



New South Wales

Children (Detention Centres) Amendment (Escorted Absences) Regulation 1999

under the

Children (Detention Centres) Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Detention Centres) Act 1987*.

CARMEL MARY TEBBUTT, M.L.C.,

Minister for Juvenile Justice.

Explanatory note

The object of this Regulation is to amend the *Children (Detention Centres) Regulation 1995* so as to prescribe the circumstances in which the Director-General may allow a serious violent detainee to be absent from a detention centre on an escorted absence.

This Regulation is made under the *Children (Detention Centres) Act 1987*, including sections 23A and 45 (the general regulation-making power).

Children (Detention Centres) Amendment (Escorted Absences) Regulation 1999

1 Name of Regulation

This Regulation is the *Children (Detention Centres) Amendment (Escorted Absences) Regulation 1999*.

2 Amendment of Children (Detention Centres) Regulation) 1995

The *Children (Detention Centres) Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 32 Definitions

Insert in alphabetical order:

escorted absence means absence from a detention centre granted under section 23A of the Act.

serious violent detainee means a person detained in a detention centre by reason of being charged with, convicted of or found guilty of a serious indictable offence.

[2] Clause 33A

Insert after clause 33:

33A Escorted absences

For the purposes of section 23A (1) (c) of the Act, a serious violent detainee is not eligible for escorted absence unless:

- (a) the Director-General is satisfied:
 - (i) that the purpose of the absence concerns an emergency with respect to a close relative of the detainee, and
 - (ii) that it is not practicable for special arrangements to be made within the detention centre to satisfy the purpose of the absence, and
 - (iii) that the escorted absence is necessary to avoid a serious threat to the emotional wellbeing of the detainee, or

- (b) the Director-General is satisfied:
 - (i) that the escorted absence is necessary to prepare the serious violent detainee for release from the detention centre, and
 - (ii) that the serious violent detainee is due to be discharged from the detention centre within the next 8 weeks, and
 - (iii) that the detainee is not ineligible for day leave under clause 34.