a court must notify the Area Commander of the local police area in which an offence occurred in writing of any referral of the offence to an administrator for a conference by the Director or court.
- (2) A notification is to include the reasons why the referral is being made.

### **18 Times for outcome plans**

For the purposes of section 52 (6) of the Act, the maximum time for the implementation of any outcome plan is 6 months, or such further time as the Director-General may approve in any particular case.

### **19 Maximum period of community service work**

For the purposes of section 52 of the Act, the period of community service work imposed by an outcome plan must not exceed the maximum amount that may be imposed in respect of the same offence under the *Children (Community Service Orders) Act 1987*.

### **20 Records of conferences**

For the purposes of section 59 of the Act, a record is to contain the following matters:

- (a) the name and address of the child,
- (b) the date of birth of the child,
- (c) the gender of the child,
- (d) the cultural or ethnic background of the child,

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- (e) the nature of the offence,
  - (f) the date the referral for a conference was received,
  - (g) the name of the conference convenor,
  - (h) the name of the conference administrator concerned,
  - (i) the date when, and place where, the conference was held,
  - (j) the persons who attended the conference and the capacity in which they attended,
  - (k) particulars of the outcome plan of the conference,
  - (l) the person responsible for the outcome plan,
  - (m) whether the outcome plan was completed,
  - (n) any other matters the conference administrator thinks relevant.